

PART II

CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

Sec. 1-1. Designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, Town of Plymouth, Connecticut," and may be so cited.

Sec. 1-2. Rules of construction and definitions.

(a) In the construction of this Code, and of all ordinances, the following rules shall be observed, unless the context clearly indicates otherwise:

Council. The term "council" or "the council" shall mean the town council of the Town of Plymouth.

County. The words "the county" or "this county" shall mean the County of Litchfield, in the State of Connecticut.

Delegation of authority. Whenever a provision of this Code requires or authorizes an officer or employee of the city to do some act or perform some duty, it shall be construed to authorize the officer or employee to designate, delegate and authorize subordinates to perform the act or duty unless the terms of the provision specifically provide otherwise.

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

Keeper and proprietor. The words "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs, copartnerships and joint ventures, whether acting by themselves or through a servant, agent or employee.

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

Officers, employees. The title of any officer or employee used herein shall be construed as if the words "of the town" followed it, and shall include his duly authorized representative.

Owner. The word "owner" applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or of a part of such building or land.

Person. The word "person" shall include associations, communities, firms, partnerships, corporations and bodies politic and corporate as well as individuals.

Personal property. The words "personal property" shall include every species of property except real property as herein defined.

Property. The word "property" shall include real and personal property.

Public place. The term "public place" shall include any and all streets, highways and boulevards, alleys or other publicly owned or controlled ways and any and all publicly owned or controlled parks, squares, spaces, grounds and buildings.

Real property. The words "real property" shall include lands, tenements and hereditaments.

Shall, may. "Shall" is mandatory; "may" is permissive.

Sidewalk. The word "sidewalk" shall mean the paved portion of a street between the street right-of-way and the adjacent property line, intended for the use of pedestrians.

State. The words "the state" or "this state" shall mean the State of Connecticut.

State law, general law or general statutes shall refer to the General Statutes of Connecticut, Revision of 1958, as amended.

Street. The word "street" shall include streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other ways publicly maintained in the town.

Tenant, occupant. The word "tenant" or "occupant" applied to a building or land, shall include any person holding a written or oral lease of, or who occupies, the whole or a part of such building or land, either alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

Town. The term "town," "this town" or "the town" when used herein shall mean the Town of Plymouth in the County of Litchfield, State of Connecticut.

(b) In the construction of this Code of Ordinances, except as otherwise provided in this Code of Ordinances, words and phrases shall be construed according to the common usage of the language and according to the general statutes; technical words and phrases, and such as have acquired a peculiar and appropriate meaning in the law, shall be construed and understood accordingly.

State law reference—Rules of construction of terms used in the General Statutes, G.S. § 1-1.

Sec. 1-3. Certain ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

- (1) Any ordinance promising or guaranteeing the payment of money for the town, or authorizing the issuance of any bonds of the town or any evidence of the town's indebtedness;
- (2) Any appropriation ordinance or ordinance providing for the levy of taxes or for an annual budget;
- (3) Any ordinance annexing territory to the town or excluding territory as a part of the town;
- (4) Any ordinance granting any franchise, permit or other right;
- (5) Any ordinance providing for traffic regulations for specific streets or portions thereof;
- (6) Any ordinance approving, authorizing or otherwise relating to any contract, agreement, lease, deed or other instrument;
- (7) Any ordinance adopting a preliminary plan or development plan;

- (8) Any temporary or special ordinance;
- (9) Any ordinance relating to the boundaries of voting districts;
- (10) Any ordinance relating to flood damage prevention and control;
- (11) Any ordinance enacted after April 20, 1987;

and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.

Sec. 1-4. Code does not affect prior offenses, rights, etc.

Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing, before the effective date of this Code.

Sec. 1-5. Headings of sections.

The headings of the several sections of this Code printed in boldface type are intended to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the headings, are amended or reenacted.

Sec. 1-6. Amendments to Code; effect of new ordinances; amendatory language.

All ordinances passed subsequent to this Code of Ordinances which amend, repeal or in any way affect this Code of Ordinances, may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed chapters, articles, divisions, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby.

All ordinances which amend or repeal any provision of this Code shall set forth in full the sections or subsections to be amended or repealed and if to be amended shall indicate matter

to be omitted from the revised section or subsection by enclosing the same in brackets and new matter by underscoring.

Sec. 1-7. Effect of repeal of ordinances.

The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

Sec. 1-8. Severability of parts of Code.

If any phrase, clause, sentence, paragraph or section of this Code shall be declared invalid or unconstitutional by the valid judgment or decree of any court, such invalidity or unconstitutionality shall not affect any of the remaining provisions of this Code.

Sec. 1-9. Altering Code.

It shall be unlawful for any person to change or amend by additions or deletions, any part of this Code of Ordinances or any ordinance of the town or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever with intent that any provision of this Code or other ordinance of the town shall be misrepresented or with intent to commit a fraud thereby.

Sec. 1-10. General penalty.

(a) Whenever in this Code or any other ordinance of the town, or rule or regulation promulgated by any officer thereof under authority vested in him by law or ordinance, any act is prohibited or is declared to be unlawful or an offense, or the doing of any act is required, or the failure to do any act is declared to be unlawful, where no specific penalty is provided, the violation of such ordinance, rule or regulation shall be punished by a fine not exceeding one hundred dollars (\$100.00). Each day any such violation shall continue shall constitute a separate offense.

(b) The imposition of any punishment hereunder shall not prevent the enforced abatement of any unlawful condition by the town.

Cross references—Alcoholic beverages, Ch. 3; motor vehicles and traffic, Ch. 10, offenses and miscellaneous provisions, Ch. 11.

State law reference—Penalty limitation, G.S. 7-148.

Sec. 1-11. Supplementation of Code.

(a) By contract or by town personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the town council. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into the unified Code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such headings and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing or other subdivision numbers;

- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but, in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

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Chapter 2

ADMINISTRATION*

Art. I.	In General, §§ 2-1—2-15
Art. II.	Officers and Employees, §§ 2-16—2-50
	Div. 1. Generally, §§ 2-16—2-30
	Div. 2. Comptroller, §§ 2-31—2-35
	Div. 3. Director of Planning, §§ 2-36—2-39
	Div. 4. Town Historian, §§ 2-40—2-50
Art. III.	Communications Commission, §§ 2-51—2-70
Art. IV.	Conservation Commission, §§ 2-71—2-90
Art. V.	Beautification Committee, §§ 2-91—2-94

ARTICLE I. IN GENERAL

Secs. 2-1—2-15. Reserved.

ARTICLE II. OFFICERS AND EMPLOYEES

DIVISION 1. GENERALLY

Sec. 2-16. Retirement system.

A retirement system is established for the town employees in accordance with a plan approved by the town council.
(Ord. No. PLY-108, 11-6-61; Ord. No. PLY-92-6, 12-1-92)

Secs. 2-17—2-30. Reserved.

*Cross references—Administrative enforcement of solid waste collection regulations, § 7-25; administration and enforcement of housing regulations, § 8-48 et seq.; certificate of compliance for rental units, § 8-81 et seq.; enforcement of parking regulations, § 10-22; regional planning, § 13-21 et seq.; planning and zoning commission, § 13-44 et seq.; zoning board of appeals, § 13-61 et seq.; taxation, Ch. 15.

DIVISION 2. COMPTROLLER

Sec. 2-31. Office created.

Pursuant to the provisions of the town charter, chapter VI, section 4, finance, subdivision 1 and chapter III, sections 5c and 7, the office of the comptroller is hereby created and established. (Ord. No. PLY-121, 5-25-77)

Sec. 2-32. Appointment.

The mayor shall appoint a comptroller who must be approved by the council. (Ord. No. PLY-121, 5-25-77)

Sec. 2-33. Compensation.

The comptroller shall receive such salary as the council shall establish for the office of comptroller. (Ord. No. PLY-121, 5-25-77)

Sec. 2-34. Vacancy.

Any vacancy in the office of comptroller shall be filled by appointment by the mayor and approval of the council. (Ord. No. PLY-121, 5-25-77)

Sec. 2-35. Duties.

(a) The comptroller shall perform for the town the usual duties of such an office or such additional duties for the town and its districts as the mayor shall designate.

(b) The comptroller shall examine, approve and pay all proper bills of any department. The comptroller shall draw his order on the town treasury for the payment of the same. He shall keep all the accounts of the town in such manner as may be provided for by the mayor and chapter VI, section 4, subdivision 1, of the town charter. Accounts shall be kept by the comptroller showing the financial transactions for all departments and agencies of the town. Forms for such accounts shall be prescribed by the comptroller with the approval of the mayor.

(c) Financial reports shall be prepared for each quarter and for each fiscal year and for such other periods as may be required by the mayor. The comptroller shall, at any time whenever directed by the mayor or council, examine the accounts, books, bills and vouchers and methods of conducting business of any department or committee of the town government and of any officer of the town, and shall report thereon to the mayor and council. All the books, accounts, vouchers and memoranda in the office of the comptroller shall at all times, when not required in actual use, be open to the inspection of the mayor, the head of any department, any executive officer, or any committee of the council or board of finance appointed for the purposes.

(d) The comptroller shall draw his orders on the treasurer for the payment of salaries, claims, or accounts, and such orders shall specify the department to which such salaries, claims or accounts are chargeable. He may also draw against funds collected for a special purpose, designating on such orders the department or account to which payment from such funds shall be charged. Whenever it may be advantageous to the town by reason of cash discounts or otherwise, bills or accounts properly contracted by any board or commission and approved by it, may be ordered paid by the comptroller in such cases and subject to such limitations as may be provided by the mayor.

(Ord. No. PLY-121, 5-25-77)

DIVISION 3. DIRECTOR OF PLANNING

Sec. 2-36. Office created.

The office of director of planning is hereby created and established.

(Ord. No. PLY-88-150, 7-21-88)

Sec. 2-37. Appointment.

The mayor, with approval of the council, shall appoint and may remove the director of planning.

(Ord. No. PLY-88-150, 7-21-88)

Sec. 2-38. Duties.

(a) The director of planning shall organize the work of his office in such a manner as he shall deem most economical and efficient. Subject to the rules and regulations as may be adopted pursuant to the merit system provisions of chapter VIII of the charter, he shall appoint and may remove assistants and employees and shall prescribe their duties.

(b) The director shall consult with and provide technical assistance to the planning and zoning commission and conservation and inland-wetlands commission. He shall coordinate the review of applications by the planning and zoning commission and other matters to come before the commission. He shall provide technical assistance to other town boards, commissions and departments concerned with land use and conservation. He shall appear before the zoning board of appeals as an expert witness.

(c) The director shall organize and direct the development of comprehensive planning in the functional areas of land use, economic growth, housing, transportation and related planning areas. He shall participate in the review and updating of the town's master plan of development.

(d) The director shall advise the mayor and council on economic development, shall negotiate grants and shall perform other duties as the mayor shall designate.

(Ord. No. PLY-88-150, 7-21-88)

Sec. 2-39. Reserved.**DIVISION 4. TOWN HISTORIAN****Sec. 2-40. Office created.**

Pursuant to Connecticut General Statutes, section 7-148, the office of town historian is hereby created and established to promote the knowledge and appreciation of Plymouth history.

(Ord. No. PLY-89-152, 11-13-89)

Sec. 2-41. Appointment.

The Mayor, with the approval of the council, shall appoint and may remove the town historian. The town historian shall be a resident and elector of the town and shall be qualified by a knowledge of the history of Plymouth, Connecticut, and the United States, by a knowledge of the methods of historical research and by skills in writing and public speaking.

(Ord. No. PLY-89-152, 11-13-89)

Sec. 2-42. Duties.

The town historian shall:

- (1) Promote an awareness of and an appreciation for the town's history through research, writing and public speaking; through publications projects, exhibits, displays, celebrations and commemorations; through the maintenance of plaques, markers and monuments; and through the preparation of classroom aids, guides, workshops and training.
- (2) Advise the town government on historical issues and subjects, including historical objects, historical structures and sites, historic districts, National Register properties and historic preservation.
- (3) Serve as a liaison among the town's museums, libraries and historical associations, and with similar community groups, to encourage historical coordination, cooperation and resource sharing; maintain a reference library of historical information and respond to inquiries for information.
- (4) As directed by the council, supervise staff and programs of the municipality, maintain an office, expend funds and obtain contributions and grants to carry out these duties.

(Ord. No. PLY-89-152, 11-13-89)

Secs. 2-43-2-50. Reserved.

ARTICLE III. COMMUNICATIONS COMMISSION**Sec. 2-51. Established.**

There is established a communications commission in the town. The commission will be responsible for the budgetary and operational procedures and activities for the town's emergency communications equipment.

(Ord. No. PLY-132, 2-22-82; Ord. No. PLY-89-132, 6-6-89)

Sec. 2-52. Duties.

The duties of said commission shall include responsibility for general communications plans and procedures, as well as the upgrading, maintenance and repair of related equipment.

(Ord. No. PLY-132, 2-22-82; Ord. No. PLY-89-132, 6-6-89)

Sec. 2-53. Composition; terms of members.

The membership of the communications commission will consist of seven (7) members, the chief of police or his designee, the chairman of the board of police commissioners or his designee, the fire department chief or his designee, the chairman of the board of fire commissioners or his designee, the civil preparedness director or his designee and the chairman of the town's volunteer ambulance corps or his designee and the director of the volunteer ambulance corps or his designee. The terms of these appointees shall be co-extensive with the terms of their respective offices, except that any designee shall serve until such time as he is replaced by the party occupying the appointing office or position.

(Ord. No. PLY-132, 2-22-82)

Sec. 2-54. Meetings.

The communications commission will hold an organizational meeting annually and appoint a chairman at said meeting. The commission shall hold such other meetings at such times as it shall deem necessary in order to carry out its responsibilities hereunder, but in no event shall it meet less than once each quarter, or four (4) times per year.

(Ord. No. PLY-132, 2-22-82)

Secs. 2-55—2-70. Reserved.

ARTICLE IV. CONSERVATION COMMISSION*

Sec. 2-71. Created.

There is hereby created a conservation and inland-wetlands commission for the town which shall be charged with the development and conservation of natural resources, including water resources, within the territorial limits of the town.
(Ord. No. PLY-117, 7-19-73)

Sec. 2-72. Composition, appointment, terms.

The conservation commission shall consist of five (5) members who shall be appointed by the mayor with the approval of the town council. As each member's term expires, the term of subsequent appointees to such commission shall be for a period of five (5) years.
(Ord. No. PLY-117, 7-19-73)

Sec. 2-73. Removed, filling vacancies.

The mayor may remove any member of the conservation commission for cause and may fill any vacancy with the approval of the town council.
(Ord. No. PLY-117, 7-19-73)

Sec. 2-74. Statutory duties.

The conservation commission shall be charged with all duties enumerated in section 7-131a of the General Statutes, as amended.
(Ord. No. PLY-117, 7-19-73)

Sec. 2-75. Statutory powers.

The conservation commission shall have all of the powers enumerated in section 7-131a of the General Statutes, as amended.
(Ord. No. PLY-117, 7-19-73)

*Cross references—Parks and recreation, Ch. 12; planning, Ch. 13.

Sec. 2-76. Implementation of statute.

In addition to the provisions of this article, the conservation commission shall be charged with the implementation of the Inland-Wetlands and Water Courses Act, General Statutes, section 22a-36 et seq., as amended.
(Ord. No. PLY-117, 7-19-73)

Secs. 2-77—2-90. Reserved.**ARTICLE V. BEAUTIFICATION COMMITTEE****Sec. 2-91. Created.**

There is hereby created a beautification committee which shall serve to beautify and enhance the condition and visual aesthetics of cultural, historical and natural resources in the town.
(Ord. of 6-22-2000)

Sec. 2-92. Composition, appointment, terms.

The beautification committee shall consist of up to fifteen (15) members who shall be appointed by the mayor with the approval of the town council. Terms will be unlimited.
(Ord. of 6-22-2000)

Sec. 2-93. Removal, vacancies.

The mayor may remove any member of the beautification committee for cause and fill any vacancy with the approval of the town council.
(Ord. of 6-22-2000)

Sec. 2-94. Meetings.

The beautification committee shall hold an annual organizational meeting to appoint its chairman and vice chairman and set its meeting dates. The committee shall hold other such meetings, regularly scheduled or special meetings as called by its chairman, to carry out its duties and responsibilities according to town ordinance.
(Ord. of 6-22-2000)

Chapter 3

ALCOHOLIC BEVERAGES*

Sec. 3-1. Sunday sales.

Alcoholic beverages may be sold on Sundays, in accordance with General Statutes section 30-91(a)(1).
(Ord. No. PLY-100, 3-10-37)

*Cross references—Licenses, permits and miscellaneous business regulations, Ch. 9; motor vehicles and traffic, Ch. 10; offenses and miscellaneous provisions, Ch. 11; streets, sidewalks and other public places, Ch. 14.

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Chapter 4

ANIMALS*

- Art. I. In General, §§ 4-1—4-20
Art. II. Dogs, §§ 4-21—4-26

ARTICLE I. IN GENERAL

Secs. 4-1—4-20. Reserved.

ARTICLE II. DOGS

Sec. 4-21. Definitions.

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

At large shall mean off the premises of the owner or custodian, and not under the immediate control of the owner or custodian, either by leash, cord, chain, or otherwise.

Dog shall mean any member of the canine species, male, female, neutered male or spayed female.

Keep shall mean possessing, controlling, exercising or allowing to run at large.

Owner shall mean any person possessing, keeping, harboring or having custody of a dog.

(Ord. No. PLY-146, § 1, 4-20-87)

Cross reference—Definitions and rules of construction generally, § 1-2.

*State law references—Authority to regulate running at large of animals and to prohibit cruelty to animals, G.S. § 7-148(c)(7)(D)(i); authority to regulate and prohibit keeping of animals, G.S. § 7-148(c)(7)(D)(ii).

Sec. 4-22. Enforcement.

(a) For the purposes of enforcing the provisions of this article, tickets may be issued by any persons authorized to issue tickets, summons or infractions under the authority of the General Statutes or the town charter.

(b) The adoption of this article shall not preclude the enforcement, by properly authorized officials, of like provisions of the General Statutes.

(c) All penalties received for violations of this article shall be paid to the town and remitted to the tax collector within seven (7) days of the ticket date. If any fine is not paid within seven (7) days, the fine shall double and if not paid within fourteen (14) days of the ticket date, the fine shall triple, and shall immediately become due and payable, and a warrant may be issued for the arrest of the violator.

(Ord. No. PLY-146, § 6, 4-20-87)

Sec. 4-23. Annoyance on highway.

(a) No owner shall allow a dog to go out on any highway, road, street, or public sidewalk, and growl, snap, bite or otherwise annoy any person or domestic animal lawfully using such highway or chase or interfere with any vehicle so using such highway, road or street.

(b) Any violation of this section shall be punishable by a fine of ten dollars (\$10.00) for the first violation and twenty-five dollars (\$25.00) for each subsequent violation.

(Ord. No. PLY-146, § 2, 4-20-87)

Sec. 4-24. Nuisance.

(a) No owner shall own or harbor a dog or dogs which is or are a nuisance or annoyance by reason of vicious disposition or excessive barking or frequent or long-continued noise, or other disturbance, at any time of the day or night.

(b) Any violation of this section shall be punished by a fine of ten dollars (\$10.00) for the first violation and twenty-five dollars (\$25.00) for each subsequent violation.

(Ord. No. PLY-146, § 3, 4-20-87)

Sec. 4-25. Roaming at large.

(a) No owner of any dog shall allow such dog to roam at large upon the land of another not under control of the owner or agent of the owner, nor allow such dog to roam at large on any portion of any public highway or public sidewalk and not attended or under control of such owner or agent, provided nothing in this section shall be construed to limit or prohibit the use of hunting dogs during the open hunting or training season, or to any dog while performing or being exhibited in a bench show or exhibition.

(b) Any violation of this section shall be punishable by a fine of ten dollars (\$10.00) for the first violation and twenty-five dollars (\$25.00) for each subsequent violation.

(Ord. No. PLY-146, § 4, 4-20-87)

Sec. 4-26. Removal of feces.

(a) It shall be unlawful for any person owning, keeping, walking or in control of any dog to allow or permit such animal to defecate upon any private property owned by another person, condominium common elements, street, sidewalk, gutter or other public area unless such person shall remove all feces so deposited by such animal before leaving the immediate premises.

(b) The provisions of this section shall not apply to any person who is blind and is accompanied by a guide dog.

(c) Any violation of this section shall be punishable by a fine of ten dollars (\$10.00) for the first violation and twenty-five dollars (\$25.00) for each subsequent violation.

(Ord. No. PLY-146, § 5, 4-20-87)

Chapter 5.8

EMERGENCY SERVICES*

- Art. I. In General, §§ 5.8-1–5.8-10
Art. II. Alarm Systems, §§ 5.8-11–5.8-17

ARTICLE I. IN GENERAL

Secs. 5.8-1–5.8-10. Reserved.

ARTICLE II. ALARM SYSTEMS†

Sec. 5.8-11. Definitions.

Alarm system means any device or assembly of equipment or devices, arranged to signal the presence of a hazard requiring urgent attention and to which police, fire or other town department personnel are expected to respond, including, without limitation, all burglar, fire, holdup, freezer, flooding, boiler, or other alarms, whether audible or inaudible.

Alarm user means any person or company on whose premises any alarm system is maintained within the Town of Plymouth.

Audible alarm means any alarm system which generates an audible signal that may be heard outside of the protected location when actuated.

Automatic telephone dialing device also known as *direct dialers* means an alarm system which automatically sends over radio waves or telephone lines by direct connection or otherwise, a pre-

*Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 9.

†Editor's note—An ordinance adopted April 6, 1993, §§ 1–6, amended Art. II, §§ 5.8-11–5.8-16 in its entirety, with the exception of § 5.8-17. Formerly, §§ 5.8-11–5.8-16 derived from Ord. No. PLY-90-8, §§ 1–6, adopted Nov. 13, 1990 and pertained to similar subject matter.

Cross reference—Communications commission, § 2-51 et seq.

recorded voice message indicating the existence of the emergency situation that the alarm system is designed to detect.

False alarm means the activation of an alarm system through failure, malfunction, improper installation, or the negligence of the owner or lessee or of his agents or employees and does not include alarms caused by extreme weather conditions or acts of God.

Keyholders means persons who have legal access to enter, and responsibility for, the premises.
(Ord. of 4-6-93, § 1)

Sec. 5.8-12. Requirements; user responsibilities.

(a) All audible alarms shall be equipped with a device which shall limit the duration of such audible signal to not more than ten (10) minutes.

(b) No person or company shall have an automatic telephone dialing device within the Town of Plymouth, terminating at any police station, fire station, or ambulance headquarters or other such public safety office.

(c) All alarm users shall be responsible for notification to the property owner or keyholders whenever an alarm is activated.

(d) All alarm users shall register their alarm systems with the dispatch center of the Town of Plymouth immediately upon installation, indicating type of alarm, property owner and keyholder information, address, and all other pertinent emergency response information.

(e) False alarms, in excess of two (2) in any single calendar year, are prohibited.
(Ord. of 4-6-93, § 2)

Sec. 5.8-13. False alarms—Grace period for new installations.

For the first thirty (30) calendar days after the installation of a new alarm system, there shall be no penalty, as defined in section 5.8-14 (a), for any false alarms. It shall be the responsibility of the owner, lessee, or agent of such, to provide to the Town of Ply-

mouth Communication Commission proof of the date of the initial installation of the alarm system, within five (5) business days of the false alarm.

(Ord. of 4-6-93, § 3)

Sec. 5.8-14. Penalties.

(a) A penalty of twenty-five dollars (\$25.00) will be assessed for the third false alarm in a calendar year requiring police response. A penalty of fifty dollars (\$50.00) will be assessed for the fourth and any subsequent false alarms in a calendar year requiring police response.

(b) A penalty of one hundred dollars (\$100.00) will be assessed for the third and each subsequent false alarm in a calendar year requiring fire department response.

(c) A penalty of twenty-five dollars (\$25.00) will be assessed for violations of section 5.8-12 (a) for each incident.

(d) A penalty of twenty-five dollars (\$25.00) will be assessed for violation of section 5.8-12 (b) for each incident.

(e) For each incident, each applicable penalty shall be assessed, except that no penalty for any single incident shall, in the aggregate, exceed one hundred dollars (\$100.00).

(Ord. of 4-6-93, § 4)

Sec. 5.8-15. Same—Payment.

(a) All payments of penalties will be made to the town tax collector within fifteen (15) days of assessment.

(b) On the 16th day after issuance, the penalty amount will be doubled.

(c) Any person or company who fails to pay the penalty within thirty (30) days of issuance shall be responsible for all attorney's fees, court costs, and legal fees incurred by the Town of Plymouth to enforce the collection of said penalties.

(Ord. of 4-6-93, § 5)

Sec. 5.8-16. Same—Appeals.

(a) An alarm user may appeal to the communication commission within fifteen (15) days of penalty issuance, but such appeal

shall not deter any further enforcement action. The appeal must be in writing and received by the commission at least five (5) working days before the next regularly scheduled meeting. Appeals shall be acted on at the next regular meeting of the communication commission and a decision shall be mailed by certified mail to the alarm user within fifteen (15) days of that meeting.

(b) In the event that an alarm user files an appeal of a penalty, the payment schedule in section 5.8-15 (a) through (c) will take effect on the date of mailing of the decision of the communication commission.

(Ord. of 4-6-93, § 6)

Sec. 5.8-17. Liability.

The Town of Plymouth shall not be liable for any defects in operation of any signal line system; for any failure or neglect to respond appropriately upon receipt of an alarm from such source; for any failure or neglect of any person in connection with the installation, operation, disconnection or removal of equipment; the transmission of alarm signals; or the relaying of such signals or messages.

(Ord. No. PLY-90-8, § 7, 11-13-90)

Chapter 7

GARBAGE, TRASH AND REFUSE*

- Art. I.** In General, §§ 7-1—7-20
Art. II. Solid Waste Collection, Recycling and Disposal, §§ 7-21—7-48
Art. III. Unightly Materials and Equipment, §§ 7-49—7-59
Art. IV. Blight Abatement, §§ 7-60—7-67

ARTICLE I. IN GENERAL

Secs. 7-1—7-20. Reserved.

ARTICLE II. SOLID WASTE COLLECTION, RECYCLING AND DISPOSAL†

Sec. 7-21. Statement of purpose.

This article is adopted by the Town of Plymouth as part of a long-term plan for safe and sanitary disposal of solid waste, and to establish measures to assure compliance of persons within the town boundaries and of collectors with the requirements of the general statutes for separation, collection, recycling and disposal of solid waste.

(Ord. No. PLY-90-9, 12-4-90)

***Cross references**—Buildings and building regulations, Ch. 5; flood damage prevention and control, Ch. 6; housing, Ch. 8; parks and recreation, Ch. 12; planning, Ch. 13; streets, sidewalks and other public places, Ch. 14; water, sewers and sewage disposal, Ch. 16.

State law reference—Authority to regulate garbage, trash, rubbish, ashes or waste material collection and disposal, G.S. § 7-148(c)(4)(H).

†**Editor's note**—Ord. No. PLY-90-9, adopted Dec. 4, 1990, amended the Code by repealing provisions formerly codified as Art. II, §§ 7-21—7-27, pertaining to solid waste collection and disposal, and derived from Ord. No. PLY-144, §§ 1—5, 7 and 8, adopted Aug. 7, 1985, and enacting new provisions included herein as Art. II, §§ 7-21—7-31.

Sec. 7-22. Definitions.

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

Acceptable solid waste means that type of solid waste normally collected and disposed of in the town, including, but not limited to, garbage, trash, rubbish, refuse, offal, beds, mattresses, sofas, bicycles, baby carriages, automobile or small vehicle tires, as well as processible portions of commercial and industrial solid waste, and logs (if no more than four (4) feet long and/or six (6) inches in diameter), branches, leaves, twigs, grass and plant cuttings, excepting, however, unacceptable waste and hazardous waste.

Center means the Tunxis Regional Processing Center Facility.

Facility means the Bristol Resource Recovery Facility.

Hazardous waste means that portion of solid waste which, by reason of its composition or characteristics is hazardous waste as defined in the Solid Waste Disposal Act, 42 U.S.C. section 6901 et seq., and the regulations thereunder, or in section 22a-209-1 of the Regulations of Connecticut State Agencies, and any succeeding legislation or regulations or amendments to the foregoing; any other materials which any governmental agency or unit having appropriate jurisdiction shall determine from time to time is harmful, toxic or dangerous, or otherwise ineligible for disposal through a resource recovery facility; or that portion of solid waste defined as hazardous waste pursuant to the provisions of the service agreement for the operation of the Bristol Resource Recovery Facility.

Person means a natural person, corporation, trust, estate, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

Recyclable solid waste means that portion of solid waste normally generated, collected or disposed of in the town which is or has been designated by the commissioner of environmental protection or the Plymouth Town Council to be recycled.

Residential property means real property on which is situated one (1) or more dwelling units but shall not include hospitals, motels or hotels.

Solid waste means all discarded materials or substances including, but not limited to, garbage, refuse, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris, offal and other discarded materials and substances resulting from industrial, commercial, mining, and agricultural operations and from community activities, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form or solid or dissolved materials in irrigation return flows or industrial discharges, or source, special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended.

Solid waste collector means a person engaged in the business of collecting, transporting or disposing of solid waste generated within the boundaries of the town.

Unacceptable waste means that portion of solid waste defined as unacceptable waste pursuant to the provisions of the service agreement for the operation of the Bristol Resource Recovery Facility. (Ord. No. PLY-90-9, 12-4-90)

Sec. 7-23. Obligation to register.

Any person who operates or wishes to operate as a collector in the town shall apply for registration as a collector with the town in the manner prescribed in this article. Any person operating as a collector with the town thirty (30) days after the effective date of the ordinance from which this article derives will be subject to the requirements and penalties provided in this article. (Ord. No. PLY-90-9, 12-4-90)

Sec. 7-24. Registration forms and fees.

(a) *Application required; required information.* All persons desiring to register as collectors must apply to the public works department on forms provided by that department. Those forms

shall require the registrant to furnish all information requested, including, but not limited to:

- (1) The name of the business and whether a corporation, partnership or proprietorship;
- (2) The names of all stockholders, directors, officers, partners or proprietors of the business;
- (3) A listing and description of the vehicles to be used for hauling solid waste or hauling recyclable solid waste in the town;
- (4) The addresses of all customers presently served within the town;
- (5) The approximate tonnage of solid waste and of recyclable solid waste expected to be collected each week; and
- (6) The names of all other communities serviced by the registrant;
- (7) Evidence of liability insurance in the amount of at least one million dollars (\$1,000,000.00), naming the Town of Plymouth as additional insured; and
- (8) Whether the applicant plans to collect recyclable solid waste generated from residential property or from other sources within the town, or both.

(b) *Information to be updated annually.* A registered solid waste collector shall update the information required by subsection (a) at least once each year at the time the registration is renewed.

(c) *Renewal.* Registration shall be effective until the following January thirty-first and shall be renewed on an annual basis during the month of January each year. Unless renewed, the registration shall lapse.

(d) *Fee.* The registration fee shall be set by the town council annually. The annual registration period shall be from February first to January thirty-first of the following year and registration fees shall not be prorated.

(Ord. No. PLY-90-9, 12-4-90)

Sec. 7-25. Administrative enforcement.

(a) *Notice of approval or denial.* The public works director shall mail written notice of the approval or denial of an application for registration as a collector to the applicant within fifteen (15) days after submission of the application. Registration is effective when the notice of approval is mailed.

(b) *Refusal to grant or suspension of registration.* The public works director may refuse to grant registration to any applicant or may suspend the registration of any registered collector, if that person violates any provisions of this article, violates any provision of any federal or state law relating to solid waste or recyclable solid waste, is not insurable in accordance with this article, or is otherwise deemed to be unsuitable. A denial or suspension of registration may not exceed a period of one hundred eighty (180) days from any one (1) violation, provided that repeated or willful violations of this article may result in permanent refusal or revocation of registration.

(c) *Notification of denial, suspension or revocation.* No denial, suspension or revocation notice is effective until the person adversely affected has been notified in writing of that decision and the reasons for it, and has been afforded a prompt opportunity to appear at an informal hearing before the public works director for the purpose of responding to those reasons.

(d) *Notice of appeal.* Any person aggrieved by an initial denial, suspension or revocation of registration may appeal that decision to the town council by filing a notice of appeal with the town clerk within fifteen (15) days after either notice of the initial decision is mailed to that person or the informal hearing provided under paragraph (c) of this section is held and the decision affirmed by that official. The clerk shall immediately notify the town council of that appeal.

(e) *Hearing.* A hearing shall be scheduled before the town council for a date not more than thirty (30) days after the notice of appeal is filed. The hearing may be postponed or continued to a later date not more than one (1) time, and the later date must be no more than two (2) weeks after the original date. Written notice of the hearing shall be given by the clerk to the person taking the

appeal and to any person who requests notice of the hearing. The hearing may be at a regular or special meeting of the town council.

(f) *Procedure of hearing.* At that hearing, the person aggrieved shall be permitted to present evidence and cross-examine witnesses. No formal rules of evidence shall apply, but the town council may exclude irrelevant or duplicative evidence. The town council shall make its decision within forty-five (45) days of the date of notice of appeal is filed. That period may but need not be extended by any period of postponement which is requested for the convenience of the person bringing the appeal. The decision may uphold the decision denying, suspending or revoking the registration; reverse the decision and order the registration granted or reinstated; or order the registration granted or reinstated with modifications. The decision of the town council shall be final.

(Ord. No. PLY-90-9, 12-4-90)

Sec. 7-26. Prohibition on collection, transportation and disposal by unregistered collectors.

Beginning thirty (30) days after the effective date of the ordinance from which this article derives all unregistered collectors and all collectors whose registration has been suspended or revoked are prohibited from engaging in the business of collecting, transporting or disposing of solid waste generated within the town. (Ord. No. PLY-90-9, 12-4-90)

Sec. 7-27. Location for disposal; separation; restriction on disposal.

(a) *Location for disposal.* Every collector and every other person disposing of solid waste generated within the town shall dispose of that solid waste as follows:

- (1) *Acceptable solid waste.* The public works director shall designate a disposal site for the town's acceptable solid waste and give notice of the designation. Notice that a designated disposal site for acceptable solid waste is available for either partial or full use shall be published in the same manner as is required for hearings before ordinances are adopted by the town. In addition, individual notice of those

facts shall be mailed to every person who is registered in the town as a collector. The notice shall specify the date after which all persons disposing of acceptable solid waste in the town must use that disposal site and shall generally state any other necessary requirements for that disposal, such as limitations on the amount of acceptable solid waste which may or must be delivered, or the dates or times at which delivery must be made. After the notice is published, all persons disposing of acceptable solid waste in the town must comply with the requirements of that notice not later than the date specified for compliance within such notice.

- (2) *Residential recyclable solid waste.* The public works director shall designate a disposal site for the town's recyclable solid waste and give notice of the designation. Notice that a designated disposal site for recyclable solid waste is available for either partial or full use shall be published in the same manner as is required for hearings before ordinances are adopted by the town. In addition, individual notice of those facts shall be mailed to every person who is registered in the town as a collector. The notice shall specify the date after which all persons disposing of recyclable solid waste in the town must use that disposal site, and shall generally state any other necessary requirements for that disposal, such as limitations on the amount of recyclable solid waste which may or must be delivered, or the dates or times at which delivery must be made. After the notice is published, all persons disposing of recyclable solid waste in the town must comply with the requirements of that notice not later than the date specified for compliance within such notice.
- (3) *Other solid waste.* In addition to designating a disposal site for acceptable solid waste and for recyclable solid waste, the town may from time to time designate or identify additional sites for disposal of unacceptable waste, hazardous waste or acceptable solid waste in excess of the amount to be disposed of at the primary designated site. Those sites may include transfer stations for the convenience of residents, landfills or any other type of facility deemed appropriate by the town. If any person will be required to use a

particular site, that site shall be designated in the manner provided in General Statutes section 22a-220a.

(b) *Separation by generator required.* All solid waste generated within the town shall be separated by the generator into recyclable solid waste, acceptable solid waste and other solid waste.

(c) *Restriction on disposal of solid waste from other towns.* No solid waste from any other town shall be disposed of at any town disposal site, unless otherwise authorized for disposal at such site without the express advance written permission of the public works director. The collector shall comply with all requirements pertaining to such alternate disposal.
(Ord. No. PLY-90-9, 12-4-90)

Sec. 7-28. Recyclable solid waste.

(a) On and after January 1, 1991, any person who generates solid waste from residential property shall separate from the other solid waste items designated for recycling by the commissioner of environmental protection or by the town council.

(b) All residential recyclable solid waste shall be separated by the generator and placed in standardized containers or packaged for collection at the curb or designated location for recyclable solid waste collection. Residential recyclable solid waste shall be separated and packaged according to rules and regulations which may be published by the public works director. No such rules and regulations shall be effective unless approved by the town council and published in the same manner as required of notices in section 7-27. All preseggregated recyclable solid waste generated from residential property and designated for disposal at the center shall be taken to the center. All other preseggregated recyclable solid waste generated from residential property shall be taken to disposal sites designated by the public works director. The collector shall keep and maintain records of the quantity and type of recyclable waste delivered to each disposal site, the location and date of delivery of such items to the site.

(c) On and after January 1, 1991, any person who generates solid waste from other than a residential property shall make provisions for the separation from other solid waste of the items

designated for recycling by the commissioner of environmental protection. The recyclable solid waste shall be segregated and packaged to be disposable at the center or at such other designated disposal sites for the particular type of category of recyclable solid waste, as designated and published by the town. (Ord. No. PLY-90-9, 12-4-90)

Sec. 7-29. Reporting requirements.

(a) *Forms.* Every collector shall obtain and utilize reporting forms provided by the public works director.

(b) *Records.* Every collector shall keep and maintain accurate records of all information requested, including, but not limited to, the following:

- (1) The amount of recyclable solid waste derived from each municipality recorded by truckload;
- (2) The disposal site to which the recyclable solid waste is taken and the total tonnage disposed of at such site; and
- (3) The amount of solid waste derived from a recycling disposal site which has processed the town's recyclable solid waste, transported from that disposal site to the facility.

(c) *Report of violation; warning.* Any collector who has reason to believe that a person from whom he collects solid waste has discarded recyclable items with such solid waste in violation of Connecticut General Statutes section 22a-241b shall promptly give the name and address of such person and the date of violation to the director of public works. The director of public works shall require either his designee or the collector to provide a warning notice, by tag or other means, to any such person suspected of violating the separation requirements.

(d) *Notification of public works director.* Any collector who has been notified by the owner or operator of a resources recovery facility or solid waste facility that he has delivered a load of solid waste containing significant quantities of any recyclable items shall notify the director of public works and shall provide any information available to or reasonably ascertainable by such col-

lector which may assist the director of public works to identify the persons responsible for creating the mixed load.
(Ord. No. PLY-90-9, 12-4-90)

Sec. 7-30. Scavenging prohibited.

No person, other than a registered collector, shall scavenge solid waste for pecuniary gain. Scavenging shall include collecting, recovering, hauling, storing or disposing of recyclable solid waste other than as authorized by this article but shall not include the collection of littered recyclable solid waste or the recovery of any solid waste illegally dumped or abandoned.
(Ord. No. PLY-90-9, 12-4-90)

Sec. 7-31. Penalty for violation of section 7-28.

Notwithstanding section 1-10 of the Code of Ordinances, the penalty for any violation of section 7-28 by a commercial establishment shall be a fine not exceeding five hundred dollars (\$500.00) for each day of violation.
(Ord. No. PLY-90-9, 12-4-90)

**ARTICLE III. UNSIGHTLY MATERIALS AND
EQUIPMENT***

Sec. 7-49. Definitions.

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

Unightly materials shall include parts of motor vehicles or old iron, metal, glass, paper, cordage or other waste, discarded or secondhand material.

Unightly equipment shall include used or secondhand household, construction, business or industrial equipment.
(Ord. No. PLY-111, § 1, 5-26-69)

Cross reference—Definitions and rules of construction generally, § 1-2.

*Cross reference—Unregistered or inoperative vehicles, § 10-61 et seq.

Sec. 7-50. Prohibition, limitation.

No unsightly materials or equipment shall be stored or kept, in open space in any zone in the town for a period exceeding five (5) days unless such materials or equipment is intended for bona fide construction for which a permit has been issued by the zoning commission.

(Ord. No. PLY-111, § 2, 5-26-69)

Cross reference—Citation enforcement procedure for violations re unsightly materials, etc., § 11-2.

Sec. 7-51. Exception.

(a) Licensed garages, service stations and new or used car lots are outside the scope of this article and such uses shall continue to be regulated by the provisions of the town zoning regulations or by the General Statutes.

(b) This article shall not apply to house trailers or mobile homes which are operable, capable of being registered, and fit for occupancy.

(c) This article shall not apply to operable unregistered motor vehicles owned by persons serving in the Armed Forces of the United States outside the state. Such persons shall be required to submit evidence satisfactory to the zoning officer to qualify for the exception.

(d) This article shall not apply to operable commercial vehicles that may be seasonably registered due to the nature of the business involved; to operable commercial vehicles that are not customarily registered because of the type of work for which they are used; to any operable vehicles that are not registered because they are not used on the public highways; nor to any commercial or industrial vehicles that are screened from public view by natural or artificial screening.

(Ord. No. PLY-111, § 3, 5-26-69)

Sec. 7-52. Enforcement.

When it is determined that a violation exists on private property under the provisions of this article, a member of the town police department shall notify the owner of the items in

violation; or, if the owner cannot be readily determined, the owner or the agent in control of the private property shall be notified by certified mail to abate such items in violation within fourteen (14) days of the date of mailing of such certified mail. If the violation is not abated within the time period, the town shall have the right to enter on the private property and cause the items to be removed under police supervision. The cost of such removal shall be charged to and liened against the owner of such property. (Ord. No. PLY-111, § 4, 5-26-69; Ord. No. PLY-112, 1-18-71)

Sec. 7-53. Penalty for violation.

Any person who shall violate the provisions of this article shall be punished as provided in section 1-10 of this Code. (Ord. No. PLY-111, § 5, 5-26-69; Ord. No. PLY-112, 1-18-71)

Secs. 7-54—7-59. Reserved.

ARTICLE IV. BLIGHT ABATEMENT

Sec. 7-60. Purpose.

It is hereby found and declared that exists within the town, a number of taxable and tax-exempt real properties which contain vacant and/or blighted buildings. It is further found that the existence of these vacant and/or blighted buildings adversely affects property values within the town and threatens the health, safety and general welfare of its residents. (Ord. of 9-7-99)

Sec. 7-61. Definitions.

The following definitions shall apply in the interpretation and enforcement of this ordinance:

Blighted premises shall mean any vacant or occupied, as otherwise indicated herein, building or structure, or any vacant

part of a structure that is a separate unit, or a vacant parcel of land, and in which at least one (1) or more of the following conditions exists:

- (1) The building official determines that existing conditions pose a serious threat to the health and safety of persons in the town.
- (2) It is not being maintained and contributes to structural decay, as evidenced by the existence of two or more of the following conditions:
 - a. Missing or boarded windows or doors;
 - b. Collapsing or missing walls, roof or floor;
 - c. Exterior walls which contain holes, breaks, loose or rotting materials or which are not properly surface coated to prevent deterioration;
 - d. A foundation that is structurally faulty;
 - e. Overhang extensions, including but not limited to canopies, marquees, signs, awnings, stairways, fire escapes, standpipes and exhaust ducts, which contain rust or other decay;
 - f. Chimneys and similar appurtenances which are in a state of disrepair;
 - g. Insect screens which contain tears or ragged edges;
 - h. Vermin infestation;
 - i. Garbage, trash or abandoned vehicles on the premises (unless the premises is a junkyard licensed by the State of Connecticut);
 - j. Overgrown (non-agricultural) grass or weeds at least one (1) foot in height; or
 - k. Graffiti.
- (3) Illegal activities are conducted at the premises, as documented in police department records, except as otherwise regulated by Sections 19a-343 to 19a-343h inclusive of the Connecticut General Statutes.
- (4) It is a fire hazard as determined by the fire marshal or as documented in fire department records.

- (5) It is a factor creating a substantial and unreasonable interference with the use and enjoyment of other premises within the surrounding area as documented by neighborhood complaints, police reports or the cancellation of insurance on proximate properties.

Building official shall mean such individual as is designated to administer the adopted building code and to enforce building ordinances as defined in Section 29-260 of the Connecticut General Statutes.

Housing board of appeals shall mean the five (5) member board as established by chapter IV, section 4 of the Town of Plymouth Charter.

Legal occupancy shall mean occupancy in accordance with state building, state fire, local zoning, local housing, and all other pertinent codes.

Neighborhood shall mean an area of the town comprised of all premises or parcels of land any part of which is within a radius of one thousand (1,000) feet of any part of another parcel or lot within the town.

Owner shall mean any person, firm, institution, partnership, corporation, foundation, entity or authority which holds title to real property or any mortgage or other secured or equitable interest in such property, as appears in the Plymouth Land Records.

Proximate property shall mean any premises or parcel of land or part thereof within one thousand (1,000) feet of a blighted premises.

Unit shall mean any space within a building that is or can be rented by or to a single person or entity for his or her sole use, and is intended to be a single and distinct space.

Vacant shall mean a continuous period of sixty (60) days or longer during which a building or structure or part thereof is not legally occupied by human beings.

Vacant parcel shall mean a parcel of land with no structures(s) thereon.
(Ord. of 9-7-99)

Sec. 7-62. Prohibition against creating or maintaining blighted premises.

No owner of real property, taxable or tax-exempt, within the town shall cause or allow blighted premises to be created nor shall any owner allow the continued existence of blighted premises.
(Ord. of 9-7-99)

Sec. 7-63. Enforcement.

(a) Any individual affected by the action or inaction of any owner of a unit or other space subject to the provisions of sections 7-60 through 7-67 of chapter 7 of the Plymouth Code of Ordinances, any civic organization, and any appropriate municipal agency may file, in writing, a complaint of violation of any of these sections with the building official.

(b) If the building official has reason to believe that an owner has violated the provisions of this article, the building official shall serve a notice of violation and an order to correct such violation on the owner of record of the property via certified mail. The order shall require the owner to comply with the requirements of this article in the manner specified in said order within sixty (60) days. A copy of the order shall be filed with the town clerk, and any subsequent purchaser of the property shall be subject to such order.
(Ord. of 9-7-99)

Sec. 7-64. Appeals, hearings.

(a) Any person who is aggrieved as a result of being served with a notice of violation in accordance with this article may request and, upon payment of a twenty-five dollar (\$25.00) fee payable to the town, shall be granted a hearing on the matter before the housing board of appeals; provided that such person shall file with the land use department a written petition bearing the grounds thereof within thirty (30) days after receipt of the

notice of violation. Such appeal to the housing board of appeals may be for either a revocation or extension of the notice of violation.

(b) The housing board of appeals shall conduct a hearing in the manner specified by section 8-62 of the Plymouth Code of Ordinances. The board shall submit its decision to the building official within ten (10) days of the hearing held on the notice of violation.

(c) The housing board of appeals, after full hearing, shall sustain, modify or withdraw the notice of violation. Modifications from the notice of violation may be granted if the aggrieved person can establish to the board's satisfaction that:

- (1) Title to the blighted premises has recently been conveyed.
- (2) There is a financial hardship.
- (3) The premises has been the subject of a bank foreclosure.
- (4) The property owners are elderly on a fixed income.
- (5) The blighted premises is being actively offered for sale or lease.

(d) When extending a time frame for compliance, the board may after due consideration grant up to two (2) additional sixty (60) day periods not to exceed a total of one hundred eighty (180) days from receipt of the original notice of violation.
(Ord. of 9-7-99)

Sec. 7-65. Penalties.

Violation of the provisions of this article shall be punishable by a penalty of not more than fifty dollars (\$50.00) per diem for each unit or for the equivalent amount of other space. Each day a unit or equivalent amount of other space is in violation of this article shall constitute a separate offense. Such penalties shall exist as a lien against the premises wherein said violation exists and may be recorded upon the land records of the town. Such liens shall be perfected and be in effect in accordance with the provisions of the Connecticut General Statutes, as amended, relating to the collection of taxes on real estate.
(Ord. of 9-7-99)

Sec. 7-66. Certification of list of blighted premises.

(a) The mayor shall convene a blighted building committee consisting of the building official, sanitarian, zoning/wetlands enforcement officer and fire marshal. The mayor may assign any other staff as deemed appropriate to assist the committee.

(b) The blighted building committee shall produce a list of blighted premises to be submitted annually to the mayor and town council. Said list shall be presented to the town council for their regular June meeting.

(c) The blighted building committee may from time to time request the addition of any premises to or deletion from the blighted property list for consideration by the town council.
(Ord. of 9-7-99)

Sec. 7-67. Decision by town council.

(a) The town council shall make findings as to and decide:

- (1) Whether the premises are blighted as defined in sections 7-60 through 7-67 of chapter 7 of the Plymouth Code of Ordinances; and
- (2) Whether it is necessary and desirable for the town to acquire the premises in order to eliminate the blighting conditions. In the event that the town council chooses not to approve, disapprove or modify the list within seventy-five (75) days from the date it receives said list, then said list will be deemed to have been approved.

(b) If the town council finds that the premises are blighted and that acquisition is necessary and desirable to eliminate the blighting conditions, the mayor is authorized, subject to the availability of funds, to take the proper action to acquire the premises. Specifically, the mayor, after the acquisition of the property either by negotiation with the property owner or by condemnation proceedings, may order, with the consent of the town council, any of the following actions to be taken:

- (1) Clear the premises with or without demolition of any structures on the site as may be necessary to accomplish the objectives of this article using town employees or independent contractors;

- (2) Rehabilitate any of the structures on the site, using town employees or independent contractors;
 - (3) Sell the blighted premises to a purchaser upon terms providing for the prompt elimination of the blight and ensuring that the conditions causing the blight will not recur.
- (c) All reasonable efforts should be taken to ameliorate the blight and restore the premises to the grand list.
(Ord. of 9-7-99)

Chapter 8

HOUSING*

- Art. I. In General, §§ 8-1—8-20
- Art. II. Code, §§ 8-21—8-249
 - Div. 1. Generally, §§ 8-21—8-47
 - Div. 2. Administration And Enforcement, §§ 8-48—8-80
 - Div. 3. Certificate Of Compliance For Rental Units, §§ 8-81—8-110
 - Div. 4. Responsibilities Of Owners And Occupants, §§ 8-111—8-135
 - Div. 5. Minimum Standards For Basic Equipment And Facilities, §§ 8-136—8-155
 - Div. 6. Minimum Standards For Light And Ventilation, §§ 8-156—8-175
 - Div. 7. Minimum Thermal Standards, §§ 8-176—8-190
 - Div. 8. Safe And Sanitary Maintenance Requirements, §§ 8-191—8-215
 - Div. 9. Minimum Space, Use And Location Requirements, §§ 8-216—8-240
 - Div. 10. Rooming Houses, §§ 8-241—8-249

ARTICLE I. IN GENERAL

Secs. 8-1—8-20. Reserved.

ARTICLE II. CODE

DIVISION 1. GENERALLY

Sec. 8-21. Citations.

This article shall be known and be cited as the "Housing Code for the Town of Plymouth."

(Ord. No. PLY-113A, § 1.03, 3-9-70)

*Cross references—Buildings and building regulations, Ch. 5; flood damage prevention and protection, Ch. 6; garbage, trash and refuse, Ch. 7; planning, Ch. 13; streets, sidewalks and other public places, Ch. 14; water, sewers and sewage disposal, Ch. 16.

State law reference—Authority to make rules relating to maintenance of safe and sanitary housing, G.S. § 7-148(c)(7)(A)(i).

Sec. 8-22. Purposes.

(a) It is hereby declared that the purpose of this article is to protect, preserve, and promote the physical and mental health and social well-being of the people; to investigate and control incidences of communicable diseases to regulate privately and publicly owned dwellings for the purpose of maintaining adequate sanitation and public health; and to protect the safety of the people and to promote the general welfare by legislation which shall be applicable to all dwellings now in existence or hereafter constructed.

(b) It is hereby further declared that the purpose of this article is to:

- (1) Establish minimum standards for basic equipment and facilities for light, ventilation, heating and cooling; for safety from fire and accidents; for the use and location and amount of space for human occupancy; and for safe and sanitary maintenance;
- (2) Determine the responsibilities of owners, operators and occupants of dwellings; and
- (3) Provide for the administration and enforcement thereof.
(Ord. No. PLY-113A, § 1.01, 3-9-70)

Sec. 8-23. Legislative finding.

(a) It is hereby found that premises exist within the town, either occupied or unoccupied by human beings, which are blighted, and such buildings or structures are blighted because of faulty design or construction, or failure to keep them in a proper state of repair, or lack of proper sanitary facilities, or lack of adequate lighting or ventilation, or the inability to properly heat or cool them, or improper management of them, or any combinations of these factors, resulting in such buildings becoming so deteriorated, dilapidated, neglected, overcrowded with occupants, or so insanitary as to jeopardize or be detrimental to the health, safety, morals, or welfare of the people of the town.

(b) It is hereby further found that such blighted premises contribute to the development of or increase in physical, mental or social ill-health or disease, mortality, crime and juvenile delinquency.

(c) It is hereby further found that conditions existing on such blighted premises are dangerous to the public health, safety, morals, and general welfare of the people, and that conditions existing on such blighted premises necessitate excessive and disproportionate expenditure of public funds for public health and safety, crime prevention, fire protection and other public services, and that the conditions existing on such blighted premises cause a drain upon public revenue, impairing the efficient and economical exercise of governmental functions in such areas.

(d) It is hereby further found that the elimination of blighted premises, and the prevention of the recurrence of blighted premises, is in the best interest of the public, and that the accomplishment of this end will be fostered and encouraged by the enactment of this article.

(e) The enactment and enforcement of this article is, thereby, declared to be essential to the public interest.

(f) It is intended that the provisions of this article be liberally construed to effectuate its purposes heretofore stated.
(Ord. No. PLY-113A, § 1.02, 3-9-70)

Sec. 8-24. Definitions.

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

Accessory structure shall mean a detached structure which is not used or not intended to be used for living or sleeping by human occupants and which is located on the same premises with a dwelling.

Approved shall mean approved by the local or state authority having such administrative authority.

Ashes shall mean the residue from the burning of combustible materials and the noncombustible portion of refuse loaded into an incinerator.

Central heating system shall mean a single system supplying heat to one (1) or more dwelling unit(s) or more than one (1) rooming unit.

Dwelling shall mean any enclosed space which is wholly or partly used or intended to be used for living or sleeping by human occupants, provided that temporary housing shall not be regarded as a dwelling.

Dwelling unit shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Extermination shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborages, by removing, or making inaccessible, materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the health officer.

Family shall mean one (1) adult person plus one (1) or more persons who are legally related to such person and residing in the same dwelling unit with such person.

Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, serving, and non-consumption of food.

Guest shall mean any person who shares a dwelling unit in a nonpermanent status for not more than thirty (30) days.

Habitable room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, kitchenettes and utility rooms of less than fifty (50) square feet, foyers or communicating corridors, stairways, closets, storage spaces and workshops, hobby and recreation areas in unsealed or uninsulated parts of a structure below ground level or in attics.

Health officer shall mean the legally designated health authority of the town or his authorized representative.

Heated water shall mean water heated to a temperature of not less than one hundred twenty (120) degrees Fahrenheit.

Household shall mean a family and/or one (1) or more unrelated persons, including servants and not more than two (2) boarders, who share the same dwelling and use some or all of its cooking and eating facilities.

Housing official shall mean the official charged with the administration and enforcement of this article, or his authorized representative.

Infestation shall mean the presence within or around a dwelling or other structure in large numbers of insects, rodents, or other pests.

Kitchen shall mean any room containing any or all of the following equipment, or area of a room within three (3) feet of such equipment; sink and/or other device for dish washing, stove or other device for cooking, refrigerator or other device for cool storage of food.

Meaning of certain words. Wherever the words "dwelling," "dwelling unit," "rooming house," "rooming unit," "premises," and "structure" are used in this article they shall be construed as though they were followed by the words "or any part thereof."

Multiple dwelling shall mean any dwelling containing more than two (2) dwelling units.

Occupant shall mean any person, over one (1) year of age, living, sleeping, cooking, or eating in, or actually having possession of, a dwelling unit or a rooming unit, except that in dwelling units a guest will not be considered an occupant.

Operator shall mean any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

Ordinary winter conditions shall mean a temperature of fifteen (15) degrees Fahrenheit above the lowest recorded temperature in the locality for the prior ten-year period.

Owner shall mean any person who, alone or jointly or severally with others:

- (1) Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof,
or

- (2) Shall have charge, care, or control of any dwelling or dwelling unit as owner or agent of the owner, or an executor, administrator, trustee, or guardian of the estate of the owner. Any such person, thus representing the actual owner, shall be bound to comply with the provisions of this article and of rules and regulations adopted pursuant thereto to the same extent as if he were the owner.

Permissible occupancy shall mean the maximum number of persons permitted as family or household to reside in a dwelling unit or rooming unit based on the square footage per person in habitable rooms.

Plumbing shall mean and include all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, septic tank or gas lines.

Premises shall mean a platted lot or part thereof or unplatted lot or parcel of land, or plot of land, either occupied or unoccupied by any dwelling or nondwelling structure, and includes any such building, accessory structure or other structure thereon.

Privacy shall mean the ability of a person or persons to carry out an activity commenced without interruption or interference, either by sight or sound, by unwanted persons.

Refuse shall mean all putrescible and nonputrescible solids (except body wastes) including garbage, rubbish, ashes and dead animals.

Rooming house shall mean any dwelling or that part of any dwelling containing one (1) or more rooming units in which space is occupied by three (3) or more persons who are not members of a single family.

Rooming unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Rubbish shall mean nonputrescible solid wastes (excluding ashes) consisting of both:

- (1) Combustible wastes such as paper, cardboard, plastic containers, yard clippings, and wood, and
- (2) Noncombustible wastes such as tin cans, glass and crockery.

Safety shall mean the condition of being free from danger and hazards which may cause accidents or disease.

Septic tank shall mean a receptacle, usually underground, to which sewage is drained and retained to effect disintegration of the organic matter by bacteria.

Space heater shall mean a self-contained, automatically controlled, vented, fuel-burning appliance of either the circulating type or the radiant type.

Supplied shall mean paid for, furnished, provided by, or under the control of the owner or operator.

Temporary housing shall mean any tent, trailer, mobile home, or any other structure used for human shelter which is designed to be transportable and is not attached to the ground, to another structure, or to any utility system on the same premises for more than thirty (30) consecutive days.

(Ord. No. PLY-113A, §§ 2.01–2.37, 3-9-70)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 8-25. Resolution of conflicts.

In any case where a provision of this article is found to be in conflict with any existing code, ordinance or regulation of this town existing on March 9, 1970, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

(Ord. No. PLY-113A, § 17.01, 3-9-70)

Sec. 8-26. Liability of enforcing officer.

The enforcing officer and his assistants shall be free from personal liability for acts done in good faith in the performance of official duties.

(Ord. No. PLY-113A, § 17.03, 3-9-70)

Secs. 8-27—8-47. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

Sec. 8-48. Rules, regulations authorized.

The housing code board of appeals is hereby authorized to make, adopt, revise and amend such rules and regulations as it deems necessary for the carrying out of the provisions of this article. After rules or regulations are proposed, public hearings shall be held on them, as provided for by the laws of this state. (Ord. No. PLY-113A, § 15, 3-9-70)

Sec. 8-49. Penalties generally.

Any person who violates an order of the housing code board of appeals, or the enforcing officer, to meet the minimum standards of this article or of any rules or regulations adopted pursuant thereto shall, upon conviction, be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) and/or be imprisoned for not less than ten (10) days nor more than thirty (30) days. Each day's failure to comply shall constitute a separate violation.

(Ord. No. PLY-113A, § 15, 3-9-70; Ord. No. PLY-113A, 9-24-87)

Sec. 8-50. Authorization to inspect; right-of-entry; purpose; policy re-notice.

(a) The enforcing officer is hereby authorized and directed to make periodic inspections, by and with the consent of the owner, occupant or person in charge, to determine the condition of dwellings, dwelling units, rooming units and premises within this town for the purpose of determining compliance with the provisions of this article.

(b) For the purpose of making such inspections the enforcing officer, with consent of the owner, occupant or person in charge, is hereby authorized to enter, examine and survey, between the hours of 8:00 a.m. and 5:00 p.m., all dwellings, dwelling units, rooming units and premises, or at such other time mutually

satisfactory to and agreed upon by the enforcing officer and the owner or occupant of a dwelling, dwelling or rooming unit, or the person in charge thereof.

(c) Such inspection, examination or survey shall not have for its purpose the undue harassment of the owner or occupant, and such inspection, examination or survey shall be made so as to cause the least amount of inconvenience to the owner or occupant consistent with an efficient performance of the duties of the health officer.

(d) To further insure that the policy of this article, which is to achieve compliance through cooperation of owners and occupants, be successfully maintained, it shall be the practice of the enforcing officer whenever practicable, to provide reasonable advance notice to owners and/or occupants of projected blanket inspection or inspections of a routine nature.

(Ord. No. PLY-113A, § 10.01, 3-9-70)

Sec. 8-51. Owner, occupant to grant right-of-entry; search warrant obtainable upon denial; emergency entry.

(a) The owner or occupant of each dwelling, dwelling unit, rooming unit or premises, or the person in charge thereof, upon presentation by the enforcing officer of proper identification as a health officer, may give the enforcing officer entry to the dwelling, dwelling unit, rooming unit or premises and free access to every part thereof, provided that no inspection shall be conducted except during the hours set forth in section 8-50.

(b) Whenever an owner, occupant or person in charge of a dwelling, dwelling unit, rooming unit or premises shall deny the enforcing officer right-of-entry for the purpose of inspection, examination or survey, the enforcing officer shall not so enter until he presents a duly issued search warrant, describing the dwelling, dwelling unit, rooming unit or premises, to the owner, occupant or person in charge thereof.

(c) Nothing in this section shall be construed to preclude the entry of the enforcing officer at any time when, in his judgment, an emergency tending to create an immediate danger to the public health, welfare or safety exists, or when such entry is

requested by the owner, occupant or person in charge of the dwelling, dwelling unit, rooming unit or premises, or when the enforcing officer presents a duly issued search warrant to said owner, occupant or person in charge thereof.

(d) Any owner, occupant or person in charge of a dwelling, dwelling unit, rooming unit or premises refusing to permit, or impeding, entry of and free access to any part of any dwelling, dwelling unit, rooming unit or premises for the purpose of inspection, examination or survey under the provisions of this division shall, upon conviction, be guilty of a misdemeanor.
(Ord. No. PLY-113A, § 10.02, 3-9-70)

Sec. 8-52. Notice of violations; contents, service.

(a) Whenever the enforcing officer determines that conditions exist which cause any dwelling, dwelling unit, rooming unit or premises to fail to meet the minimum standards provided for in this article or regulations pursuant thereto, he shall issue a notice setting forth the alleged failure or failures and requiring that such failures be corrected. The notice shall:

- (1) Be put in writing,
 - (2) Set forth the alleged violation or violations of this article, or of the rules and regulations pursuant thereto, and describe the dwelling, dwelling unit, rooming unit or premises where the violation is alleged to exist or to have been committed,
 - (3) Provide a reasonable time for the correction of any violation alleged,
 - (4) Be served upon the owner, occupant, or person in charge of the dwelling, dwelling unit, rooming unit or premises by personal service, as provided for in the rules of the courts of this state, or by registered or certified mail, return receipt requested, deliver to addressee only.
- (b) If one (1) or more persons to whom such notice is addressed cannot be found, after diligent effort to do so, service may be made upon such person or persons by posting a notice in a con-

spicuous place in or about the dwelling, dwelling unit, rooming unit or premises described in this notice.
(Ord. No. PLY-113A, § 11.01, 3-9-70)

Sec. 8-53. Reinspections.

After the passage of the period of time allowed for the correction of any alleged violation, the enforcing officer shall reinspect the dwelling, dwelling unit, rooming unit or premises described in the notice, following the procedure detailed in section 8-50. Before such reinspection is undertaken, the owner, operator, or person in charge of the dwelling unit, rooming unit or premises to be inspected shall be informed that any evidence of a violation of any provision of this article, or regulation pursuant thereto, may form the basis of a criminal prosecution. The consent of the owner, operator or person in charge of such reinspection shall then be requested, and no such reinspection shall be undertaken without such consent.

(Ord. No. PLY-113A, § 11.01, 3-9-70)

Sec. 8-54. Search warrant upon refusal of reinspection.

In the event consent to reinspection is refused, and where the enforcing officer has reasonable grounds to believe that a violation of any provision of this article or any regulation pursuant thereto has occurred or is occurring, he shall apply for a search warrant describing the dwelling, dwelling unit, rooming unit or premises in question. Upon procurement of a duly issued search warrant, the enforcing officer is hereby authorized to enter, inspect, examine and survey the described dwelling, dwelling unit, rooming unit or premises for the purpose of determining whether there has been compliance with the notice of violation.

(Ord. No. PLY-113A, § 11.02, 3-9-70)

Sec. 8-55. Condemnation, placarding of unfit units.

Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the health officer:

- (1) One which is so damaged, decayed or dilapidated, insanitary, unsafe, or vermin-infested that it creates a serious

hazard to the health or safety of the occupants or of the public.

- (2) One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
 - (3) One which, because of its general condition or location, is insanitary or otherwise dangerous to the health or safety of the occupants or of the public.
- (Ord. No. PLY-113A, § 16.01, 3-9-70)

Sec. 8-56. Vacation of unfit units.

Any unit condemned as unfit for human habitation, and so designated and placarded by the enforcing officer, shall be vacated within thirty (30) days.

(Ord. No. PLY-113A, § 16.02, 3-9-70)

Sec. 8-57. Defacing, removing placards; penalty.

No person shall willfully deface or remove the placard from any dwelling, dwelling unit or rooming unit which has been condemned as unfit for human habitation, and placarded as such, except when such action has been authorized by the enforcing officer as provided for in section 8-58. Whoever violates this provision shall, upon conviction, be subject to a fine of not less than twenty-five dollars (\$25.00), nor more than fifty dollars (\$50.00).

(Ord. No. PLY-113A, § 16.04, 3-9-70)

Sec. 8-58. Prerequisites to reoccupancy.

No dwelling, dwelling unit or rooming unit that has been condemned and placarded as unfit for human habitation shall be used again for human habitation until written approval is secured from and such placard is removed by permission of the enforcing officer. The enforcing officer shall permit removal of such placard by the owner, occupant, or person in charge of the dwelling, dwelling unit or rooming unit whenever the defect or defects upon which the placarding action was based have been eliminated.

(Ord. No. PLY-113A, § 16.03, 3-9-70)

Sec. 8-59. Hearing upon condemnation order.

Any person aggrieved by any order involving the placarding of a dwelling, dwelling unit or rooming unit may request, and shall be granted, a hearing under the conditions specified in sections 8-62 through 8-65.

(Ord. No. PLY-113A, § 16.05, 3-9-70)

Sec. 8-60. Destruction of unfit units.

Where no corrective action is taken by the owner, occupant or person in charge of a dwelling, dwelling unit or rooming unit designated as unfit for human occupancy within six (6) months following the date of the placarding action, and when no hearing is pending, the enforcing officer shall order the structure in violation to be destroyed as soon as practicable.

(Ord. No. PLY-113A, § 16.06, 3-9-70)

Sec. 8-61. Personal rights of action not precluded.

Nothing contained in sections 8-55 through 8-60 shall be interpreted as precluding any private right of action of any person against an owner, occupant or person in charge of the placarded structure.

(Ord. No. PLY-113A, § 16.07, 3-9-70)

Sec. 8-62. Appeals, hearings, generally.

Any person aggrieved by a notice of the enforcing officer issued in connection with any inspection, examination or survey pursuant to this article, may request, and shall be granted, a hearing on the matter before the housing code board of appeals; provided, that such person shall file in the office of the housing code board of appeals a written petition requesting such a hearing and setting forth the grounds therefor within twenty (20) days after the notice of the enforcing officer was served upon such person. Within ten (10) days of the receipt of such petition the housing code board of appeals shall set a time and place for such hearing and shall give the petitioner written notice thereof. Such notice shall be by registered or certified mail, return receipt requested. At the hearing the petitioner shall have the opportunity to show cause why the notice should be modified or withdrawn. The hearing shall

take place within a reasonable time after the receipt of the petition by the housing code board of appeals.
(Ord. No. PLY-113A, § 12.01, 3-9-70)

Sec. 8-63. Variances.

A majority of the housing code board of appeals, after full hearing is had, shall sustain, modify or withdraw the notice. Variances from the provisions of this article may be granted where circumstances warrant, and in the judgment of the housing code board of appeals no harm to the public health, welfare and safety will result from such variances.
(Ord. No. PLY-113A, § 12.02, 3-9-70)

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 9.

Sec. 8-64. Administer oaths, subpoenas.

The housing code board of appeals is hereby authorized to administer oaths and affirmations to witnesses at such hearings, and to subpoena witnesses and documents employed in such hearings. Subpoenas shall be served in the method prescribed by the rules of the courts of this state.
(Ord. No. PLY-113A, § 12.03, 3-9-70)

Sec. 8-65. Record of proceedings.

All proceedings at hearings, including the findings of fact and decision, shall be reduced to writing and shall be a matter of public record and, as such, shall be recorded and certified in the office of the town clerk, as provided by the laws of this state.
(Ord. No. PLY-113A, § 12.04, 3-9-70)

Sec. 8-66. Judicial review.

Any person aggrieved by the final decision of the housing code board of appeals may seek review thereof in any court of competent jurisdiction, as provided by the laws of this state.
(Ord. No. PLY-113A, § 12.05, 3-9-70)

Sec. 8-67. Emergency actions.

Whenever, in the judgment of the enforcing officer, an emergency exists which requires immediate action to protect the public health, welfare or safety he may without notice or hearing, issue an order reciting the existence of the emergency and requiring such action as he deems necessary to eliminate it. Anyone receiving such an order shall comply as soon as possible, but shall be given a hearing, if requested, within twenty-four (24) hours.

(Ord. No. PLY-113A, § 12.06, 3-9-70)

Secs. 8-68—8-80. Reserved.**DIVISION 3. CERTIFICATE OF COMPLIANCE
FOR RENTAL UNITS*****Sec. 8-81. Definition.**

As used in this division, "director of health" shall refer to the director of health of the town or his designated agent.

(Ord. No. PLY-123, § 1, 6-11-79)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 8-82. Registration required.

All rental units must be registered with the town health department on or before August 1, 1983. Any newly constructed rental units must be registered before the first day of August following completion of construction. Any purchaser of rental property after August 1, 1983 shall have the obligation of verifying the registration of property with the town health department. Any owner who fails to register rental property with the town health department as outlined above shall be guilty of a misdemeanor punishable by a fine of not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00).

(Ord. of 12-13-82)

**Cross reference*—Licenses, permits and miscellaneous business regulations, Ch. 9.

Sec. 8-83. Inspections.

No owner or agent in charge of a dwelling offered for rent, other than in a rooming house, motel or hotel, shall allow any person to occupy the same as a tenant, lessee, or licensee, with or without valuable consideration, unless such dwelling shall have been inspected subsequent to its most recent occupancy and determined to be in compliance with the provisions of this article as evidenced by a certificate of compliance issued by the director of health.

(Ord. No. PLY-123, § 2, 6-11-79; Ord. of 12-13-82)

Sec. 8-84. Frequency of inspections.

Notwithstanding other provisions of this article, no owner or agent need apply for inspection nor solicit certificate of compliance covering any dwelling in a building under five (5) years of age. Notwithstanding other provisions of this article, no owner or agent need apply for inspection nor solicit certificate of compliance covering the same dwelling more frequently than once every one (1) year.

(Ord. No. PLY-123, § 3, 6-11-79)

Sec. 8-85. Inspection fees.

Fees for inspections under this division are as follows:

- (1) Initial inspection, no fee;
- (2) First reinspection, six dollars (\$6.00);
- (3) Subsequent reinspections, three dollars (\$3.00).

(Ord. No. PLY-123, § 11, 6-11-79)

Cross reference--Licenses, permits and miscellaneous business regulations, Ch. 9.

Sec. 8-86. Conditions for issuance.

Upon request of the owner or agent authorized to rent a dwelling, the director of health will be available at an appointed time within forty-eight (48) hours, agreed upon by himself and the applicant, or later, if applicant requests, to inspect such dwelling. If such inspection establishes that the dwelling complies with the

standards of the housing code, the director of health shall issue a certificate of compliance for the dwelling. One (1) copy of the certificate of compliance shall be mailed or handed to the applicant, a second copy shall be posted by the director of health inside the dwelling, and shall not be removed by, or at the direction of anyone, other than the director of health; and a third copy shall be kept on file in the office of the building inspector of the town. (Ord. No. PLY-123, § 4, 6-11-79)

Sec. 8-87. Effect of issuance.

Issuance of a certificate of compliance shall not constitute a waiver of any requirements of the housing code, nor shall it constitute any warranty or representation on the part of the director of health of the town as to the condition of the dwelling or compliance with the housing code. (Ord. No. PLY-123, § 5, 6-11-79)

Sec. 8-88. Procedure upon noncompliance.

If a dwelling or dwelling unit coming under the provisions of this division does not comply with the housing code, the director of health shall furnish the applicant with a written list of the specific violations which would have to be corrected before a certificate of compliance could be issued for the dwelling. Upon the representation of the applicant that the listed violations have been corrected, and upon the payment of the initial reinspection fee, the director of health shall reinspect the dwelling and issue a certificate of compliance or present applicant with further list of violations as above provided. (Ord. No. PLY-123, § 6, 6-11-79)

Sec. 8-89. Subsequent reinspections, fees.

Whenever reinspections are required for any reason whatsoever, the fee listed for subsequent reinspections shall be paid for such reinspection before a certificate of compliance shall be issued. (Ord. No. PLY-123, § 7, 6-11-79)

Sec. 8-90. Temporary waivers.

Any applicant who is delayed in correcting violations necessary to entitle him to a certificate of compliance, and who has a

written contract for the performance of the work necessary for compliance, may petition the director of health in writing for a temporary waiver of compliance. There shall be no fee required for a temporary waiver. The petition shall contain the information which is reasonably necessary for the director of health to make a decision, and shall include a written and signed statement by the person or corporation under contract, specifying the dates of beginning and completion of the work. If the director of health shall find:

- (1) The delay in the correction of the violation is reasonable, taking into consideration the availability of persons to do the work and the current work load; and
- (2) The work can reasonably be undertaken and completed while the premises are occupied (or, that appropriate provision has been made for housing the tenant elsewhere during the period when the dwelling will not be habitable),

the director of health shall issue a temporary waiver of compliance, expiring on the date when the corrections should be completed. The applicant shall, on or before such date, request a reinspection and pay the reinspection fee. The director of health shall reinspect said dwelling and issue the certificate of compliance, or list any remaining violations as above provided.

(Ord. No. PLY-123, § 8, 6-11-79)

Sec. 8-91. Appeal.

Any applicant aggrieved by the decision or action of the director of health under the provisions of this division may appeal to the housing code appeal board, in accordance with the provisions and procedures of sections 8-62 through 8-67. The housing and building code board of appeals shall have the powers set forth in such sections.

(Ord. No. PLY-123, § 9, 6-11-79)

Sec. 8-92. Penalty.

Any owner or agent who shall let for occupancy any dwelling which has become vacant without first securing a certificate of compliance from the director of health, shall be guilty of a mis-

demeanor punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). Each day that occupancy continues without owner or agent securing certificate of compliance shall constitute a separate offense.
(Ord. No. PLY-123, § 10, 6-11-79)

Secs. 8-93—8-110. Reserved.

DIVISION 4. RESPONSIBILITIES OF OWNERS
AND OCCUPANTS

Sec. 8-111. Prerequisites to occupancy.

No owner or other person shall occupy, or let to another person, any vacant dwelling or dwelling unit unless it and the premises are clean, sanitary, fit for human occupancy, and comply with all applicable legal requirements of the state and the town.
(Ord. No. PLY-113A, § 3.01, 3-9-70)

Sec. 8-112. Owner to keep shared, public areas sanitary.

Every owner of a dwelling containing two (2) or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
(Ord. No. PLY-113A, § 3.02, 3-9-70)

Sec. 8-113. Occupant to maintain premises in sanitary condition.

Every occupant of a dwelling or dwelling unit shall maintain in a clean and sanitary condition that part or those parts of the dwelling, dwelling unit and premises thereof that he occupies and controls.
(Ord. No. PLY-113A, § 3.03, 3-9-70)

Sec. 8-114. Disposal of rubbish.

Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean, sanitary and safe manner.
(Ord. No. PLY-113A, § 3.04, 3-9-70)

Sec. 8-115. Disposal of garbage, organic wastes.

Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents in a clean, sanitary and safe manner, and if a container is used for storage pending collection it shall be rodentproof, insectproof and watertight.

(Ord. No. PLY-113A, § 3.05, 3-9-70)

Sec. 8-116. Containers to be furnished.

Every owner of a dwelling containing three (3) or more dwelling units shall supply facilities or containers for the sanitary and safe storage and/or disposal of rubbish and garbage. In the case of single- or two-family dwellings it shall be the responsibility of the occupant to furnish such facilities or containers.

(Ord. No. PLY-113A, § 3.06, 3-9-70)

Sec. 8-117. Screens, storm doors, windows.

The owner of a dwelling or dwelling unit shall be responsible for providing and hanging all screens and double or storm doors and windows whenever the same are required under the provisions of this article or any rule or regulation adopted pursuant thereto, except where an agreement between the owner and occupant has been arranged in writing. In the absence of such an agreement, maintenance or replacement of screens, storm doors and windows, once installed in any one (1) season, become the responsibility of the occupant.

(Ord. No. PLY-113A, § 3.07, 3-9-70)

Sec. 8-118. Rodent, pest control.

Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit, in a dwelling containing more than one (1) dwelling unit, shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonable insect-proof condition, extermination shall be

the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination thereof shall be the responsibility of the owner.

(Ord. No. PLY-113A, § 3.08, 3-9-70)

Sec. 8-119. Maintenance of plumbing fixtures.

Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition, and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

(Ord. No. PLY-113A, § 3.09, 3-9-70)

Sec. 8-120. Smoke detectors.

Every owner of a dwelling unit shall be responsible for the installation and maintenance of approved smoke detector units to be placed in locations as specified by the building department.

(Ord. No. PLY-113A, § 3.10, 3-9-70; Ord. of 9-8-82)

Secs. 8-121—8-135. Reserved.

DIVISION 5. MINIMUM STANDARDS
FOR BASIC EQUIPMENT
AND FACILITIES

Sec. 8-136. Compliance with division.

No person shall occupy as owner, occupant, or let to another for occupancy, any dwelling or dwelling unit for the purposes of living, sleeping, cooking or eating therein, which does not comply with the provisions of this division.

(Ord. No. PLY-113A, § 9, 3-9-70)

Sec. 8-137. Kitchen facilities.

Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked, and which shall be equipped with the following:

- (1) *A kitchen sink* in good working condition and properly connected to a water supply system which is approved

by the appropriate authority, and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to a sewer system or septic tank which is approved by the appropriate authority.

- (2) *Cabinets and/or shelves* for the storage of eating and drinking and cooking equipment and utensils, and of food that does not, under ordinary maximum summer conditions, require refrigeration for safekeeping; the cabinets and/or shelves shall be adequate for the permissible occupancy of the dwelling unit.
- (3) *A stove* or similar device, for cooking food, and *a refrigerator*, or similar device, for the safe storage of food at temperatures less than fifty (50) degrees Fahrenheit, but more than thirty-two (32) degrees Fahrenheit, under ordinary maximum summer conditions, which are properly installed with all necessary connections for safe, sanitary and efficient operation, provided that such stove, refrigerator, and/or similar devices, need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide same on occupancy, and that sufficient space for the safe and efficient installation and operation of the stove, refrigerator and/or similar devices is provided.

(Ord. No. PLY-113A, § 4.01, 3-9-70)

Sec. 8-138. Flush water closet.

Within every dwelling unit there shall be a room, affording privacy to a person within such room, which is equipped with a flush water closet in good working condition. The flush water closet shall be connected to a water system that at all times provides an adequate amount of running water under pressure so as to cause the toilet to be operated properly, and shall be connected to a sewer system or septic tank which is approved by the appropriate authority.

(Ord. No. PLY-113A, § 4.02, 3-9-70)

Sec. 8-139. Lavatory sink.

Within every dwelling unit there shall be a room, affording privacy to a person, which is equipped with a lavatory sink. The

lavatory sink may be in the same room as the flush water closet or in another room. The lavatory sink shall be in good working condition and properly connected to a water supply system which is approved by the appropriate authority, and which provides at all times an adequate amount of heated and unheated, running water under pressure, and to a sewer system or septic tank which is approved by the appropriate authority.

(Ord. No. PLY-113A, § 4.03, 3-9-70)

Sec. 8-140. Bathtub, shower.

Within every dwelling unit there shall be a room, which affords privacy to a person within such room, and which is equipped with a bathtub or shower in good working condition. Said bathtub or shower may be in the same room as the flush water closet or in another room, and shall be properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated, running water under pressure, and to a sewer system or septic tank which is approved by the appropriate authority.

(Ord. No. PLY-113A, § 4.04, 3-9-70)

Sec. 8-141. Means of egress.

Every dwelling unit shall have one (1) or more approved means of egress leading to safe open space at ground level, as required by the laws of this state and this town.

(Ord. No. PLY-113A, § 4.05, 3-9-70)

Secs. 8-142—8-155. Reserved.

DIVISION 6. MINIMUM STANDARDS
FOR LIGHT AND
VENTILATION

Sec. 8-156. Compliance with division.

No person shall occupy as owner, occupant, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the provisions of this division.

(Ord. No. PLY-113A, § 5, 3-9-70)

Sec. 8-157. Minimum window, skylight area.

Every habitable room shall have at least one (1) window or skylight facing directly outdoors. The minimum total window area, measured between stops, for every habitable room shall be no less than fifteen (15) percent of the floor area of such room. Wherever walls, or other portions of structures, face a window of any such room, and such light-obstructing structures are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight type window in the top of such room, the total window area of such skylight shall equal at least fifteen (15) percent of the total floor area of such room. Each window shall be not less than three (3) square feet in area.

(Ord. No. PLY-113A, § 5.01, 3-9-70)

Sec. 8-158. Operable window, skylight.

Every habitable room shall have at least one (1) window or skylight which can be easily opened, or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to at least forty-five (45) percent of the minimum window area size, or minimum skylight type window size, as required in section 8-157, except where there is supplied some other device affording adequate ventilation and approved by the appropriate authority.

(Ord. No. PLY-113A, § 5.02, 3-9-70)

Sec. 8-159. Bathroom, water closet requirements.

Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in sections 8-157 and 8-158 except that no window or skylight shall be required in adequately ventilated bathrooms and water closet compartments equipped with a ventilation system which is in compliance with the Tenement House Act.

(Ord. No. PLY-113A, § 5.03, 3-9-70)

Sec. 8-160. Electric service.

Where there is electric service available from power lines, which are not more than three hundred (300) feet away from a dwelling, every dwelling unit, and all public and common areas, shall be supplied with electric service, outlets, and fixtures which shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a manner prescribed by the ordinances, rules and regulations of the town. The capacity of such services, and the number of outlets and fixtures, shall be as follows:

- (1) Every habitable room shall have electric service and outlets and/or fixtures capable of providing at least three (3) watts per square foot of floor area.
- (2) Every habitable room shall have at least one (1) floor or wall type electric convenience outlet for each sixty (60) square feet, or fraction thereof, of floor area, and in no case less than two (2) such outlets.
- (3) Every water closet compartment, bathroom, laundry room, furnace room, and public hall shall contain at least one (1) supplied ceiling or wall-type electric light fixture.
- (4) Convenient switches for turning on one (1) light in each room or passageway shall be located so as to permit the area ahead to be lighted.

(Ord. No. PLY-113A, §§ 5.01—5.04, 3-9-70)

Sec. 8-161. Illumination of halls, stairways.

Every public hall and stairway in every multiple dwelling shall be adequately lighted at all times so as to provide at least six (6) footcandles of light at the tread or floor level. Every public hall and stairway in structures containing not more than two (2) dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

(Ord. No. PLY-113A, § 5.05, 3-9-70)

Secs. 8-162—8-175. Reserved.

DIVISION 7. MINIMUM THERMAL
STANDARDS

Sec. 8-176. Compliance with division.

No person shall occupy as owner, occupant, or let to another for occupancy, any dwelling or dwelling unit, for the purposes of living therein, which does not comply with the provisions of this division.

(Ord. No. PLY-113A, § 6, 3-9-70)

Sec. 8-177. Heating facilities generally.

Every dwelling shall have heating facilities which are properly installed and are maintained in safe and working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit located therein a distance of eighteen (18) inches above the floor level under ordinary winter conditions to a temperature of at least seventy (70) degrees Fahrenheit.

(Ord. No. PLY-113A, § 6.01, 3-9-70)

Sec. 8-178. Space heaters.

Unvented flame space heaters are prohibited. Portable electric heaters, approved under the appropriate local or state electrical and/or fire prevention code, are acceptable where they meet the provisions of section 8-177.

(Ord. No. PLY-113A, § 6.02, 3-9-70)

Secs. 8-179–8-190. Reserved.

DIVISION 8. SAFE AND SANTARY
MAINTENANCE REQUIREMENTS

Sec. 8-191. Compliance with division.

No person shall occupy as owner, occupant, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the provisions of this division.

(Ord. No. PLY-113A, § 7, 3-9-70)

Sec. 8-192. Integrity of building components.

Every foundation, floor, roof, ceiling, exterior and interior wall shall be reasonably weathertight, watertight, and dampfree; shall be kept in sound condition and good repair, and shall be capable of affording privacy for occupants.

(Ord. No. PLY-113A, § 7.01, 3-9-70)

Sec. 8-193. Protection of openings.

Every window, exterior door and basement hatchway or similar device, shall be kept rodent-proof and reasonably watertight and weathertight, and shall be kept in sound working condition and good repair.

- (1) During that portion of the year when there is a need for protection against mosquitoes, flies and other flying insects, every door, opening directly from a dwelling unit to outside space, shall have supplied properly fitting screens having at least sixteen (16) mesh and a self-closing device; and every window or other device, with openings to outdoor space, used or intended to be used for ventilation, shall, also, be supplied with screens.
- (2) Every window located at or near ground level, or intended to be used for ventilation, and every other opening located at or near ground level which might provide an entry for rodents, shall be supplied with adequate gauge screen or such other device as will effectively prevent their entrance.

(Ord. No. PLY-113A, § 7.02, 3-9-70)

Sec. 8-194. Rodent proofing.

Every dwelling, other building or accessory structure, shall be rodent-proof and maintained so as to prevent rodent harborage.

(Ord. No. PLY-113A, § 7.03, 3-9-70)

Sec. 8-195. Structural integrity.

Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, every porch, and every appurtenance thereto, shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon, and shall

be kept in sound condition and good repair. Every inside and outside stair or step shall have uniform risers and treads, and stairways shall have handrails, structurally sound, of reasonable height and, where needed, balustrades adequately spaced.
(Ord. No. PLY-113A, § 7.04, 3-9-70)

Sec. 8-196. Sanitary condition of plumbing.

Every plumbing fixture, and water and waste pipe, shall be properly installed and maintained in good sanitary working condition.
(Ord. No. PLY-113A, § 7.05, 3-9-70)

Sec. 8-197. Bathroom, kitchen floors.

Every water closet compartment, bathroom and kitchen floor surface shall be constructed and maintained so as to be reasonably impervious to water and so permitting such floor to be easily kept in a clean and sanitary condition.
(Ord. No. PLY-113A, § 7.06, 3-9-70)

Sec. 8-198. Equipment specifications.

Every plumbing fixture and pipe, every chimney, flue and smoke pipe, and every other facility, piece of equipment, or utility which is present in a dwelling unit, or which is required under this article, shall be constructed and installed in conformance with the applicable local, state or national codes, and shall be maintained in satisfactory working condition.
(Ord. No. PLY-113A, § 7.07, 3-9-70)

Sec. 8-199. Removal, discontinuance of service facilities, utilities.

No owner, operator, or occupant shall cause any service, facility, equipment or utility which is required under this article to be removed from, or shut off from, or discontinued for any occupied dwelling or dwelling unit let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the appropriate authority.
(Ord. No. PLY-113A, § 7.08, 3-9-70)

Sec. 8-200. Fire protection.

All construction and materials, ways and means of egress, and all installation and use of equipment shall conform to applicable state and local laws dealing with fire protection.
(Ord. No. PLY-113A, § 7.09, 3-9-70)

Secs. 8-201—8-215. Reserved.**DIVISION 9. MINIMUM SPACE, USE
AND LOCATION REQUIREMENTS****Sec. 8-216. Compliance with division.**

No person shall occupy, or let to be occupied, any dwelling unit, for the purpose of living therein, which does not comply with the provisions of this division.
(Ord. No. PLY-113A, § 8, 3-9-70)

Sec. 8-217. Minimum floor space—Generally.

Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof, and at least one hundred thirty (130) square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room space.
(Ord. No. PLY-113A, § 8.01, 3-9-70)

Sec. 8-218. Same—Bedrooms.

In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes shall contain at least seventy (70) square feet of floor space for the first occupant, and at least fifty (50) square feet of floor space for each additional occupant thereof.
(Ord. No. PLY-113A, § 8.02, 3-9-70)

Sec. 8-219. Bedroom/bathroom access.

No dwelling or dwelling unit, containing two (2) or more sleeping rooms, shall have such room arrangement that access to a bathroom or water closet compartment, intended for use by occu-

pants of more than one (1) sleeping room, can be had only by going through another sleeping room or a bathroom or water closet compartment.

(Ord. No. PLY-113A, § 8.03, 3-9-70)

Sec. 8-220. Ceiling height.

At least seventy-five (75) percent of the floor area of every habitable room shall have a ceiling height of no less than seven (7) feet, eight (8) inches and the floor area of that part of any room, where the ceiling height is less than five (5) feet, shall not be considered as part of the floor area of the room for the purpose of determining the maximum permissible occupancy thereof. At least fifty (50) percent of the floor area in attic rooms shall have a ceiling height of seven (7) feet four (4) inches.

(Ord. No. PLY-113A, § 8.04, 3-9-70)

Sec. 8-221. Below grade dwellings.

No space, located totally or partially below grade, shall be used as a habitable room or dwelling unit unless:

- (1) The floor, and those portions of the walls below grade, are of waterproof and dampproof construction;
- (2) The minimum window area required in section 8-157 is located entirely above grade of the ground adjoining such window area or, if windows are located below grade, that there be constructed a properly drained window well whose ground area shall be equal to, or greater than, the area of the window opening; the bottom of the window well shall be below the top of the impervious masonry construction under this window; the minimum horizontal projections of the bottom of the window well shall be equal to, or greater than, the vertical dimension of this window opening, and no part of the window well, opposite this window, shall protrude above a line projected at a forty-five-degree angle from the bottom of the window opening at right angles to the outer wall;
- (3) The total openable window area in each room is equal to at least the minimum, as required under section 8-158, ex-

cept where there is supplied some other device affording adequate ventilation and approved by the appropriate authority;

- (4) There are no pipes, or other obstructions, less than six (6) feet eight (8) inches above the floor level which interfere with the normal use of the room or area.

(Ord. No. PLY-113A, § 8.05, 3-9-70)

Sec. 8-222. Storage space.

Every dwelling unit shall have adequate closet, or other storage space, for the personal effects of each permissible occupant. If it is lacking, an amount of space, equal in square footage to the deficiency, shall be subtracted from the area of habitable room space used in determining permissible occupancy.

(Ord. No. PLY-113A, § 8.06, 3-9-70)

Sec. 8-223. Occupants restricted.

A dwelling unit shall not be occupied by more than one (1) family plus two (2) occupants unrelated to the family, except guests or domestic employees, or by not more than one (1) household if the occupants are unrelated, unless specific approval has been granted by the appropriate authority.

(Ord. No. PLY-113A, § 8.07, 3-9-70)

Sec. 8-224. Storage of hazardous materials.

Each dwelling shall have a suitable facility for the safe storage of medicines, toxic materials, and household poisons, such as ammonia, paint, gasoline, etc., to ensure safety for children in residential environment.

(Ord. No. PLY-113A, § 8.08, 3-9-70)

Secs. 8-225—8-240. Reserved.

DIVISION 10. ROOMING HOUSES

Sec. 8-241. Compliance with article.

No person shall operate a rooming house, or shall occupy, or let to another for occupancy, in any rooming house except in compli-

ance with the provisions of divisions 4 and 5 of this article. No owner or other person shall occupy, or let to another person, any vacant rooming unit unless it is clean, sanitary, and fit for human occupancy, and in compliance with all applicable requirements of this article.

(Ord. No. PLY-113A, § 9, 3-9-70)

Sec. 8-242. Permit required.

No person shall operate a rooming house unless he holds a valid rooming-house permit, issued by the director of public health in the name of the operator and for the specific dwelling or dwelling unit specified therein. The operator shall apply to the director of public health for such permit, which shall be issued by the director of public health only after he has determined the rooming house to be in compliance with the applicable provisions of this article and with any rules and regulations adopted pursuant thereto. This permit shall be displayed in a conspicuous place within the rooming house at all times. No such permit shall be transferrable. Every person holding such a permit shall give notice in writing to the director of public health within twenty-four (24) hours after having sold, transferred, given away, or otherwise disposed of ownership of, interest in, or control of any rooming house. Such notice shall include the name and address of the person succeeding to the ownership, or control, of such rooming house. Every rooming-house permit shall expire at the end of one (1) year following its date of issuance, unless sooner suspended or revoked as hereinafter provided.

(Ord. No. PLY-113A, § 9.01, 3-9-70)

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 9.

Sec. 8-243. Inspections; notice, correction of violations; suspension of permits.

The enforcing officer is hereby authorized, with consent of the owner, occupant or person in charge, to enter, inspect, examine and survey all rooming houses between the hours of 8:00 a.m. and 5:00 p.m. When consent to enter, inspect, examine and survey is not granted by the owner, occupant or person in charge, the enforcing officer shall not so enter without a duly issued

search warrant, except where, in his judgment, an emergency exists detrimental to the public health, welfare or safety. Whenever upon inspection of any rooming house, the enforcing officer finds that conditions or practices exist which are in violation of any provisions of this article, or of any applicable rule or regulation adopted pursuant thereto, the enforcing officer shall give notice in writing to the operator of such rooming house that unless such conditions are corrected within a reasonable time the operator's permit will be suspended. At the end of such period of time the enforcing officer shall reinspect such rooming house, under the conditions of his first entry and inspection as set forth in this subsection above, and, if he determines that such conditions have not been corrected, he shall issue an order suspending the operator's permit.

(Ord. No. PLY-113A, § 13.01, 3-9-70)

Sec. 8-244. Hearing; revocation, reinstatement of permit.

Any person whose permit to operate a rooming house has been suspended by order of the enforcing officer may petition for, and shall be granted, a hearing on the matter in the manner prescribed by section 8-62 on hearings. If no such petition is forthcoming within ten (10) days following the day on which a permit was suspended the permit shall be deemed revoked, except that at any time within ten (10) days following such suspension any person whose permit has been suspended shall have the opportunity to demonstrate to the enforcing officer that his rooming house has been put in compliance with this article and with all regulations pursuant thereto. Where such compliance is demonstrated to the satisfaction of the enforcing officer the suspension of the rooming house permit shall be terminated.

(Ord. No. PLY-113A, § 13.02, 3-9-70)

Sec. 8-245. Sanitary facilities.

At least one (1) flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system or septic tank, approved by the health officer and in good working condition, shall be supplied for each six (6) persons, or fraction thereof, residing within a rooming house, including members of

the operator's family wherever they share the use of the facilities, provided:

- (1) In a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets;
 - (2) All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities;
 - (3) Every lavatory basin and bathtub or shower shall be supplied with hot water at all times;
 - (4) No such facilities shall be located in a basement, except by written approval of the director of public health;
 - (5) Cooking in a rooming unit shall be prohibited;
 - (6) Communal cooking and dining facilities in a rooming house shall be prohibited, except as approved by the health officer in writing;
 - (7) Rooming unit doors shall have operating locks to ensure privacy.
- (Ord. No. PLY-113A, § 9.02, 3-9-70)

Sec. 8-246. Linens, towels.

The operator of every rooming house shall change supplied bed linen and towels therein at least once each week, and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

(Ord. No. PLY-113A, § 9.03, 3-9-70)

Sec. 8-247. Minimum floor space.

Every room occupied for sleeping purposes by one (1) person shall contain at least eighty (80) square feet of floor space, and every room occupied for sleeping by more than one (1) person shall contain at least sixty (60) square feet of floor space for each occupant thereof.

(Ord. No. PLY-113A, § 9.04, 3-9-70)

Sec. 8-248. Means of egress.

Every rooming unit shall have one (1) or more safe, unobstructed means of egress leading to safe and open space at ground level, as required by the law of this state and this town.

(Ord. No. PLY-113A, § 9.05, 3-9-70)

Sec. 8-249. Applicability to hotels, motels.

Every provision of this article which applies to rooming houses shall also apply to hotels and motels, except to the extent that any such provision may be found in conflict with the laws of this state or this town.

(Ord. No. PLY-113A, § 9.06, 3-9-70)

Chapter 9

**LICENSES, PERMITS AND MISCELLANEOUS
BUSINESS REGULATIONS***

- Art. I. In General, §§ 9-1—9-20
Art. II. Bazaars and Raffles, §§ 9-21—9-40
Art. III. Canvassers, Solicitors, Hawkers, Peddlers and Vendors,
§§ 9-41—9-50
Art. IV. Blasting Agents and Explosives, §§ 9-51—9-60
Art. V. Tag Sales, §§ 9-61—9-70
Art. VI. Sexually Oriented Businesses, §§ 9-71—9-84

ARTICLE I. IN GENERAL

Secs. 9-1—9-20. Reserved.

ARTICLE II. BAZAARS AND RAFFLES

Sec. 9-21. State law adopted.

The provisions of sections 7-170 through 7-186 of the General Statutes of Connecticut, for allowing the operation of bazaars and raffles, are hereby adopted.
(Ord. No. PLY-105, 11-6-56)

Secs. 9-22—9-40. Reserved.

***Cross references**—Permit requirements for alarm systems, § 5-8-12; obligation of solid waste collectors to register with town, § 7-23; variances from housing code, § 8-63; certificate of compliance for rental units, § 8-81 et seq.; housing inspection fees, § 8-85; housing roominghouse permit, § 8-242 et seq.; permit required for street excavations, § 14-26; permit requirements for parades, § 14-21 et seq.; taxation generally, Ch. 15; permits required for connections to public sewers, § 16-114.

**ARTICLE III. CANVASSERS, SOLICITORS, HAWKERS,
PEDDLERS AND VENDORS*****Sec. 9-41. Definitions.**

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

Canvasser or solicitor means any person who goes from place to place, from house to house, or from street to street obtaining or attempting to obtain, orders for the sale of any goods or services, which goods or services shall be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he/she is collecting advance payments or not. (Included in this definition is any person, who, for himself/herself or for another person, hires, occupies, or uses any place within the town for the sole purpose of exhibiting samples and taking orders for future delivery.)

Hawker, peddler or street vendor means any person, whether principal or agent, who goes from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter, or exposing therefor, any goods, boxes or merchandise, either on foot or from any animal, vehicle or stand, on or near the streets of the town, including state highways.

(Ord. No. PLY-140, §§ a, b, 10-11-83; Ord. No. PLY-98-4, 12-2-98)

Sec. 9-42. License—Required; application; waiting period; denial; fee; term.

Each canvasser, solicitor, hawker, peddler or vendor, before commencing operations in the town shall first make application for a license at the police department for which the fee shall be two hundred dollars (\$200.00). The chief of police may deny the license application if, as a result of investigation, the applicant's character or business responsibility is found to be unsatisfactory, or if the applicant has been convicted of any misdemeanor, crime, or violation of a municipal ordinance within the previous five (5)

*State law references—Authority to regulate, etc., peddlers, G.S. § 7-148(c)(7)(H)(iv); authority to regulate hawkers or peddlers, § 21-37.

years, or in the case of a street vendor, it is determined that the proposed location will result in a hazard to traffic or to the general public. No license shall be issued until after the expiration of fifteen (15) days from the date of filing the application. Each license issued shall remain in force for a period of one year from the date of issuance, unless sooner revoked or voided. Veterans who qualify pursuant to section 21-30 of the Connecticut General Statutes, shall be licensed without a fee. Each location, stand or vehicle to be used by a person shall be separately licensed, and the license fee chargeable hereunder shall be paid for each such location, stand or vehicle.

(Ord. No. PLY-140, § c, 10-11-83; Ord. No. PLY-98-4, 12-2-98)

Sec. 9-43. Same—Revocation.

(a) Licenses issued under the provisions of this article may be revoked by the chief of police after notice and hearing for any of the following reasons:

- (1) Fraud, misrepresentation, omission or false statement made either in the application for license, or in the conduct of the permit holder's business.
- (2) Conviction of any crime or misdemeanor involving moral turpitude.
- (3) Conducting the business of peddling, soliciting or canvassing 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 the hearing of revocation shall be given in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Notice shall be mailed to the license holder not less than five (5) days prior to the date of the hearing.

(c) Any person aggrieved by the action of the chief of police in revoking a license shall have fourteen (14) days in which to bring an appeal before the town council. The council shall set a time and place of hearing and shall notify the appellant of such time and place in the same manner as set forth in subsection (b) of this section.

(Ord. No. PLY-140, § f, 10-11-83; Ord. No. PLY-98-4, 12-2-98)

Sec. 9-44. Exemptions.

Nothing contained in this article shall be construed to apply to the following:

- (1) Salesmen selling goods to retail or wholesale establishments.
- (2) Nonprofit organizations as approved by the state.
- (3) Sales by farmers and gardeners of the produce of their farms, gardens and greenhouses, including fruit, vegetables and flowers, or to the sale, distribution and delivery of milk, teas, coffees, spices, groceries, meats and bakery goods, to sales on approval, to conditional sales of merchandise, or to the taking of orders for merchandise for future delivery when full payment is not required as provided in section 21-37 of the Connecticut General Statutes, as amended.
- (4) Sales of goods, wares or merchandise of any annual fair, during the continuance of such fair, or at any general sale, fair, auction or bazaar held on the grounds of or sponsored by an ecclesiastical society, church corporation, nonprofit civic organization as approved by the state, or volunteer fire company.
- (5) Sales by service and civic organizations.
- (6) Occasional tag sales, yard sales or garage sales on premises devoted to residential use.

(Ord. No. PLY-140, § e, 10-11-83; Ord. No. PLY-98-4, 12-2-98)

Sec. 9-45. State tax permit required.

Each person, upon applying for a license, must show acceptable proof to the chief of police of having been issued a current State of Connecticut sales and use tax permit pursuant of section 12-409 of the Connecticut General Statutes, or must provide a tax exemption permit.

(Ord. No. PLY-140, § d, 10-11-83; Ord. No. PLY-98-4, 12-2-98)

Sec. 9-46. Territorial limits.

No street vendor shall operate:

- (1) In a residential zone; or

- (2) Within one thousand (1,000) feet of another mercantile establishment offering the same or similar goods, wares or merchandise for sale; or
 - (3) Directly upon a street, sidewalk or public place; or
 - (4) In any area where the operation will be deemed by the chief of police to endanger or inconvenience the general public; or
 - (5) In a manner that obstructs or prevents the free and convenient use of any street or sidewalk by pedestrian or vehicular traffic.
- (Ord. No. PLY-98-4, 12-2-98)

Sec. 9-47. Penalty.

Any person who engages in the business of a peddler, hawker, canvasser, vendor or solicitor without a license, in violation of this article shall be fined the maximum allowed by the Connecticut General Statutes.

(Ord. No. PLY-98-4, 12-2-98)

Secs. 9-48—9-50. Reserved.

ARTICLE IV. BLASTING AGENTS AND EXPLOSIVES

Sec. 9-51. Documents required for use.

No person shall use any blasting agent or explosives as defined by the regulations promulgated by the commissioner of public safety without first submitting the following documents to the Plymouth fire marshal:

- (1) *License.* A valid license for the use of explosives or blasting agents issued by the commissioner of public safety;
- (2) *Permit.* A written permit signed by the commissioner of public safety or by the fire marshal of the Town of Plymouth; and
- (3) *Certificate of insurance.* A certificate of insurance evidencing both public liability and property damage coverage

and hazardous activity coverage in amounts not less than one million dollars (\$1,000,000.00), the term of such policies not expiring before the expiration date of the permit.

(Ord. No. PLY-90-6, 11-13-90)

Sec. 9-52. Violation for separate offenses.

Each day during which explosives or blasting agents are used in violation of this article shall constitute a separate violation.

(Ord. No. PLY-90-6, 11-13-90)

Secs. 9-53—9-60. Reserved.

ARTICLE V. TAG SALES

Sec. 9-61. Definitions.

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

Tag sale means the occasional sale of household belongings caused either by the discontinuance of a home or the occasional disposal of surplus household goods which had been used on the premises from which they are being sold. For the purpose of these regulations the term "tag sale" shall also include such terms as "rummage sale, garage sale, or bazaar" and may include the occasional sale of donated household belongings for charitable purposes by and on the premises of a non-profit organization. No more than two permits shall be issued each year unless written permission is given by the land use department.

(Ord. No. PLY-98-2, 9-22-98)

Sec. 9-62. Permit required; fee; term.

Each person desiring to conduct a tag sale shall before commencing operations in the town, first obtain a permit at the land

use department for which a fee shall be five dollars (\$5.00). Such tag sale shall only be authorized in a residential district. Each permit issued shall be valid for a period of two (2) weeks.
(Ord. No. PLY-98-2, 9-22-98)

Sec. 9-63. Sign requirements.

All tag sale signs shall not exceed two (2) square feet, shall be of reasonable weather and wind resistant quality, shall be safely secured and shall have inserted in the right-hand bottom corner the assigned permit number. No tag sale sign may be posted anywhere in town unless those specifically authorized by these regulations and approved by the land use and/or police department(s) and provided that each such sign has the approval and legal authorization of the owner of the property on or onto which they are to be affixed.

(Ord. No. PLY-98-2, 9-22-98)

Sec. 9-64. Sign removal; fines.

Each applicant shall specify in his/her application his/her intent to remove all signs proposed to be posted in connection with a sale not later than one week after the expiration of the permit to conduct a tag sale. Any person who shall violate any provision of this article or who shall fail to remove tag sale sign(s) as required shall be fined not more than forty-five dollars (\$45.00) for each offense. For purposes of this section, each permitted tag sale sign not properly removed shall be an offense.

(Ord. No. PLY-98-2, 9-22-98)

ARTICLE VI. SEXUALLY ORIENTED BUSINESSES

Sec. 9-71. Declaration of policy.

The town council finds:

- (1) The operation of sexually oriented businesses in the town requires special regulation and supervision by the town to protect, preserve and promote the health, safety and welfare of the patrons of such businesses, as well as the health, safety and welfare of the town's residents. Fur-

ther, protecting order and morality, preserving the character and preventing the deterioration of the town's neighborhoods, promoting retail trade, maintaining property values, and ensuring sanitary and safe public places are desirable objectives of the community and its leaders.

- (2) Statistics and studies performed by a substantial number of cities and towns in the United States indicate that:
 - a. Large numbers of persons, primarily male, frequent such sexually oriented businesses, especially those which provide closed booths, cubicles, studios and rooms for the private viewing of so-called "adult" motion pictures, video tapes or live entertainment;
 - b. Such closed booths, cubicles, studios and rooms have been used by patrons, clients or customers of such sexually oriented businesses for the purpose of engaging in specified sexual activities;
 - c. Male and female prostitutes have been known to frequent such businesses in order to provide sex for hire to the patrons, clients or customers of such businesses within such booths, cubicles, studios and rooms;
 - d. Doors, curtains, blinds and other closures installed in or on the entrances and exits of such booths, cubicles, studios and rooms which are closed while such booths, cubicles, studios and rooms are in use encourage patrons using such booths, cubicles, studios and rooms to engage in specified sexual activities therein with prostitutes, other persons or by themselves, thereby promoting and encouraging prostitution and the commission of specified sexual activities which cause blood, semen, urine or other bodily secretion to be deposited on the floors and walls of such booths, cubicles, studios and rooms, which deposits could prove detrimental to the health and safety of other persons who may come in contact with such deposits;
 - e. Booths, cubicles, studios and rooms that are closed while they are in use often contain certain holes that

have been cut or smashed out of the walls or other partitioning material. These holes permit the inhabitant of one booth, cubicle, studio or room to engage in specified sexual activities with the inhabitant of the adjoining booth, cubicle, studio or room. These holes promote and encourage specified sexual acts to occur between persons anonymously. Anonymous sexual contact poses a higher risk of spread of communicable diseases, including the AIDS virus, Hepatitis B and other sexually transmitted diseases. Further, the existence of such holes in booths, cubicles, studios and rooms at sexually oriented businesses provides an increased risk that blood, semen, urine or other bodily secretions will be deposited on the floors and walls of such booths, cubicles, studios and rooms, which deposits could prove detrimental to the health and safety of other persons who may come into contact with such deposits;

- f. Specified sexual activities often occur at unregulated sexually oriented businesses that provide live adult entertainment. Specified sexual activities include sexual physical contact between employees and patrons of sexually oriented businesses and specifically include "lap dancing" or manual or oral touching or fondling of specified anatomical areas, whether clothed or unclothed. Such casual sexual physical contact between strangers may result in the transmission of communicable diseases, which would be detrimental to the health of the patrons and employees of such sexually oriented businesses;
- g. The unregulated operation of sexually oriented businesses is associated with an increase in the incidence of sex-related crimes and other crimes and also has a disruptive effect on the surrounding neighborhood by causing excessive noise, parking problems, the presence of discarded sexually oriented material on residential lawns, and the perfor-

mance of sexual acts in public places, as well as causing a deleterious effect on surrounding businesses;

- h. Sexually oriented businesses that operate in close proximity to each other further contribute to an increase in crime, lower property values, blight and the downgrading of the quality of life in the adjacent area, and sexually oriented businesses that operate within a short distance of schools, churches, parks, libraries and other public facilities negatively impact such places and have an adverse effect upon persons, particularly children, walking to and from such places;
 - i. The reasonable regulation and supervision of such sexually oriented businesses tends to discourage prostitution, other sex-related crimes, anonymous and high-risk sexual contact and unsanitary sexual activity, excessive noise and property devaluation, thereby decreasing the incidences of communicable diseases and sex-related crimes, all thereby promoting and protecting the health, safety and welfare of the employees and the members of the public who patronize such businesses and protecting the health, safety and property interests of a town and its residents; and
 - j. Location and zoning regulations alone do not adequately protect the public health, safety and welfare and thus certain requirements with respect to the ownership, employees, facility, operation, advertising, hours of business and other aspects of the sexually oriented businesses are in the public interest.
- (3) The continued unregulated operation of such sexually oriented businesses is and would be detrimental to the health, safety and general welfare of the residents of the town.
- (4) The constitution and laws of the State of Connecticut grant to the town powers, especially police power, to enact

reasonable legislation and measures to regulate and supervise sexually oriented businesses in order to protect the public health, safety and welfare.

- (5) It is the purpose and intent of the town council, in enacting this article, to regulate sexually oriented businesses to promote the health, safety and general welfare of the residents of the town and to establish reasonable and uniform regulations of such businesses in order to reduce or eliminate the adverse secondary effects of such sexually oriented businesses, protect residents from increased crime, preserve the quality of life, preserve the property values and the character of surrounding neighborhoods and businesses, deter the spread of blight, and protect against the threat to public health from the spread of communicable and social diseases.
- (6) It is not the intent of the town council, in enacting this article, to deny to any person rights to speech protected by the United States or state constitutions, nor is it the intent of the council to impose any additional limitations or restrictions on the content of any communicative materials including sexually oriented films, video-tapes, books or other materials. Further, by enacting this article, the council does not intend to dent or restrict the constitutionally protected rights of any adult to obtain or view any sexually oriented materials under the United States or state constitutions, nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of such sexually oriented materials may have to sell, distribute or exhibit such materials.

(Ord. of 1-16-2001)

Sec. 9-72 Definitions.

The following words, terms and phrases shall apply in the interpretation and enforcement of this ordinance:

Adult arcade means any establishment where one or more still or motion picture projectors, slide projectors or similar machines, or other image producing machines, for viewing by five (5) or fewer persons each, are regularly used to show films, motion

pictures, video cassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities.

Adult bookstore or adult video store means an establishment having (1) a majority of its stock and trade in books, magazines, films, motion pictures, video cassettes, slides or other periodicals or photographic reproductions, that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, or (2) any portion of its stock and trade in books, magazines, films, motion pictures, video cassettes, slides or other periodicals or photographic reproductions, that are characterized by the depiction or description of specified anatomical areas or specified sexual activities and in conjunction therewith has facilities for the presentation of adult entertainment, including adult-oriented films, movies or live entertainment, for observation by patrons therein.

Adult cabaret means any nightclub, bar, restaurant or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features (1) persons who appear nude or semi-nude, (2) live performances that are characterized by the exposure of specified anatomical areas, or (3) films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities.

Adult entertainment means and includes (1) any exhibition of any adult-oriented motion picture, live performance, display or dance of any type that has a significant or substantial portion of such performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal services offered customers, when such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect, and (2) any amusement machine that is regularly used for presenting material that is characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons thereof.

Adult mini-motion picture theater means any enclosed building with a capacity of fifty (50) or less persons regularly used for showing films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons therein.

Adult motion picture theater means any enclosed building with a capacity of more than fifty (50) persons regularly used for showing films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons therein.

Adult novelty store means any establishment having a substantial or significant portion of its stock and trade in instruments, devices or paraphernalia that are designed for use or marketed primarily for stimulating human genital organs or for sadomasochistic use.

Adult theater means any theater, concert hall, auditorium or similar commercial establishment that regularly features persons who appear nude or semi-nude or who appear in live performances that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons therein.

Church means any church, synagogue, mosque, temple or building that is used primarily for religious worship and related religious activities.

Employee means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of a sexually oriented business.

Entertainer means any person who provides adult entertainment within a sexually oriented business, whether or not a fee is charged or accepted for such entertainment and whether or not such entertainment is provided as an employee or independent contractor.

Escort means any person who, for any form of consideration, agrees or offers to act as a social companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort agency means any person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Inspector means the chief of police, fire marshal, chief building official, director of health, zoning enforcement officer, their agent or representative, or any town or state employee designated to make inspections for public safety, fire code, building code, public health, zoning purposes, violations of this article, or for violations of other laws and ordinances of the town or state.

Licensed premises means any premises that requires a sexually oriented business license pursuant to this article, including any buildings, parking areas and all other portions of the property of which the licensee has control.

Licensee means any person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on an application for a license.

Live adult entertainment means any live performance by a person who appears nude or semi-nude or any live performance that is characterized by the exposure of specified anatomical areas.

Massage parlor means any establishment having a fixed business where any person engages in or carries on, or permits to be engaged in or carried on, any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electric apparatus or appliance with or without any supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice. The definition of massage parlor shall not include the practice of massage (1) in any state licensed hospital, nursing home, clinic, medical office or rehabilitation facility, (2) by a state licensed physician, surgeon, chiropractor, osteopath, physical

therapist, or massage therapist, (3) by any registered nurse, licensed practical nurse or technician working under the supervision of a state licensed physician, surgeon, chiropractor, osteopath, physical therapist, or certified massage therapist, (4) by trainers for any amateur or professional athlete or athletic team or school athletic program, or (5) by any state licensed barber or beautician with regard to the massaging of the neck, face, scalp and hair for cosmetic or beautifying purposes.

Masseur means any person who, for any form of consideration, performs massage activities as described in the definition of massage parlor above.

Minor means any person under the age of eighteen (18) years.

Nude model studio means any place where a person, for any form of consideration, regularly appears nude or semi-nude or displays specified anatomical areas to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. A nude model studio shall not include a modeling class operated by an accredited public or private school or college.

Nudity means (1) the appearance of human bare buttocks, anus, genitals, pubic region or the areola or nipple of the female breast, or (2) a state of dress that fails to opaquely and fully cover human buttocks, anus, genitals, pubic region or areola or nipple of the female breast.

Operator means any person, as defined herein, operating, owning, managing, conducting or maintaining a sexually oriented business.

Person shall mean any individual, partnership, firm, association, limited liability company, corporation, joint venture or any combination thereof.

Public building means any building owned, leased or otherwise held the United States, the State of Connecticut, the Town of Plymouth, any other town, any fire district, any school district, or any other agency or political subdivision of the United States or the State of Connecticut, which building is used for governmental purposes.

Public park or recreation area means public land that has been designated for park or recreational activities, including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, golf course, basketball or tennis courts, pedestrian or bicycle paths, open space, wilderness areas, or similar public land within the town that is under the control, operation, or management of the town, any other town, or the State of Connecticut.

School means any public, private or parochial educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergarten, elementary schools, continuation schools, special education schools, alternative schools, junior colleges, colleges and universities. School includes the school grounds, but does not include any facility used primarily for another purpose and only incidentally as a school.

Semi-nude means a state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Sexual activities as used in this article are not intended to include any medical publications or films or bona fide educational publication or film, nor does it include any art or photography publications that devote at least twenty-five (25) percent of the lineage of each issue to articles and advertisements dealing with subjects of art or photography. Nor does this definition apply to any news periodical that reports or describes current events and which, from time to time, publishes photographs of nude or semi-nude persons in connection with the dissemination of the news. Nor does this definition apply to publications or films that describe and report different cultures and which, from time to time, publish or show photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the population.

Sexual encounter establishment means a business or commercial establishment that, for any form of consideration, offers as one of its primary business purposes a place where two or more persons may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical

areas. A sexual encounter establishment shall not include an establishment where a state licensed medical practitioner, psychologist, psychiatrist, or similar professional person engages in medically approved and recognized sexual therapy.

Sexually oriented business means (1) an adult arcade, adult bookstore, adult video store, adult cabaret, adult mini-motion picture theater, adult motion picture theater, adult novelty shop, adult theater, escort agency, massage parlor, nude model studio or sexual encounter establishment, or (2) any premises to which the public, patrons, or members are invited or admitted and wherein an entertainer provides adult entertainment, or which premises are so physically arranged as to provide booths, cubicles, studios, rooms, compartments or stalls separate from the common area of the premises for the purpose of viewing adult-oriented motion pictures or wherein an entertainer provides adult entertainment, when such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect, or (3) any adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

Specified anatomical area means (1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, or (2) human male genitals in a discernibly turgid state, even if completely opaquely covered.

Specified sexual activities means simulated or actual (1) showing of human genitals in a state of sexual stimulation or arousal, (2) acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus, (3) fondling or erotic touching of another person's genitals, pubic region, buttocks or female breasts, (4) lap dancing, or (5) excretory functions as part of or in connection with any of such activities.

Town council means the town council of the Town of Plymouth or a designated subcommittee thereof.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall include both genders.

(Ord. of 1-16-2001)

Sec. 9-73. Location of sexually oriented businesses.

(a) No sexually oriented business shall be permitted on a site that is less than one thousand (1,000) feet from any other site containing a sexually oriented business.

(b) No sexually oriented business shall be permitted on a site that is less than one thousand (1,000) feet from any site containing a church, school, public building, public park or recreation area.

(c) No sexually oriented business shall be permitted on a site that abuts in whole or in part any residentially zoned land as defined in the Plymouth Zoning Regulations.

(d) No sexually oriented business shall be permitted within the same building, structure or portion thereof that is used for residential purposes or that containing another sexually oriented business.

(e) All distances contained in this section shall be measured by taking the nearest straight line between the respective lot boundaries of each site.

(f) Section 4.32, of the Plymouth Zoning Regulations, as may be amended from time to time, are hereby incorporated by reference as a part of this article, and any violation of such regulations shall be deemed a violation of this article.

(Ord. of 1-16-2001)

Sec. 9-74. Operating requirements for sexually oriented businesses.

The following requirements shall apply to all sexually oriented businesses within the town:

(1) Generally.

a. No licensee, operator or employee of a sexually oriented business shall perform or permit to be

performed, offer to perform, or allow patrons to perform any live performance or conduct featuring any specified sexual activities on the licensed premises.

- b. Every sexually oriented business shall comply with all applicable statutes, codes, ordinances, laws and regulations, including, but not limited to, the fire, building, health, and zoning codes of the town and State of Connecticut.
- c. Every sexually oriented business shall be physically arranged in such a manner that the entire interior portion of any room or other area used for the purpose of viewing adult-oriented motion pictures or other types of adult entertainment shall be clearly visible from the common areas of the premises. Visibility into such areas shall not be blocked or obscured by doors, curtains, partitions, drapes or any other obstruction whatsoever. Such areas shall be readily accessible at all times to employees and shall be continuously open to view in their entirety. It shall be a violation of this article to install enclosed booths, cubicles, rooms or stalls within sexually oriented businesses, for whatever purpose, but especially for the purpose of providing for the secluded viewing of adult-oriented motion pictures or other types of adult entertainment.
- d. Every sexually oriented business, including common areas, entryways, parking areas, restrooms, and any other room or area used for the purpose of viewing adult-oriented motion pictures or other types of adult entertainment, shall be well lighted. The entire premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot-candle as measured at the floor or ground level. It shall be the duty of the operator and his agents to insure that such illumination is maintained at all times that any patron is present on the premises.

- e. No booths, cubicles, rooms or stalls used for the purpose of viewing adult-oriented motion pictures or other types of adult entertainment shall be occupied by more than one person at a time. No holes shall be allowed in the walls or partitions that separate each such room from any adjoining room.
 - f. No sexually oriented business shall be conducted in such a manner that permits the observation of any material depicting specified anatomical areas or specified sexual activities from outside of the building that houses the sexually oriented business.
 - g. No sexually oriented business shall advertise the availability at such business of any activity that would be in violation of this article or any state or federal law. Nor shall any exterior sign, display, decoration, show window or other advertising of such business contain any material depicting, describing or relating to specified anatomical areas or specified sexual activities.
 - h. No alcoholic beverage or other intoxicant shall be displayed, served, ingested or sold on the premises of any sexually oriented business unless permitted by the State of Connecticut. No licensee, operator or employee shall be under the influence of any alcoholic beverage or other intoxicant while working at a sexually oriented business. No patron who is under the influence of any alcoholic beverage or other intoxicant shall be allowed to enter any sexually oriented business.
 - i. No gambling shall be permitted by any person in any sexually oriented business.
- (2) Employees.
- a. The licensee and operator shall be responsible for the conduct of all employees while on the licensed premises. Any act or omission of any employee constituting a violation of the provisions of this article shall be deemed the act or omission of the licensee and operator, when such licensee or opera-

tor knew or should have known of such act or omission, for purposes of determining whether the operating license shall be renewed, suspended or revoked and whether the licensee and operator shall be subject to the penalties imposed by this article.

- b. No licensee or operator shall knowingly employ in any sexually oriented business any person who, within three (3) years of the commencement of such employment, has been convicted in this or any other state of any crimes specified in section 9-79(c)(9) herein, regardless of the pendency of any appeal.

(3) Minors.

- a. No licensee, operator or employee of a sexually oriented business shall allow or permit any minor to (1) enter into or in any way loiter in or on any part of the licensed premises, (2) purchase goods or services at the licensed premises, or (3) work at the licensed premises as an employee.

- b. Every sexually oriented business shall display a sign outside each entrance of such business bearing the words "Sexually Oriented Business. Persons Under Eighteen (18) Not Admitted" in legible letters between two (2) and six (6) inches tall.

(4) Hours of business.

No sexually oriented business shall open to do business before 10:00 a.m. Sunday through Saturday, nor shall it remain open after 1:00 a.m. Tuesday through Friday, nor after 2:00 a.m. on Saturday, Sunday or any legal holiday as designated in C.G.S. 1-4.

(Ord. of 1-16-2001)

Sec. 9-75. Live adult entertainment.

In addition to the requirements contained in section 9-74 herein, the following requirements shall apply to all sexually oriented businesses within the town containing live adult entertainment:

- (1) No person shall perform live adult entertainment for patrons of a sexually oriented business except upon a

stage at least eighteen (18) inches above floor level and separated from any and all such patrons by a minimum distance of four (4) feet or as approved by the liquor division of the State of Connecticut Department of Consumer Protection.

- (2) Separate dressing room facilities for male and female entertainers shall be provided that shall not be occupied or used in any way by any one other than such entertainers.
- (3) No entertainer shall expose any specified anatomical areas to any patron of a sexually oriented business either before or after a performance, including but not limited to when such entertainer is entering or exiting the stage.
- (4) No entertainer, either before, during or after a performance, shall have physical contact with any patron of a sexually oriented business while on the licensed premises.
- (5) No employee of any sexually oriented business shall engage in any live adult entertainment while acting as a waiter, host or bartender for such business.

(Ord. of 1-16-2001)

Sec. 9-76. Massage parlor.

In addition to the requirements contained in section 9-74, the following requirements shall apply to all massage parlors within the town:

- (1) Facility requirements.
 - a. Construction of rooms used for toilets, tubs, steam baths and showers shall be waterproof with approved waterproof materials.
 - b. Toilet facilities shall be provided in convenient locations. When five (5) or more persons of different sexes are on the premises at the same time, separate toilet facilities shall be provided. Toilets shall be designated as to the sex accommodated therein.

- c. Lavatories or wash basins provided with both hot and cold running water shall be installed in either the toilet room or vestibule. Lavatories or wash basins shall be provided with soap in a dispenser and with sanitary towels.

(2) Operating requirements.

- a. Every portion of the massage parlor, including appliances and apparatus, shall be kept clean and operated in a sanitary condition. Adequate lighting shall be provided, and each room or enclosure where a massage is administered shall have an illumination of not less than one foot-candle as measured at the floor level while such room or enclosure is occupied.
- b. All employees of the massage parlor shall be clean and wear clean outer garments, which use is restricted to the massage parlor. Provisions for a separate dressing room for each sex must be available on the licensed premises with individual lockers for each employee. Doors to such dressing rooms shall open inward and shall be self-closing.
- c. All employees and masseurs shall be modestly attired. Diaphanous, flimsy, transparent, form-fitting, or tight clothing is prohibited. Clothing must cover the employee's or masseur's chest at all times. Hemlines of skirts, dresses or other attire may be no higher than three (3) inches above the top of the knee.
- d. All specified anatomical areas of patrons must be covered by towels, cloth or undergarments when in the presence of any employee or masseur. It shall be unlawful for any person in a massage parlor to expose his specified anatomical areas to any other person or for any person to expose the specified anatomical areas of another person.
- e. It shall be unlawful for any person in a massage parlor to engage in any specified sexual activities or

to place his hand upon, to touch with any part of his body, to fondle in any manner, or to massage any specified anatomical areas of any other person.

- f. All massage parlors shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in an approved sanitary manner.
- g. Wet and dry heat rooms, shower compartments and toilet rooms shall be thoroughly cleaned each day business is in operation. Bathtubs shall be thoroughly cleaned after each use.
- h. No massage parlor shall place, publish or distribute or cause to be placed, published or distributed any advertising material that depicts any portion of the human body or contains any written text that would reasonably suggest to prospective patrons that any services are available other than those services described in section 9-72, or that employees or masseurs are dressed in any manner other than described in subsection (2)c herein.
- i. All services enumerated in section 9-72 herein shall be performed in a cubicle, room, booth or area within the massage parlor, which cubicle, room, booth or area shall have transparent doors or walls so that all activity therein shall be visible from outside the same.
- j. No massage parlor shall carry on, engage in, or conduct business on Sunday nor on any other day before 8:00 a.m. or after 9:00 p.m.
- k. A full schedule of service rates shall be posted in a prominent place within the massage parlor in such a manner as to come to the attention of all patrons. No charges other than the specified rates for specified services shall be allowed and all patrons shall be notified of the full cost of services prior to the rendering of any service.

(Ord. of 1-16-2001)

Sec. 9-77. Existing sexually oriented businesses.

(a) Any sexually oriented business lawfully operating on January 16, 2001, but in violation of section 9-73 herein shall be deemed a nonconforming use. No nonconforming use shall be increased, enlarged, extended or altered except to make it a conforming use.

(b) Any sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of any church, school, public building, public park or recreation area within one thousand (1000) feet of such business. However, this paragraph applies only to the renewal of a valid license and does not apply to a license application submitted after a license has expired or has been revoked.

(c) Any existing sexually oriented business on January 16, 2001, shall submit an application for a license pursuant to section 9-78 and shall comply with all regulations herein within sixty (60) days of January 16, 2001. Otherwise, such existing sexually oriented business shall cease operations.
(Ord. of 1-16-2001)

Sec. 9-78. License required.

(a) Except as provided in section 9-77(c), from and after January 16, 2001, 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 a sexually oriented business without first obtaining a license to operate from the town.

(b) A license may be issued for only one (1) sexually oriented business located at a fixed and certain place. Any person who desires to operate more than one sexually oriented business must have a license for each such business.

(c) It shall be a violation of this section for any owner, operator, entertainer or employee to knowingly work in or about, or to knowingly perform any service directly related to, the operation of any unlicensed sexually oriented business.

(d) Each license shall be specific to a licensee and to a location and may not be sold, assigned or transferred to any other person or location in any way, including, but not limited to, (1) the sale, lease or sublease of the business, (2) the transfer of shares, securities or interests that constitute a controlling interest in the business, whether by sale, exchange or similar means, or (3) the establishment of a trust, gift or other similar legal devise that transfers ownership or control of the business, except for a transfer by bequest or other operation of law upon the death of the licensee or a person possessing the ownership or control of the licensee.

(Ord. of 1-16-2001)

Sec. 9-79. Application for license.

(a) The operator of each sexually oriented business shall submit an application to the police chief together with a non-refundable application fee of five hundred (\$500.00) dollars prior to the commencement of business or within sixty (60) days of the effective date of this article for any establishment already open for business. The police chief shall date stamp the application and provide a copy of the application to the mayor. The application shall be made upon a form prepared by the police chief.

(b) The application shall be signed and filed by a person having direct control or management of the proposed sexually oriented business. In instances where the applicant is a partnership, limited liability company or corporation, the application shall be signed and filed by a duly authorized partner, member, manager, officer, director or majority shareholder of such entity, as the case may be. The application shall be sworn to be true and correct by the applicant.

(c) The applicant for a license shall furnish the following information:

- (1) Name and business and residence address of the applicant, owner, operator, manager and any other person having direct control or management of the sexually oriented business, including all fictitious names. If the applicant is a partnership, the names of all general partners. If the applicant is a limited liability company,

the names of all members and managers of such company. If the applicant is a corporation, the names of all officers, directors and shareholders holding a ten (10) percent or greater interest in the total number of shares of such corporation;

- (2) Name and business and residence address of the spouse of each individual named in subsection (c)(1);
- (3) Name and address of all employees and any other persons directly involved in the operation of the sexually oriented business, including fictitious names;
- (4) Written proof that the applicant is at least eighteen (18) years of age;
- (5) A recent photograph of the applicant;
- (6) The applicant's driver's license number and social security number or federal employer identification number;
- (7) If the applicant is:
 - a. A partnership, the application shall be accompanied by the partnership agreement, if any;
 - b. A limited liability partnership, the application shall specify the names of the partnership, the date and state of the filing of its certificate of limited partnership, and the names and address of its statutory agent for service of process, and shall be accompanied by a copy of the partnership agreement, if any, and by evidence that such partnership is in good standing under the laws of the State of Connecticut.
 - c. A limited liability company, the application shall specify the name of the company, the date and state of the filing of its articles of organization, and the name and address of its statutory agent for service of process, and shall be accompanied by a copy of the operating agreement, if any, and by evidence that such company is in good standing under the laws of the State of Connecticut.
 - d. A corporation, the application shall specify the name of the corporation, the date and state of incorpora-

tion, and the name and address of its statutory agent for service of process, and shall be accompanied by a copy of its bylaws, if any, and by evidence that such corporation is in good standing under the laws of the State of Connecticut.

- e. Operating under a fictitious name, the application shall be accompanied by a copy of the applicant's recorded trade name certificate;
- (8) The applicant's sexually oriented business or adult entertainment license or permit history, which shall include, but not limited to, (a) whether such person is currently licensed or has previously operated in this or another municipality or state under such license suspended or revoked, (b) the dates of and reasons for such suspension or revocation, and (c) the business entity or trade name under which the applicant operated that was subject to the suspension or revocation. Such history shall include any entity of which the applicant was a partner, member, officer, director or shareholder;
- (9) Any criminal convictions of the applicant, operator, employees or other persons directly involved in the management or control of the sexually oriented business, to any crime involving moral turpitude, prostitution, obscenity or other sex-related crimes in any jurisdiction within three (3) years of the date of the filing of the application. Such crimes include, but are not limited to, obscenity, child pornography, prostitution, patronizing a prostitute, promoting or permitting prostitution and sexual assault, in Connecticut being C.G.S. §§53a-194, 53a-196, 53a-196a and 53a-196b (obscenity); C.G.S. §§53a-196c and 3a-196d (child pornography); C.G.S. §§53a-82, 53a-83 and 53a-83a (prostitution, patronizing a prostitute, and patronizing a prostitute from a motor vehicle); C.G.S. §§53a-70, 53a-70a, 3a-70b, 53a-71, 53a-72a, 53a-72b and 53a-73a (sexual assault);
- (10) The location of the sexually oriented business to be operated by the applicant, including the street address, legal description of the property, and telephone number, if any;

- (11) The exact nature of the entertainment to be conducted at the sexually oriented business;
 - (12) A sketch or diagram showing the configuration of the premises drawn to a designated scale and with marked dimensions of the interior of the premises, including a statement of total floor space occupied by the business. Such sketch or diagram shall include without limitation all doors, windows, bars, stages, manager's stations, restrooms, dressing rooms, booths, cubicles, rooms, studios, compartments, stalls, overhead lighting fixtures and any areas where patrons are not permitted; and
 - (13) A statement by the applicant that he is familiar with the provisions of this article, is in compliance with them, and consents to the authority of the Town of Plymouth in licensing and regulating the proposed sexually oriented business.
- (d) The police chief shall have the right to request additional information and documentation of the applicant and the proposed business to support or clarify any information previously provided.
- (e) If a license to operate a sexually oriented business is granted, the information furnished in the application, including employee information, shall be updated within thirty (30) days of any material changes. Such update shall be filed at the office of the police chief, with a copy to the mayor.
- (Ord. of 1-16-2001)

Sec. 9-80. Licensing procedure.

(a) The police chief shall be responsible for investigating, granting, denying, renewing, suspending and revoking all sexually oriented business applications and licenses pursuant to this article. Upon receipt of a properly completed application with all required attachments, the police chief shall immediately forward copies of such application to the following town officials for their investigation:

- (1) The chief of police shall investigate the criminal convictions, qualifications and suitability of the applicant to be licensed and shall inspect the premises for compliance with all laws and regulations.

- (2) The fire marshal shall investigate the compliance of the proposed premises with all applicable fire codes and laws.
 - (3) The chief building official shall investigate the compliance of the proposed premises with all applicable building codes and laws.
 - (4) The town sanitarian shall investigate the compliance of the proposed premises with all applicable public health codes and laws.
 - (5) The zoning enforcement officer shall investigate the compliance of the proposed premises with all applicable zoning regulations and laws and also compliance with all distance requirements set forth in section 9-73.
- (b) Within thirty (30) days of the date of the application was filed, all such investigations to be performed pursuant to subsection (a) of this section shall be completed. At the conclusion of each investigation, each town official shall indicate on the photocopy of the application his approval or disapproval of the application, state the reasons for any disapproval, date it, sign it, and return it immediately to the police chief. A town official shall disapprove an application if he finds that the proposed sexually oriented business will be in violation of any provision of any statute, code, ordinance, regulation or other law in effect in the town, including this article.
- (c) Within forty-five (45) days of the date the application was filed, the police chief shall issue a decision approving or denying such application and shall file such decision with the town clerk and mail such decision to the applicant by certified mail, return receipt requested as well as provide a copy to the mayor. If the police chief denies the application, he shall state in writing the reasons for such denial. All copies of the investigations performed pursuant to subsection (b) of this section shall be attached to the police chief's decision.
- (d) The police chief shall issue to the applicant a license to operate a sexually oriented business within forty-five (45) days of the date of the application was filed if all requirements for a sexually oriented business described in this article are met, unless he finds:
- (1) That the applicant is under eighteen (18) years of age;

- (2) That the applicant or any other person who will be directly engaged in the management and operation of the business has been convicted in this or any other state of any of the crimes specified in section 9-79(c)(9), regardless of the pendency of any appeal, within three (3) years of the date the application was filed;
- (3) That within five (5) years of the date of the application was filed, the applicant or his spouse has been denied a license by the town to operate a sexually oriented business, has had a license revoked by the town, or has failed to correct any material violation of this article for more than thirty (30) days, of which the licensee has received written notice;
- (4) That within three (3) years of the date the application was filed, the applicant or his spouse has had a license to operate a sexually oriented business denied or revoked by another municipality or state;
- (5) That the applicant or his spouse is overdue on payment to the town of any taxes, fees, fines or other penalties relating to the sexually oriented business or the licensed premises;
- (6) That the business as proposed by the applicant, if permitted, would not have complied with all applicable statutes, codes, ordinances, laws and regulations, including, but not limited to, the fire, building, health and zoning codes of the town, and this article. If the premises are not in compliance, the applicant shall be advised of the reasons in writing and what, if any, measures the applicant can take to bring the premises into compliance for a license to issue;
- (7) That the premises are not in compliance with all distance requirements set forth in section 9-73;
- (8) That the applicant has failed to complete the license application as specified in section 9-79(c), has failed to provide any supporting or clarifying documentation when requested by the police chief, or has provided materially false or misleading information in the application.

- (9) That the application fee has not been paid;
 - (10) That the granting of the application would violate a statute, ordinance or court order; or
 - (11) That the applicant, if a limited partnership, limited liability company or corporation, is not in good standing under the laws of the State of Connecticut.
- (e) Any failure of the license to issue within forty-five (45) days of the date the application was filed shall constitute a denial subject to appeal.
- (f) When an application is denied solely for the reasons stated in section 9-80(d)(6) and such violation is correctable, the applicant shall be given an additional thirty (30) days from the date of such notification of denial to bring the premises into compliance. Upon verification by inspection that the correction has been made, which shall be determined no later than forty-eight (48) hours after receipt by the police chief of written notice of such correction, a license shall be issued to the applicant so long as no new violations or other disqualifying factors have occurred within such thirty (30) days.
- (g) As a condition of the license, the entire licensed premises shall be open to random physical inspections for compliance with this article by any inspector during all hours when the premises are open for business. Any refusal to allow such an inspection shall constitute a violation of this article.
- (h) The license, if granted, shall state on its face the name and residence address of the person to whom it is granted, the expiration date, the address of the sexually oriented business, and the department or public official and telephone number to report any violation of this article. The license shall also include a notice that the subject premises are subject to random inspections by the town for compliance with this article.
- (i) The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at all times.
- (Ord. of 1-16-2001)

Sec. 9-81. Expiration and renewal of license.

(a) Each license issued to a licensee shall expire one (1) year from the date it is issued, unless it is renewed upon application of the licensee accompanied by a non-refundable payment of a two hundred fifty (\$250.00) dollar renewal fee. Such application fee shall be submitted by the licensee to the police chief at least thirty (30) days before the expiration date of the license, but not more than ninety (90) days before. Provided the application is filed within such time and the renewal fee paid, the police chief shall, prior to the expiration of the previous license, renew the license for the same licensee at the same location for an additional one (1) year, unless (1) random inspection reports in the licensee's file reveal uncorrected violations of this article or uncorrected violations of any fire, building, health or zoning codes or regulations, of which the licensee has received written notice, or (2) any condition under section 9-80(d) herein that could have been grounds for denial of the original application has since become true. If renewed, the police chief shall mail the renewed license to the licensee prior to the expiration date of the previous license and provide a copy to the mayor. If not renewed, the police chief shall mail a notice of non-renewal to the licensee by certified mail, return receipt requested, prior to the expiration date of the previous license, stating the reasons for such non-renewal and provide a copy of such non-renewal to the mayor. No sexually oriented business shall continue operations without a renewed license.

(b) In the event there are uncorrected violations of this article or uncorrected violations of any fire, building, health or zoning codes or regulations, of which the licensee has received written notice, the license renewal shall be delayed for a maximum of thirty (30) days beyond the original expiration date in order for all corrections to be completed and inspections done to determine compliance. If the licensee does not make such corrections of violations within thirty (30) days, no license renewal shall be issued. The police chief shall mail a notice of non-renewal to the licensee by certified, return receipt requested, within five (5) days after the extended thirty (30) day period, stating the reasons for such non-renewal and provide a copy of such notice to the mayor.

(c) Notwithstanding the provisions in section 9-81(b), in no instance shall a renewal be issued to a licensee who, within one (1) year period of the previous license (1) has had two (2) or more material violations of this article, to which the licensee has received written notice, or (2) has had one (1) or more uncorrected material violations of this article pending for over thirty (30) days.

(d) Should a license not be renewed for any violation of this article, no license shall issue for the same licensee for five (5) years from the expiration of the previous license.
(Ord. of 1-16-2001)

Sec. 9-82. Suspension and revocation of license.

(a) The police chief may suspend a sexually oriented business for a period not to exceed (30) days upon his determination that a licensee, operator or employee has materially violated any part of this article. The police chief shall issue such suspension in writing stating the reasons therefore and shall notify the licensee by certified mail, return receipt requested, addressed to the licensee at his business or residence address, or by service by any process server at the usual place of abode of the licensee or at the licensed premises. If a suspension is issued for a correctable violation, the police chief, within forty-eight (48) hours of his receipt of written notice that the correction has been made, shall terminate such suspensions upon verification by inspection. No sexually oriented business shall continue operations while under suspension.

(b) The police chief shall revoke any license where any of the following occur:

- (1) It is discovered that materially false or misleading information or data was given on, or material facts were omitted from, any application for a sexually oriented business license;
- (2) Any taxes, fees, fines or other penalties relating to the licensed premises or required to be paid by this article become more than thirty (30) days delinquent;

- (3) A licensee, operator, employee or other person directly involved in the management or control of the sexually oriented business has been convicted of any crime specified in section 9-79(c)(9) herein;
 - (4) A licensee has had within a one (1) year period two (2) or more material violations of this article, to which the licensee has received written notice;
 - (5) A licensee has one (1) or more uncorrected material violations of this article pending for over thirty (30) days, to which the licensee has received written notice;
 - (6) A licensee has failed to correct within thirty (30) days any violation for which his license was suspended pursuant to subsection (a);
 - (7) The license or any interest therein is transferred in any way;
 - (8) A licensee, operator or employee has knowingly allowed any live performance or conduct featuring any specified sexual activities to occur on the licensed premises;
 - (9) A licensee, operator or employee has knowingly allowed any illegal activity to occur on the licensed premises, including but not limited to, prostitution, gambling, or the possession, use or sale of controlled substances; or
 - (10) A licensee, operator or employee has knowingly operated the sexually oriented business while the business's license was under suspension.
- (c) At least ten (10) days prior to the revocation of any license, the police chief shall issue revocation in writing stating the reasons therefore and shall notify the licensee by certified mail, return receipt requested, addressed to the licensee at his business or residence address, or by service by any process server at the usual place of abode of the licensee or at the licensed premises. The police chief shall also provide a copy of such revocation to the mayor.

(d) Subject to section 9-83(f), no sexually oriented business shall continue operations after its license has been revoked, and no new license shall issue for the same licensee for five (5) years from the date of revocation.

(Ord. of 1-16-2001)

Sec. 9-83. Appeal.

(a) Within five (5) days of receipt of notification of a denial, non-renewal, suspension or revocation of a license, the licensee may contest such decision by submitting a written application to the town clerk requesting a public hearing before the town council.

(b) The public hearing shall be scheduled to take place no later than twenty (20) days from the date of the application for such a hearing. Not less than ten (10) days before the date of such hearing, a notice of hearing shall be sent to the licensee by certified mail, return receipt requested, and posted in a conspicuous place on the proposed or licensed premises.

(c) In such application the licensee may request that the police chief or any other town official who investigated the application or inspected the premises shall be present at the public hearing. At such hearing, the licensee shall have the opportunity to present evidence on his behalf and shall have the right to cross-examine all town officials and witnesses. The town council shall conduct the hearing in the order and form and with such methods of proof as it deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation.

(d) Immediately following such hearing, the town council shall enter its vote to either sustain or overrule the denial, non-renewal, suspension or revocation. Within five (5) days after such hearing, the town council shall issue written notice of its final decision, stating the reasons therefore, and shall forward such decision to the licensee by certified mail, return receipt requested. If the denial, non-renewal, suspension or revocation is overruled, the police chief shall immediately issue such license or renewal of license, or revoke the suspension or revocation, as the case may be.

(e) The decision of the town council may be appealed to the Superior Court within twenty (20) days of such written notice of such decision.

(f) During the pendency of any appeal of a non-renewal, suspension or revocation, the operations of the sexually oriented business may be maintained by the licensee, unless otherwise ordered by the Superior Court.
(Ord. of 1-16-2001)

Sec. 9-84. Violations and penalties.

(a) Any licensee, operator, employee or other person who violates any of the provisions of this article shall be subject to a fine of one hundred dollars (\$100.00) for each such violation, payable to the town clerk, and shall be further subject to arrest on a misdemeanor charge.

(b) Each violation of this article shall be considered a separate offense, and any violation continuing more than one hour of time shall be considered a separate offense for each hour of violation.

(c) In addition to any fines or penalties imposed herein, this article may be enforced by injunctive procedure in the Superior Court. The town may further recover from any violator any and all costs and fees, including reasonable attorneys fees, expended by the town in enforcing the provisions of this article.

(d) This article shall not preclude any additional enforcement action taken by any appropriate town, state or federal official conducted pursuant to any applicable ordinance, regulation or law of the town, state or the United States of America.

(e) All remedies and penalties provided for in this section shall be cumulative and independently available to the town and the town shall be authorized to pursue any and all remedies set forth in this section to the fullest extent allowed by law.
(Ord. of 1-16-2001)

Chapter 10

MOTOR VEHICLES AND TRAFFIC

- Art. I. In General, §§ 10-1-10-20
- Art. II. Stopping, Standing and parking, §§ 10-21-10-65
 - Div. 1. Generally, §§ 10-21-10-40
 - Div. 2. Fire Lanes, §§ 10-41-10-60
 - Div. 3. Abandoned, Inoperative and Unregistered Vehicles in Open Space, §§ 10-61-10-65

ARTICLE I. IN GENERAL

Secs. 10-1-10-20. Reserved.

ARTICLE II. STOPPING, STANDING AND PARKING

DIVISION 1. GENERALLY

Sec. 10-21. Definitions.

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

Highway includes any state or other public highway, road, street, avenue, alley, driveway, parkway or place, under the control of the state or any political subdivision of the state, dedicated, appropriated or open to public travel or other use.

Operator shall mean the person using, operating or having the care, custody or control of a vehicle being used, operated or found upon a highway.

Owner shall mean any person holding title to a vehicle or having legal right to register same.

Park shall mean the standing of a vehicle otherwise than temporarily for the purpose of and actually engaged in loading or unloading merchandise or passengers on a public highway, whether occupied or not.

Snow emergency shall mean a period of time prior to, during or after, as forecasted by the United States Weather Bureau, a fall of snow, sleet or freezing rain, during which period vehicular and/or pedestrian traffic is expected to be hazardous or congested due to the elements, and during the period the parking of vehicles could hinder, delay or obstruct the safe flow of such traffic and/or the proper cleaning, clearing and making safe of the public highways of the town.

Vehicle as used herein shall include any device suitable for the conveyance, driving or other transportation of persons or property, whether operated on wheels, runners, a cushion of air or by any other means. The term does not include devices used exclusively on rails or tracks.

(Ord. No. PLY-147, § 1, 9-24-87)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 10-22. Enforcement.

It shall be the duty of the police department, under the direction of the chief of police, to enforce the provisions of this article.

(Ord. No. PLY-147, § 2, 9-24-87)

Cross reference—Administration generally, Ch. 2.

Sec. 10-23. Presumption of guilt.

In any prosecution or proceeding for unlawful parking, the registered owner of the vehicle so parked shall be presumed to be the operator thereof and prima facie guilty of having parked unlawfully.

(Ord. No. PLY-147, § 3, 9-24-87)

Sec. 10-24. Prohibited, restricted parking.

It shall be unlawful for any person to park a vehicle within a highway in the town:

(a) Fine group "A"

- (1) *Unreasonable parking*: So as to impair the free and safe flow of any traffic or to park on any highway at any curve or turn or at the top of any grade where a clear view may not be had from a distance of at least one hundred fifty (150) feet in either direction from such parked vehicle.

- (2) *Restricted parking:* Alongside any curbing which has been painted yellow, signifying "restricted area—no parking", or alongside any portion of the public highway upon which state or local traffic authority has caused to be erected a "no parking" sign or other sign which restricts parking to emergency vehicles and no unauthorized person shall park any vehicle on town-owned property upon which parking is restricted and upon which signs indicating such restrictions are erected.
 - (3) *On sidewalk:* So that any portion of the wheels of such vehicle remain stationary upon a sidewalk.
 - (4) *More than twelve inches from curb:* Unless it is parked so that its right-hand wheels are no more than twelve (12) inches from the curb or right-hand edge of the paved portion of the highway.
 - (5) *Overparking:* For a longer period of time than permitted and noticed by a sign signifying the maximum length of time permitted.
 - (6) *All night parking:* Between the hours of 12:00 a.m. midnight and 6:00 a.m. of any day during the period extending from November fifteenth to April first of each year, or where overnight parking is otherwise prohibited.
 - (7) *Wrong side of street:* Except upon the right-hand side of the highway in the direction in which said vehicle is headed.
- (b) Fine group "B"
- (1) *Double parking:* In such a manner as to constitute a traffic hazard or obstruct the free movement of traffic upon the highways.
 - (2) *Fire hydrants:* Or remain stationary for any purpose within ten (10) feet of any fire hydrant.
 - (3) *Blocking driveway:* In such a manner as to block safe access to a driveway.
 - (4) *Blocking crosswalk:* So as to block or invade a marked crosswalk, unless marked otherwise.

- (5) *Within 25 feet of intersection:* Within twenty-five (25) feet of any intersection.
 - (6) *Within 25 feet of stop sign:* Within twenty-five (25) feet of a stop sign erected by a state or local traffic authority.
- (c) Fine group "C"
- (1) *Snow emergency:*

- a. *Declaration:* A snow emergency shall be declared by the mayor, and in his/her absence by the acting mayor, either before, during or after a fall of snow, sleet or freezing rain, when in his/her judgment and discretion the circumstances warrant the determination of such an emergency in the interest of safety and facilitating snow removal upon the public highways of the town. The mayor shall cause public announcement of such determination of snow emergency at least two (2) hours prior to the time of becoming effective, after which time a snow emergency shall be in effect. Such snow emergency shall continue in effect until the mayor shall determine that such emergency no longer exists and shall make public announcement of the same.
- b. *Parking restricted:* It shall be unlawful at any time during the period of any snow emergency under the provisions of this section for the owner of a vehicle or person in whose name it is registered to allow, permit or suffer such vehicle to stand or park in any street, way, highway or parkway within the limits of the town in such a manner as to constitute a hazard of obstruction to vehicular and/or pedestrian traffic or to hamper and interfere with the work of removing or plowing snow or removal of ice; provided, however, that a vehicle may be parked for no longer than five (5) minutes for loading and unloading passengers and no longer than thirty (30) minutes for loading and unloading of merchandise. It is provided further, that any street, way, highway or parkway to which this article shall apply have been properly declared, post-

ed, announced or otherwise promulgated in accordance with regulations which may be adopted by the traffic authority of the town.

- (2) *Parking in fire lanes:* No person shall park, or permit to stand, a vehicle in a fire lane which has been established in accordance with town ordinances, except when actually picking up or discharging passengers or merchandise.
- (3) *Handicapped parking:* No person shall park in a parking place visibly marked with signage meeting the state's requirements, which is designated as reserved for exclusive use by handicapped persons, without proper displayed authorization from the commissioner of motor vehicles or the issuing body of the state in which the subject vehicle is registered.

(Ord. No. PLY-147, § 4, 9-24-87; Ord. No. PLY-90-4, 11-13-90)

Sec. 10-25. Notice of violation; procedure.

(a) Whenever any vehicle is found parked in violation of any of the provisions of this article or any ordinance or rule or regulation relating to traffic or parking, a police officer shall attach to such vehicle a notice to the owner or operator thereof on a form provided by the town stating that such vehicle has been parked unlawfully.

(b) Each such owner or operator may, within seven (7) days of the time when such notice is attached to such vehicle, pay in person or remit by mail in the form of a check or money order to the tax collector, as a penalty for and in full satisfaction of such violation, the sum in accordance with section 10-26.

(c) The failure of such owner or operator to make such payment to the tax collector within seven (7) days of the time when such notice is attached to such vehicle shall render him liable to a penalty equal to twice the amount of the penalty provided in section 10-26. Upon the failure of such owner or operator to make such payment within fourteen (14) days thereafter, the tax collector shall mail a notice to the owner or operator setting forth the date and place of issue and ticket number and that failure to pay the amount due within seven (7) days from the mailing of the

notice shall render such owner or operator liable to a penalty equal to three (3) times the amount of the penalty provided in section 10-26.

(Ord. No. PLY-147, § 5, 9-24-87)

Sec. 10-26. Penalties.

The penalty to be imposed for parking violations listed in this article under:

- (1) Fine group "A" is five dollars (\$5.00);
- (2) Fine group "B" is ten dollars (\$10.00); and
- (3) Fine group "C" is fifteen dollars (\$15.00).

(Ord. No. PLY-147, § 6, 9-24-87)

Sec. 10-27. Removal of vehicle.

In addition to the payment of fines as provided in section 10-25 and section 10-26 for vehicles illegally parked, any vehicle parked in violation of these regulations shall be subject to removal from any highway within the town by order of the police department, and the offender shall pay for the towing, moving, parking and storage of such vehicle.

(Ord. No. PLY-147, § 7, 9-24-87)

Sec. 10-28. Protest of fees.

(a) Any person who is the owner of any vehicle removed under the provisions of section 10-27 shall have the right to contest the validity of such removal by application, on a form prescribed by the commissioner of motor vehicles, by using the procedures set forth in Connecticut General Statutes section 14-150(d). The application shall be heard by a hearings officer who shall be appointed by the mayor for that purpose.

(b) Any person who has been issued a parking violation ticket may appeal such ticket to the police commission on a form available at the police department. Such protest may be heard at a

regular meeting of the police commission held at least two (2) weeks after the date of the filing of the protest.
(Ord. No. PLY-147, § 8, 9-24-87)

Secs. 10-29—10-40. Reserved.

DIVISION 2. FIRE LANES

Sec. 10-41. Definition.

For the purposes of this division, a "fire lane" is a designated, unobstructed passageway sufficient in size to permit free passage of fire and other emergency equipment from a public highway to all necessary areas or portions of any private or public property.
(Ord. No. PLY-138, § 1, 8-24-83)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 10-42. Establishment, publication of order.

Whenever the fire marshal shall determine that the reasonable safety of persons occupying, or using, any premises, public or private requires the establishment of a fire lane for orderly access of fire and other emergency equipment, he shall establish such fire lane by written order and cause to be made public, announcement of such fire lane by written order in a newspaper having substantial circulation in the town. He shall cause a copy of such order to be delivered, in person or by registered mail to the owner or owners, or agents thereof, of any private land on which such fire lane is established.

(Ord. No. PLY-138, § 2, 8-24-83; Ord. No. PLY-93-1, § 1, 2-3-93)

Sec. 10-43. Distribution of copies of order; appeal.

Whenever a fire marshal establishes a fire lane, he shall file one (1) copy with the mayor, one (1) copy with the town council, one (1) copy with the town clerk, one (1) copy with the board of police commissioners and one (1) copy with the board of fire commissioners. Any person aggrieved by such order may file, with the board of fire commissioners within fifteen (15) days after the date of such order, written notice of appeal, setting forth

therein reasons for aggrievement. The board of fire commissioners shall hold a hearing on such appeal within sixty (60) days after it has been filed to affirm, modify or rescind such order. (Ord. No. PLY-138, § 3, 8-24-83)

Sec. 10-44. Posting of notice.

Upon establishment of a fire lane, the board of police commissioners shall cause to be erected or installed, adequate signs, markings, and other devices erected or installed on privately owned premises, which shall be at the cost of the owner, and may be billed for, and collected, in the same manner as municipal taxes.

(Ord. No. PLY-138, § 4, 8-24-83)

Sec. 10-45. Parking restricted.

No person shall park, or permit to stand, a motor vehicle in a fire lane which has been established in accordance with this division, except when actually picking up or discharging passengers or merchandise. Any person violating this section shall be fined ten dollars (\$10.00). The registered owner of a motor vehicle shall be presumed to be the operator of such vehicle.

(Ord. No. PLY-138, § 5, 8-24-83)

Sec. 10-46. Removal of vehicle.

Any motor vehicle standing in a fire lane which has been established in accordance with this division, may be towed, upon the direction of a police officer, to any public or private parking facility, and all expense of such towing, and subsequent storage, shall be paid by the registered owner of such vehicle.

(Ord. No. PLY-138, § 6, 8-24-83)

Sec. 10-47. Notice of violation.

Whenever a vehicle is found in violation of the provisions of this division, a police officer shall issue a ticket in the same manner as parking violations.

(Ord. No. PLY-138, § 7, 8-24-83)

Sec. 10-48. Maintenance.

Upon the establishment of a fire lane and the erection or installation of marking devices, fire lanes shall be maintained by the respective owners or lessees thereof who shall be responsible for the replacement of missing fire lane parking signs and the remarking of pavement. Any person failing to maintain a fire lane within thirty (30) days of the receipt of written notice from the fire marshal shall be fined twenty-five dollars (\$25.00), payable to the tax collector and, if the condition is not rectified within an additional thirty (30) days thereafter, shall be fined one hundred dollars (\$100.00) payable to the tax collector. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. Each subsequent thirty-day period that the violation continues shall constitute a separate violation punishable by a fine of one hundred dollars (\$100.00). (Ord. No. PLY-138, § 8, 8-24-83; Ord. No. PLY-93-1, § 2, 2-3-93)

Secs. 10-49–10-60. Reserved.**DIVISION 3. ABANDONED, INOPERATIVE AND UNREGISTERED VEHICLES IN OPEN SPACE*****Sec. 10-61. Definitions.**

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

Abandoned vehicle shall mean any vehicle that is unregistered, has invalid marker plates, is inoperative, or is so damaged, vandalized, dismantled or in disrepair as to be unusable as a vehicle.

Inoperative shall mean incapable of performing the function for which it was designed by virtue of missing parts or broken or severely damaged essential components.

*Editor's note—Ord. No. PLY-90-7, adopted Nov. 13, 1990, amended Ch. 10 by repealing §§ 10-61–10-65, which were the substantive provisions of Art. II, Div. 3, pertaining to unregistered or inoperative vehicles, and derived from Ord. No. PLY-111, §§ 1–5, adopted May 26, 1969; and Ord. No. PLY-112, adopted Jan. 18, 1971. In addition, Ord. No. PLY-90-7 enacted new provisions included herein as Ch. 10, Art. II, Div. 3.

Cross reference—Unightly materials and equipment, § 7-49 et seq.

State law reference—Authority to remove, G.S. § 14-150a.

Person, in addition to its ordinary meaning, shall include associations, firms, partnerships and corporations.

Vehicle shall mean any device capable of being propelled or drawn by any power, other than human power, for the conveyance, drawing or other transportation of persons or property, whether operated on wheels, runners, a cushion of air, or by any other means, and shall include, but not be limited to, trucks, tractors, motor vehicles, motorcycles and trailers.
(Ord. No. PLY-90-7, 11-13-90)

Sec. 10-62. Prohibition.

(a) No person shall leave any abandoned vehicle on any property within the Town of Plymouth.

(b) No person in charge or control of any real property within the town, whether as owner, tenant, occupant, lessee or otherwise, shall allow any abandoned vehicle to remain on such property unless within an enclosed structure.
(Ord. No. PLY-90-7, 11-13-90)

Cross reference—Citation enforcement procedure for violations re unregistered or inoperable vehicles, § 11-2.

Sec. 10-63. Exceptions.

This division shall not apply to:

- (1) Licensed garages, service stations, new or used motor vehicle business or used auto parts businesses.
- (2) House trailers or mobile homes which are operative, capable of being registered and fit for occupancy.
- (3) Operative unregistered motor vehicles owned by persons serving in the Armed Forces of the United States outside the state. Such person shall be required to submit evidence satisfactory to the zoning officer to qualify for the exception.
- (4) Operative commercial vehicles that may be seasonably registered due to the nature of the business involved; operative commercial or farm vehicles that are not customarily registered because of the type of work for which they are used; or operative commercial or industrial vehicles that

are screened from public view by natural or artificial screening.

- (5) Any motor vehicle which is in operative condition specifically adapted or designed for off-street racing; provided, that:

- a. Only two (2) such vehicles shall be permitted on that property at one time.
 - b. Motor vehicle parts used in the restoration must be used in the vehicle or in a structure.
 - c. Such motor vehicle shall be covered with a tarpaulin, whenever work is not being done on them.
- (6) Any inoperative motor vehicle being restored to operating condition; provided, that:
- a. Only two (2) such vehicles shall be permitted on the property at one time.
 - b. Motor vehicle parts used in the restoration must be stored in the vehicle or in a structure.
 - c. Such motor vehicles shall be covered with a tarpaulin, whenever work is not being done on them.
- (Ord. No. PLY-90-7, 11-13-90)

Sec. 10-64. Enforcement.

(a) *Notification.* Any police officer or zoning enforcement officer, when he has determined that a violation of section 10-62 has been committed, shall provide notification consisting of a written notice served or given by registered or certified mail to the owner, if known, of the vehicle; and a written notice served or given by registered or certified mail to the owner or other person in charge or control of the real property on which such vehicle is located; or in lieu thereof a written notice affixed to such vehicle.

(b) *Removal required.* Such notice shall state that the vehicle shall be removed by the owner or person in charge or control of such vehicle or the owner of the real property upon which such vehicle is located, as the case may be, within fourteen (14) days from the date of mailing or affixing.

(c) *Failure to remove.* Failure by the owner of such vehicle or by the owner or person in charge or control of the real property on which such vehicle is parked or stored to remove such vehicle within thirty (30) days after such notice as provided hereinbefore shall constitute a violation of section 10-62 and shall be deemed a public nuisance and shall subject the violator to such penalties hereinafter provided.

(d) *Authority of city officers to remove.* In the event that such vehicle is not removed within said time period, then the chief of police or the zoning enforcement officer may cause the vehicle to be removed.

(e) *Liability for removal.* In the event that such vehicle is caused to be removed by the chief of police or the zoning enforcement officer, the owner of such vehicle, the owner of the real property and the person in charge or control of the real property on which the vehicle is located shall be jointly and severally liable for all costs of such removal, storage or sale of the same, and a lien for such costs shall exist on such vehicle for expenses involved in its removal, storage and sale in the manner provided in section 14-150 of the Connecticut General Statutes, as amended.

(f) *Liability for costs.* In the event the chief of police or zoning enforcement officer on behalf of the town prevails in any legal proceedings to collect such costs, the violator shall be liable for all legal costs incurred by the town in compelling such removal, including its reasonable attorney's fees.
(Ord. No. PLY-90-7, 11-13-90)

Sec. 10-65. Penalty for violation.

Any person who shall violate the provisions of this division shall be punished as provided in section 1-10 of this Code. Each day of violation shall be considered a separate and distinct violation.
(Ord. No. PLY-90-7, 11-13-90)

Chapter 11

OFFENSES AND MISCELLANEOUS PROVISIONS*

Sec. 11-1. Truancy.

(a) *Definitions:* A "truant," as used in this section, is a person required to attend school, who willfully and unjustifiably refuses to do so.

(b) *Prohibition:* It shall be prohibited for any child between the ages of seven (7) and sixteen (16) years, lawfully required to attend school, to be outside the control of either the school or his or her parents or guardian during the usual school hours of the school term.

(c) *Authority of police:* Any police officer, upon seeing a child of school age outside the custody of parent or school during the school day, shall stop such child and discover whether or not such child is a truant.

(d) *Action by officer:* If the officer satisfies himself that such child is a truant, the officer shall deliver the child to his proper school and shall report such truancy to his superiors and to the parents or guardian of the child.

(e) *Alternative measures:* Any action authorized herein shall not be construed to in any way limit the authority of the school or police department to take any further action it deems necessary or appropriate.

(Ord. No. PLY-143, §§ 1-5, 2-28-84)

State law reference—Authority for truancy ordinance, G.S. § 10-200.

Sec. 11-2. Citation and hearing procedures for enforcement of certain sections of the Code.

(a) *Designation of Code sections for citation enforcement:*

(1) The following sections of the Code may be enforced by the issuance of citations:

a. Section 7-50 relating to unsightly materials or equipment.

*Cross references—General penalty for Code violations, § 1-10; alcoholic beverages, Ch. 3; motor vehicles and traffic, Ch. 10.

- b. Section 10-62 and 10-65 relating to unregistered or inoperable vehicles.

(b) *Designation of enforcement officers:* The following municipal officer or employees shall have authority to issue citations to enforce the sections of the Code enumerated in subsection (a):

- (1) The building inspector;
- (2) The municipal officers or employees designated as zoning enforcement officers by the planning and zoning commission.

(c) *Warning notice:*

- (1) No citation may be issued until fifteen (15) days after the designated municipal officer or employee first issues a written warning providing notice of the specific violation and of the officers, or employee's, intent to issue a citation.
- (2) Each citation issued shall contain a notice informing the person cited:
 - a. Of the allegations against him and the amount of penalty due;
 - b. That he may contest his liability before a citation hearing officer by delivering in person or by mail a written notice within ten (10) days of the date the citation was issued;
 - c. That if he does not demand such a hearing, an assessment and judgment entered against him;
 - d. That such a judgment may issue without further notice; and
 - e. That if he requests a hearing, he must appear at the hearing and must request the presence of the issuing officer by written notice in advance of the hearing if such officer's presence is desired.

(d) *Request for hearing:* The person cited may request a hearing by delivering or mailing a written demand for hearing to the office of the mayor within ten (10) days of the date of the first notice provided under subsection (c)(2) of this section. The mayor shall then refer the demand to a hearing officer for hearing.

(e) *Hearing officer:* The mayor shall appoint one (1) or more citation hearing officers to conduct citation hearings. No police officer, no zoning enforcement officer, building inspector or employee of the planning and zoning commission, and no officer or employee authorized to issue citations may be appointed a hearing officer.

(f) *Hearing times and places:* The hearing officer shall give written notice of the date, time and place for the hearing to any person requesting a hearing. The hearing shall be held at the town hall. The hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of the mailing of the notice of the hearing. The hearing shall be conducted in accordance with Public Act 88-221, Section 2(e).

(g) *Payment of penalties:* All penalties admitted or assessed shall be paid to the tax collector. The amount of any penalty assessed shall not exceed one hundred dollars (\$100.00).

(Ord. No. PLY-92-5, §§ 1-7, 12-1-92)

Editor's note—Ord. No. PLY-92-5, §§ 1-7, adopted Dec. 1, 1992, did not specify manner of codification; hence, inclusion as § 11-2 was at the discretion of the editor.

Chapter 12

PARKS AND RECREATION*

- Art. I. In General, §§ 12-1—12-20
Art. II. Park, Recreation Areas And School Property Use Regulations,
§§ 12-21—12-32

ARTICLE I. IN GENERAL

Secs. 12-1—12-20. Reserved.

ARTICLE II. PARK, RECREATION AREAS
AND SCHOOL PROPERTY USE
REGULATIONS

Sec. 12-21. Definitions.

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

Park or recreation area is any town-owned area used for recreation purposes except school properties of the board of education.

Parks and recreation commission is the town's governing body for parks and recreation areas and its authorized agent shall be the director of recreation and services.

School property is any building or land under the jurisdiction of the Plymouth Board of Education. (Permission to use which has been granted to the parks and recreation commission by the board of education in its stated policy for public use of school facilities as of May 17, 1982).
(Ord. No. PLY-136, § 1, 6-14-82)

Cross reference—Definitions and rules of construction generally, § 1-2.

*Cross reference—Conservation commission, § 2-71 et seq.

Sec. 12-22. Powers of parks and recreation commission.

The parks and recreation commission may from time to time establish further rules for the use of the parks, recreation areas and school properties when used by recreation and services (with the continued consent of the Plymouth Board of Education), which rules shall be consistent with the ordinances of the town, the statutes of the state, and the stated policy of the Plymouth Board of Education, and which rules shall have the force of the law.
(Ord. No. PLY-136, § 9, 6-14-82)

Sec. 12-23. Liability of town.

The town shall not be liable for the loss of property or the damage to property of persons using parks, recreation areas or school properties.
(Ord. No. PLY-136, § 8.1, 6-14-82)

Sec. 12-24. Removal of violators.

Failure to abide by the rules and regulations of this article or rules established under section 12-22, shall subject the violator to immediate removal from parks, recreation areas or school properties.
(Ord. No. PLY-136, § 8.2, 6-14-82)

Sec. 12-25. Penalty for violations.

Any person who shall violate any provision of this article, or who shall aid, assist, or encourage the violation thereof, shall be fined not more than two hundred dollars (\$200.00) for each offense. The violation of any section of this article shall be considered a separate offense.
(Ord. No. PLY-136, § 8.3, 6-14-82)

Sec. 12-26. Liability for damages by minors.

In accordance with the provision of section 52-572 of the General Statutes, the parents or guardians of any minor child which willfully or maliciously causes damage to any property within a park, recreation area or school property, shall be liable for such damage.
(Ord. No. PLY-136, § 8.4, 6-14-82)

Sec. 12-27. Hours of operation.

(a) The hours of operation for all parks, recreation areas or school properties when used by recreation and services will be determined by the governing body having jurisdiction over such property or its authorized agent. In no event will anyone be allowed in parks, recreation areas, or school properties when used by recreation and services later than 12:00 midnight.

(b) Any section of a park or recreation area or school property when used by recreation and services may be declared closed to the public, either entirely or for particular uses, by the governing body having jurisdiction over such property or its authorized agent at any time and for any interval of time.

(c) Any person violating any section of this regulation may be ejected from any park, recreation area, or school property when used by recreation and services within the town.

(d) Any person found within the parks, recreation areas, or school properties, when used by recreation and services when closed shall be subject to arrest as provided by section 12-25.
(Ord. No. PLY-136, § 2, 6-14-82)

Sec. 12-28. Prohibited actions.

The following acts shall be prohibited in all parks, recreation areas and school properties when being used by recreation and services.

- (1) To walk upon any grass border of any flower garden walk, or driveway, to walk among or through shrubs, flowers, or other plantings, or to cross any lawn in any park, recreation area or school property whenever a notice shall be posted forbidding such crossing.
- (2) To pick flowers or foliage or to cut, break, dig up, or in any way mutilate or injure any tree, shrub, plant or grass.
- (3) To mutilate, deface, paint, or mark any structure, or move any buildings, tables, benches, fireplaces, or other public utilities, signs, or other structures or equipment, facilities or park/recreation property.

- (4) To post on any tree, stone, fence, post, wall, building, monument, or other object therein, any bill, advertisement or inscription of any character.
- (5) To sell any article of any kind, or solicit any subscription or contribution unless exception to this regulation is granted in writing by the governing body having jurisdiction over said property or facility.
- (6) To light, kindle or use any fire, except in facilities provided therefor by the town.
- (7) To injure or disturb any animal, or any bird, bird's nest, or eggs within a park. Hunting or trapping within any park, recreation area or school property is prohibited.
- (8) To discharge any fireworks, or firearms within any park, recreation area or school property unless exception to this regulation is granted in writing by the governing body having jurisdiction over the property or facility.
- (9) To discard or leave waste paper, bottles, cans or any other trash of any kind, except in receptacles provided.
- (10) To play or practice any game or sport at any time, on any park, recreation area or school property, except in such places as may be considered suitable by the governing body or its authorized agent having jurisdiction over the property.
- (11) To void any urine, or other excrement, within the limits of any park, recreation area, or school property, excepting in such places or apartment as is, or shall be, specially provided for such purposes, and in the latter case, to use or enter any apartment established for persons of the opposite sex exclusively.
- (12) To bring alcoholic beverages or drugs or to drink alcoholic beverages or use drugs at any time on park, recreation or school property except by written permission of the governing body or its authorized agent having jurisdiction over the property.
- (13) To play any game of chance, or to have possession of any instrument of gambling.

- (14) To harangue another person or make a loud outcry; to utter threatening or abusive language, or to commit any obscene or indecent act.
 - (15) To follow, or otherwise harass any other visitor.
 - (16) To erect or install any temporary structure within any park, recreation area, or school property when being used by recreation and services for purpose of this regulation. Temporary structures shall mean huts, lean-tos, trailers, tents, campers or any other type of nonpermanent structure.
 - (17) To picnic or lunch in an area other than those designated for that purpose.
- (Ord. No. PLY-136, § 3, 6-14-82)

Sec. 12-29. Motor vehicles, bicycles and riding horses.

- (a) All motor vehicles of any kind, including automobiles, trucks, motorcycles, and scooters of all types may be driven or parked only in areas designated and posted for such purpose except recreation, public works, police, fire and ambulance apparatus in service of the town.
- (b) Go-carts, minibikes, trail bikes and snowmobiles are prohibited from all parks, recreation areas or school properties.
- (c) The riding of bicycles will be permitted only in areas so designated. At no time is bicycle riding permitted on baseball fields, tennis courts, beaches, picnic areas or walking trails.
- (d) No riding of horses on any park, recreation area or school property shall be permitted except in areas so designated and posted by the governing body or authorized agent having jurisdiction over the property.
- (e) No motor vehicle may be operated within any park, recreation area or school property at speeds in excess of fifteen (15) miles per hour.
- (f) No commercial or industrial vehicle above the capacity of one-half ton may be operated or parked in any park, recreation area or school property when being used by recreation and ser-

vices except in service to the town, unless exception to this regulation is granted in writing by the governing body or its authorized agent having jurisdiction over the property.

(g) Parking violators will have vehicles towed at owner's expense. (Ord. No. PLY-136, § 4, 6-14-82)

Sec. 12-30. Swimming.

(a) Swimming shall be permitted only in those areas designated for that purpose and only at such times as lifeguards are on duty.

(b) At no time are dogs or domestic animals, leashed or unleashed, permitted in beach, swimming, park or school property when used by recreation and services unless permission is granted in writing by governing body of the property or its authorized agent.

(c) To bathe naked in any park or recreation area designated for swimming, to be naked, or to dress or undress at any time is prohibited except in such places as may be designated for that purpose, and except this rule shall not be interpreted to forbid the removal of clothing which is being worn over suitable bathing apparel.

(d) To wade, wash, swim, or bathe in any pool, fountain, spring or body of water in any park or recreation area is prohibited except such, as may be designated for that purpose by the governing body or its authorized agent, and then in only such apparel as may be approved by the governing body or its authorized agent.

(Ord. No. PLY-136, § 5, 6-14-82)

Sec. 12-31. Boating.

Boats shall be permitted on Lake Winfield at the risk of the users, under the following conditions:

- (1) Rowboats and sailboats may not exceed fourteen (14) feet in length, and canoes may not exceed sixteen (16) feet in length.
- (2) Sailboats must be of a Coast Guard approved type and have flotation capacity of at least three hundred (300) pounds.

- (3) The use of any motor of any kind is prohibited.
 - (4) Boats may be launched only from areas designated for such purposes.
 - (5) A maximum of three (3) persons shall be permitted in a boat at any time.
 - (6) Each person must wear a life-preserving device, of a type approved by the Coast Guard at all times when in a boat.
 - (7) Children below the age of sixteen (16) shall not be permitted into boats unless accompanied by an adult.
 - (8) Boats shall be prohibited from going within seventy-five (75) feet of any swimming area.
 - (9) Racing or other hazardous conduct in a boat, or by user of any boat is prohibited.
- (Ord. No. PLY-136, § 6, 6-14-82)

Sec. 12-32. Fishing.

Fishing shall be permitted in Lake Winfield from designated posted areas or from a boat in compliance with the provisions of sections 12-22, 12-27 and 12-31 and the statutes of the state and the regulations of the state board of fisheries and game pertaining to fishing.

(Ord. No. PLY-136, § 7, 6-14-82)

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Chapter 13

PLANNING*

Art. I.	In General, §§ 13-1—13-20
Art. II.	Regional Planning, §§ 13-21—13-43
Art. III.	Planning and Zoning Commission, §§ 13-44—13-60
Art. IV.	Zoning Board of Appeals, §§ 13-61—13-80
Art. V.	Economic Development Commission, §§ 13-81—13-90
Art. VI.	Zoning Violations, §§ 13-91—13-94

ARTICLE I. IN GENERAL

Secs. 13-1—13-20. Reserved.

ARTICLE II. REGIONAL PLANNING

Sec. 13-21. Participation authorized.

Pursuant to the provisions of sections 8-31a through 8-37a of the General Statutes, as amended, the town hereby adopts the provision of such statute and elects to participate in the regional planning agency now or henceforth existing under the authority of such chapter in the New Britain—Bristol Planning Region as defined by the secretary of the office of policy and management pursuant to the provisions of such statute.

(Ord. No. PLY-109, § 1, 3-10-66)

Sec. 13-22. Agency representatives.

(a) The town shall have two (2) representatives on the regional planning agency.

(b) The town council shall appoint one elector of the town to the agency, who shall serve two (2) years.

(c) The planning commission of the town shall appoint one elector to the agency for a term of two (2) years.

*Cross references—Buildings and building regulations, Ch. 5; flood damage prevention and protection, Ch. 6; garbage, trash and refuse, Ch. 7; housing, Ch. 8; planning, Ch. 13; streets, sidewalks and other public places, Ch. 14.

(d) Appointees shall serve for the term of their office and until their successors shall have been appointed. Appointees may be reappointed. Terms of office shall commence when the appointment is made or from the first organizational meeting of the agency, whichever is later.

(e) Vacancies created by resignation or inability to serve shall be filled by the respective appointing authority of such member for the remainder of the unexpired term. Any representative who is absent from three (3) consecutive meetings of the regional planning agency and any intervening duly called special meetings thereof shall be considered to have resigned from such body except that the requirements of this section may be waived by the respective appointing authority for good reason.

(Ord. No. PLY-109, §§ 2, 3, 3-10-66)

Secs. 13-23—13-43. Reserved.

ARTICLE III. PLANNING AND ZONING COMMISSION*

Sec. 13-44. Designation.

Pursuant to the authority granted by section 8-4a of the General Statutes, as amended, the zoning commission of the town is hereby designated as the planning and zoning commission of the town, having all the powers and duties of both a planning and zoning commission as specified in the General Statutes, as amended.

(Ord. No. PLY-104, 12-5-57)

Sec. 13-45. Authority to act as aquifer protection agency.

The planning and zoning commission shall be authorized pursuant to section 22a-354o of the General Statutes, to act as the aquifer protection agency and shall have all of the powers and responsibilities as may be conferred on an aquifer protection agency by the Connecticut General Statutes. The membership,

*Cross reference—Administration, Ch. 2.

terms, method of selection or removal, and manner for filling vacancies for such agency shall be the same as provided by charter for the planning and zoning commission.

(Ord. No. PLY-92-8, 12-1-92)

Editor's note—Ord. No. PLY-92-8, adopted Dec. 1, 1992, did not specify manner of codification; hence inclusion as § 13-45 was at the discretion of the editor.

Secs. 13-46—13-60. Reserved.

ARTICLE IV. ZONING BOARD OF APPEALS*

Sec. 13-61. Created.

Pursuant to the authority granted by chapter 124 of the General Statutes, as amended, there is hereby created a zoning board of appeals with all the powers and duties specified in chapter 124, as amended, for the town.

(Ord. No. PLY-103, § 1, 2-18-57)

Sec. 13-62. Composition, terms.

(a) The zoning board of appeals shall consist of five (5) members, and three (3) alternates who shall be appointed by the town council, their terms to commence the day following the meeting at which they are appointed. Annually the town council shall appoint one member for a term of five (5) years.

(b) No more than five (5) members of such board shall be members of the same political party.

(Ord. No. PLY-103, §§ 2, 3, 2-18-57)

Secs. 13-63—13-80. Reserved.

ARTICLE V. ECONOMIC DEVELOPMENT COMMISSION

Sec. 13-81. Designation.

Pursuant to the authority granted by chapter VI, section 5f of the Town Charter, the industrial and development commission,

*Cross reference—Administration generally, Ch. 2.

also known as the economic development commission, shall exercise those powers and duties vested in it as of the effective date of the charter and as may be conferred on it herein and by the General Statutes for the promotion and development of the economic resources of the town.

(Ord. No. PLY-99-1, 2-16-99)

Sec. 13-82. Organization.

Action by the economic development commission shall be taken only on the majority vote of all of its members. In addition to the five (5) regular members of the commission, the mayor may select two (2) alternate members to be seated on the commission during all of its meetings but who may be entitled to vote only in the absence of regular members. The commission may adopt bylaws or such other rules of procedure as deemed necessary. Staff to the commission shall be appointed by the mayor as provided by the charter. The commission shall similarly seek through the mayor legal counsel and/or such other consultant's services as may be necessary for the conduct of their business which may be provided within the budget. The members shall serve without compensation but may be reimbursed for necessary expenses.

(Ord. No. PLY-99-1, 2-16-99)

Sec. 13-83. Duties.

(a) The economic development commission is hereby designated the redevelopment agency of the town for the purpose of exercising all functions, rights, powers and duties granted to municipal redevelopment agencies by chapter 130 of the General Statutes, as amended, including, but not limited to, the designation of redevelopment areas within the town, the preparation of redevelopment plans, the holding of public hearings thereon, the acquisition and transfer of real property by purchase, sale, lease, exchange or gift and the power to exercise eminent domain, the relocation of displaced persons and businesses, application for and receipt of grants, advances, loans or other financial assistance from the federal government, the state or any other source, all powers necessary or convenient to undertake and carry out redevelopment plans, to include all powers and duties which

chapter 130 confers on a redevelopment agency with respect to redevelopment projects, all as more particularly set forth in chapter 130, aforesaid.

(b) The economic development commission is hereby designated the development agency of the town for the purpose of exercising all functions, rights, powers and duties granted to municipal development agencies by chapter 132 of the General Statutes, as amended, including but not limited to the designation of project areas within the town, the preparation of development project plans in accordance with regulations of the Commissioner of Economic and Community Development for the State (to include the adoption of plans prepared in accordance with section 13-83(a) herein and chapter 130 of the General Statutes, as amended), the holding of public hearings thereon, submission of approved plans to the Commissioner of Economic and Community Development for approval for the purpose of applying for development grants and special development grants, as applicable, application for and receipt of grants, advances, loans or other financial assistance from the federal government, the state or any other source, the acquisition and transfer of real property by purchase, sale, lease, exchange or gift and the power to exercise eminent domain, the relocation of displaced persons and businesses, entering with other municipalities, by vote of the respective legislative bodies, into agreements for carrying out convenient to undertake and carry out development plans and development projects, all as more particularly set forth in chapter 132, aforesaid.

(c) The economic development commission is hereby designated the implementing agency of the town for the purpose of exercising all functions, rights, powers and duties granted to municipal implementing agencies by chapter 5881 of the General Statutes, as amended, including but not limited to the municipal development project plans (to include the adoption of plans prepared in accordance with section 13-83(a) and (b) herein and chapter 130 or 132 of the General Statutes, as amended, respectively), the holding of public hearings thereon, submission of approved plans to the Commissioner of Economic and Community Development for approval for the purpose of applying for financial assistance as set out in such chapter 5881, the acquisition

and transfer of real property by purchase, sale, lease, exchange or gift and the power to exercise eminent domain, the relocation of displaced persons and businesses, and entering with other municipalities, by vote of the respective legislative bodies, into agreements for carrying out joint municipal development projects, all as more particularly set forth in chapter 5881, aforesaid. (Ord. No. PLY-99-1, 2-16-99)

Secs. 13-84—13-90. Reserved.

ARTICLE VI. ZONING VIOLATIONS

Sec. 13-91. Definitions.

Person means any individual, firm, partnership, corporation, limited liability company, association or any other entity.

Citation shall be a written statement of the relevant conditions and facts giving rise to the zoning violation, including a reference to the specific section(s) of the zoning regulations which have been violated.

Masculine terms include the feminine. (Ord. of 1-16-2001; Ord. of 1-7-2003)

Sec. 13-92. Fine for zoning violation.

Pursuant to Section 12(a), Public Act 96-120, of the Connecticut General Statutes, Rev. 1958, as amended, and in addition to remedies provided in Section 8-12 thereof, on and after January 1, 2001, the zoning enforcement officer is hereby authorized to issue citations for violations of the zoning regulations of the Town of Plymouth in accordance with this article. The fine for each such zoning violation shall be up to one hundred fifty and 00/100 (\$150.00) dollars for each day a violation continues payable to the Land Use Department of the Town of Plymouth. (Ord. of 1-16-2001; Ord. of 1-7-2003)

Sec. 13-93. Service of citation.

Any citation issued hereunder shall be served upon the person(s) named in such citation by either (1) in hand service made

by the zoning enforcement officer or his designated agent, an indifferent person, or any sheriff or constable having authority to serve civil process in the State of Connecticut, or (2) by mailing such citation to the person(s) named therein at their last known home address or other address provided by them to the zoning enforcement officer, by certified mail, return receipt requested, postage prepaid. If the citation is refused, it may be sent by regular mail to such address. The zoning enforcement officer shall retain a true and attested duplicate original of such citation. (Ord. of 1-16-2001; Ord. of 1-7-2003)

Sec. 13-94. Hearing procedure for citation.

(a) The mayor shall appoint, subject to confirmation by the town council, a citation hearing officer to conduct the hearings, held in a Plymouth Town Hall Meeting Room, authorized by this article. The citation hearing officer may not be an employee of the town and shall serve without compensation but may be reimbursed for actual expenses incurred in performing the duties of this office to the extent that funds have been made available by the town council. The citation hearing officer shall serve for a term of two (2) years, unless removed for cause.

(b) Any person served such a citation may make payment of the fine within thirty (30) days of such service. Such payment shall be delivered to the zoning enforcement officer and shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person(s) making the payment.

(c) If the person(s) cited fails to pay the fine within said thirty (30) day period, the zoning enforcement officer, pursuant to Connecticut General Statutes Section 7-152c, as amended, is authorized, at any time within twelve (12) months from the expiration of said thirty (30) day period to enforce said citation by sending said person(s) a notice informing him (them) of:

- (1) Of the allegations against him (them) and the amount of the fine(s) due;
- (2) That he (they) may contest his (their) liability before the citation hearing officer by delivering in person or by mail written notice within ten (10) days of the date thereof;

(3) That if he (they) does not demand a hearing, an assessment of fine and judgment shall be entered against him (them); and

(4) That such judgment may issue without further notice.

(d) If the person(s) sent the notice required by subsection (c) above, does not make full payment of the fine(s) and does not make written demand for a hearing before the citation hearing officer within ten (10) days of the notice provided for in subsection (c) above, he (they) shall be deemed to have admitted liability, and the zoning enforcement officer shall certify such person(s)' failure to respond to the citation hearing officer. The citation hearing officer shall thereupon enter and assess the fine(s) provided for by this article.

(e) If a hearing is requested, it shall be conducted in accordance with the provisions of Connecticut General Statutes, Rev. 1958, Section 7-152c(e).

(f) The failure to pay the assessment of any fine(s) made by the citation hearing officer can result in a Superior Court judgment as provided by Connecticut General Statutes Section 7-152c(f) subject to judicial review as provided in Connecticut General Statutes Section 7-152c(g).

(Ord. of 1-16-2001; Ord. of 1-7-2003)

Chapter 14

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

- Art. I. In General, §§ 14-1-14-25
- Art. II. Excavations, §§ 14-26-14-49
- Art. III. Engineering Standards, §§ 14-50-14-63
- Art. IV. Street Numbers, §§ 14-64-14-78
- Art. V. Street Sight Lines, §§ 14-79-14-91
- Art. VI. Street Trees, §§ 14-92-14-109
- Art. VII. Ceremonies and Special Events, §§ 14-110-14-124
 - Div. 1. Generally, §§ 14-110-14-119
 - Div. 2. Parades, Processions, Etc., §§ 14-120-14-124

ARTICLE I. IN GENERAL

Sec. 14-1. Duty of owner to remove snow, ice and other obstructions from sidewalk.

(a) *Time limit for making sidewalks safe; fine for default.* The owner, tenant, occupant or any person having the care of any land or building adjoining [or] fronting on any street or public place in the town where there is any sidewalk shall within twelve (12) hours of daylight immediately following the cessation of storms of snow or sleet, or the accumulation of ice or snow thereon, cause the same to be removed from such sidewalk, and if the same cannot be wholly removed shall sprinkle thereon sufficient sand or other proper substance so that such sidewalk shall be made safe for travel, and in default thereof shall pay a fine of five dollars (\$5.00) and for each and every hour thereafter that the same shall not be wholly removed, if it can be wholly removed, or if it cannot be wholly removed that such sidewalk shall not be further sprinkled so that it shall be and remain safe for travel [sic].

(b) *Responsibility of owner, etc.* The owner, tenant, occupant or any person having the care of any land within the city upon or adjacent to which is a sidewalk, whether constructed by him or not, shall at all times keep such sidewalk in safe condition for the use of the public, and shall have repaired all defects which may

*Cross references—Buildings and building regulations, Ch. 5; flood damage prevention and protection, Ch. 6; garbage, trash and refuse, Ch. 7; housing, Ch. 8.

occur in such sidewalk and at all times remove therefrom all obstruction or any substance which would in any way significantly impede or imperil public travel upon such sidewalk.

(c) *Authority of town to rectify, collection for expense.* After expiration of any time allowed for the removal of such snow, ice or obstruction or defect, the director of public works may, in his discretion, cause the same to be removed or rectified and the expense thereof may be collected by the town in a civil action against such person and shall be and continue to be a lien and real incumbrance in favor of the town and upon such land or building.

(d) *Application of section.* The provisions of this section shall apply to the falling of snow from any building and also to any regularly travelled footway or sidewalk in the town.

(e) *Liability of town.* Notwithstanding the provisions of this section or of Connecticut General Statutes, section 13a-149 or any other general statute or special act, the town shall not be liable to any person injured in person or property caused by the presence of snow, ice or other obstruction or defect on a public sidewalk unless the town is the owner or person in possession and control of land abutting such sidewalk other than land used as a highway or street, provided the town shall be liable for its affirmative acts with respect to such sidewalk.

(Ord. No. PLY-106, §§ 1, 2, 4, 11-6-61; Ord. No. PLY-90-2, 11-13-90)

Sec. 14-2. Deposit of snow on public streets or sidewalks.

(a) It shall be unlawful for property owners, their agents or any other person, to deposit snow in the public streets or sidewalks.

(b) It shall be the duty of the town police department to see that the above provision is duly enforced.

(c) Upon being notified by the police department of a violation the property owner shall have one (1) hour within which to remove such snow from the town highway or sidewalk. In default thereof, such property owner shall pay a fine of five dollars (\$5.00) for each and every hour thereafter that the same shall not be wholly removed.

(d) After the one-hour time period described in subsection (c) has elapsed, the town council may cause the same to be removed and the expenses thereof may be collected by the town in an action of debt against the property owner or other person and shall be and continue to be a lien and real encumbrance in favor of the town and upon such land or building. The certificate of lien shall be recorded within sixty (60) days thereafter unless such expenses shall be previously paid.
(Ord. No. PLY-115, §§ A—D, 1-18-71)

Secs. 14-3—14-25. Reserved.

ARTICLE II. EXCAVATIONS*

Sec. 14-26. Permit required; fee; application.

(a) No person shall make any opening or excavation in any street, highway, public right-of-way or sidewalk, excepting a state highway, for any purpose whatever except in conformity with this article. The fee for this permit shall be set by vote of the Plymouth Town Council, and all permits shall expire ninety (90) days after issuance unless sooner revoked. Permits shall not be transferable or assignable by the permittee.

(b) Every application for a permit shall be made in writing on forms to be provided by the department of public works for that purpose and shall be signed by the permittee or an authorized agent thereof. The application shall state the location of the opening or excavation, a brief description of the work to be done, and shall contain an agreement that the permittee will do the work in accordance with the requirements of the department of public works and local laws, rules and regulations and permits, as those laws, etc., may apply to the particular location or work, and will save the town and others harmless from damages, loss, damage claims, etc., in accordance with the terms of the surety

*Editor's note—Ord. No. PLY-88-148, § 8, adopted June 27, 1988, repealed Ord. No. PLY-128, adopted Aug. 28, 1980, §§ 1—6 of which were codified as Art. II, §§ 14-26—14-31, and §§ 1—6 of Ord. No. PLY-88-148 added similar new provisions in lieu thereof which have been included as §§ 14-26—14-31 at the discretion of the editor.

bond and insurance provided for in section 14-27, all in such form and detail as may be directed by the director of public works in the form provided.

(Ord. No. PLY-88-148, § 1, 6-27-88; Ord. No. PLY-95-1, 1-17-95)

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 9.

Sec. 14-27. Surety bond and insurance.

(a) Every applicant for a permit required by the provisions of this article shall be required to file with the department of public works a satisfactory performance bond and a protective liability insurance policy in the name of the town, together with satisfactory insurance policies or certificates to the effect that the permittee is properly insured against claims by employees or the public and against liabilities to be assumed under the terms of the permit. The bond and certificate shall be on forms satisfactory to the director of public works. The surety bond shall be in an amount, not less than five thousand dollars (\$5,000.00), equal to one hundred (100) percent of the cost of restoring the street or public way as required by this article. The cost of restoration shall be estimated by the permittee using all available data to give a true and reasonable cost and shall be submitted to the director of public works for review and acceptance. The insurance shall be not less than one hundred thousand dollars (\$100,000.00) for each person and not less than three hundred thousand dollars (\$300,000.00) for each accident, and property insurance shall be not less than one hundred thousand dollars (\$100,000.00). Higher limits for either the bond or insurance may be set by vote of the town council.

(b) The bond and insurance, in combination, shall provide that the town and its agents shall be indemnified and saved harmless from all suits and actions of every name and description brought against the town or its agents, for or on account of any injuries or damages received or sustained by any person or property in consequence of or resulting from any work performed by the permittee, his agents, while operating under his license or from any negligence regarding his work; that the permittee shall reimburse the town for any expense to the town or its agents arising

from any injury or damage to any sewer, drain, cable or other property by reason of the excavation or work performed under this permit; that the permittee shall faithfully execute in all respects all work performed under this permit; that the permittee shall restore the portion of any street or public place in which the permittee may have made an excavation incidental to work under the permit to as good condition as it was prior to the work and also shall keep the street or public place in like good condition to the satisfaction of the town or other public officer in charge thereof for a period of not less than one (1) year after the restoration; that the permittee shall reimburse the town for the expense of repairs to such street or public place made necessary by reason of the excavation made by the permittee; and that the permittee shall comply in all respects with the rules, regulations, laws, etc., relative to work in such streets or public places and with the terms of the permits which may be issued to the permittee by any public body and shall pay all fines imposed on the permittee for the violation of these rules and regulations.

(Ord. No. PLY-88-148, § 2, 6-27-88)

Sec. 14-28. Restoration and repair.

Whenever any opening or excavation shall be made in any street, highway, public right-of-way or sidewalk, the person making such opening or excavation shall, within three (3) days, unless special permission is granted by the director of public work, thoroughly and completely fill such opening or excavation and tamp and puddle the earth therein so that the same shall not settle and shall restore and repave the immediate area to the condition in which it existed before such opening or excavation was made and to the satisfaction of the department of public works and also, from time to time, for two (2) years thereafter shall make such repairs as may be deemed necessary. If any such openings or excavations shall not be refilled, repaired and maintained safely and in repair, the town may do such repairs and charge the expenses thereof against the permittee making such opening or excavation, which expense shall be collected from the permittee by any proper action.

(Ord. No. PLY-88-148, § 3, 6-27-88)

Sec. 14-29. Obstruction of traffic; protection of the public.

(a) During the progress of the work, all streets shall be kept open for the passage of traffic and pedestrians and shall not be unnecessarily obstructed unless authorized by the director of public works. Driveways, sidewalks and crossings shall be closed as short a time as possible while work is being done.

(b) Warning signs shall be provided along all streets while work is in progress and, where traffic direction is required, flagmen shall be designated by the permittee to direct traffic past the equipment, machinery or construction operations. Barricades and lights shall be provided as required to protect traffic. Where trenches have been cut in streets on which traffic may pass at times, warning signs shall be placed at frequent intervals and maintained until the street is safe for travel. All such work and operations shall be in accordance with the requirements of the director of public works.

(c) The permittee shall construct and maintain such adequate and proper bridges over excavations as may be necessary or directed for the purpose of accommodating pedestrians and vehicles.

(Ord. No. PLY-88-148, § 4, 6-27-88)

Sec. 14-30. Traffic control.

Whenever it is deemed advisable by the director of public works, the person, firm or corporation making such opening or excavation to any street, highway, public right-of-way or sidewalk shall be required to obtain traffic control from the town police department and pay for the same as a condition of obtaining such permit.

(Ord. No. PLY-88-148, § 5, 6-27-88)

Sec. 14-31. Closure of streets.

In no event will any person, firm or corporation making such opening or excavation be permitted to completely close off a street, highway or public right-of-way without forty-eight (48) hours advance notification to (and approval of) the director of public works. The director of public works shall post notification of said street closing in the immediate affected area.

(Ord. No. PLY-88-148, § 6, 6-27-88)

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Secs. 14-32–14-49. Reserved.

ARTICLE III. ENGINEERING STANDARDS

Sec. 14-50. Established.

The director of public works shall cause to be promulgated specifications and engineering standards for the construction of highways, sidewalks, drains and all other public improvements within the limits of the town.

(Ord. No. PLY-89-151, 6-6-89)

Sec. 14-51. Amendment.

The specifications and engineering standards so promulgated may be amended from time to time by the director of public works.

(Ord. No. PLY-89-151, 6-6-89)

Sec. 14-52. Issuance.

A copy of the specifications and engineering standards shall be on file and available for public inspection at all times in the department of public works.

(Ord. No. PLY-89-151, 6-6-89)

Sec. 14-53. Approval.

No such engineering standards and specifications shall be adopted, amended or repealed until the same are approved by the town council and filed in the office of the town clerk.

(Ord. No. PLY-89-151, 6-6-89)

Secs. 14-54–14-63. Reserved.

ARTICLE IV. STREET NUMBERS***Sec. 14-64. Purpose.**

The purpose of this article is to promote public safety and convenience by providing a street numbering system to better assure the identification of addresses with the ease and speed essential to a quick response of emergency services.

(Ord. No. PLY-90-1, § 14-5, 11-13-90)

Sec. 14-65. Assignment of street numbers.

(a) The office of the assessor shall assign street numbers to all buildings and lots along any street or highway within the town, whether public or private. Such assignment of numbers shall not be construed as acceptance of such street or highway or any portion thereof. The office of assessor may change any assigned number if necessary or convenient to the provision of any orderly numbering system. Whenever the office of the assessor has assigned a street number to a property, the office of the assessor shall promptly notify by mail the owners of the property affected. The office of the assessor shall maintain maps showing the street numbers assigned to each property and such maps and records shall be open for public inspection.

(b) The office of the assessor shall assign numbers substantially in conformity with the following standards:

- (1) Numbers shall be assigned at intervals of fifty (50) feet along the centerline of streets. In existing high-density areas where forty (40) feet or smaller lots exist, this principal may be modified to fit the situation.
- (2) Even numbers will be assigned on the right and odd numbers on the left.

*Editor's note—Ord. No. PLY-90-1, adopted Nov. 13, 1990, amended Ch. 14 by adding provisions designated as §§ 14-5—14-9. In order to provide for better classification and in order to facilitate indexing, reference and use, the editor, with the consent of the town, has redesignated these provisions as Art. IV, §§ 14-64—14-68. The original numbering of these provisions has been preserved in the history notes at the end of each section and in the Code Comparative Table at the back of this volume as an aid in tracking.

- (3) Low numbers will begin at major streets. Through streets running northerly and southerly shall be numbered beginning at Main Street (Route 6). Through streets running easterly and westerly shall be numbered beginning at the easternmost terminus, as near as practical.
- (4) On loop streets, the numbers shall increase in a counter clockwise direction.
- (5) Main street (Route 6) shall be numbered consecutively from east to west with the low numbers beginning at the Bristol townline.

(c) On existing streets within developed areas the assessor may recommend to the town council, and the council may adopt, modifications of the standards set forth in subsection (b) in order to more readily conform the assigned street numbers to those presently in use.

(Ord. No. PLY-90-1, § 14-6, 11-13-90; Ord. No. PLY-92-4, 12-1-92)

Sec. 14-66. Display and size.

Assigned numbers shall be displayed and sized on all buildings in accordance with the following standards:

- (1) Numbers shall be printed in Arabic numeral form.
- (2) Numbers shall be placed on a contrasting background.
- (3) Numbers shall be affixed in an unobstructed location readily visible from the street or road.
- (4) Numbers shall be placed as near as possible to the front or principal entrance to the building and shall be located either:
 - a. Next to or on front of door; or
 - b. On fascias above door areas at end of roof trusses; or
 - c. In the case of obstruction in the door area, or fascia, on mailbox or post at end of driveway.
- (5) Numbers a minimum of four (4) inches in height shall be displayed on all residential buildings, including mobile homes, and all tenant spaces, front and back, on any multiple-unit complex.

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- (6) Numbers six (6) inches in height shall be displayed on all commercial buildings and upon the outside of any multiple-unit residential complex in areas on the front and rear so that the complex address itself can be readily identified by emergency response personnel.
- (7) Curbside mailboxes shall also be marked with numbers in addition to those required on the residence, apartment or tenant space with Arabic numerals as follows:
 - a. Freestanding mailboxes shall be labelled with numbers of at least three (3) inches in height on both sides.
 - b. Mailboxes grouped closely together so that marking each side of the mailbox is not feasible or of practical value shall be marked on the face or door of each mailbox, in numbers of at least two (2) inches in height.
 - c. Apartment mailboxes, or "drop" boxes, located within a lobby, foyer or some other location within the complex are exempt from required marking except as may be required by the Postal Department.
 - d. Multiple-unit dwelling or commercial complexes shall affix a floor plan in the vicinity of the lobby, foyer or entrance indicating the addresses of apartments or units in any building of a multiple building or "multi-winged" complex so that emergency personnel can readily identify the location of each unit. Each interior apartment shall be labeled with numbers a minimum of three (3) inches in height.

(Ord. No. PLY-90-1, § 14-7, 11-13-90)

Sec. 14-67. Time limitation to affix numbers.

Each owner, agent or occupant shall affix assigned numbers as required herein within ninety (90) days of receipt of notice from the office of the assessor. Extension of the time from compliance may be granted at the discretion of the board of assessors.

(Ord. No. PLY-90-1, § 14-8, 11-13-90)

Sec. 14-68. Penalty for violation.

Each person who shall fail to affix a number in accordance with this article, or who shall remove or deface any such number, shall be punished by a fine of not less than one dollar (\$1.00) nor more

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than twenty dollars (\$20.00) for each offense, and each day thereafter of failure to comply with the direction of the office of the assessor shall constitute a separate and distinct offense.
(Ord. No. PLY-90-1, § 14-9, 11-13-90)

Secs. 14-69–14-78. Reserved.

ARTICLE V. STREET SIGHT LINES*

Sec. 14-79. Maintenance of sight lines.

Within the area of a triangle at the intersection of any two (2) or more streets, which triangle has a base of thirty (30) feet along each edge of pavement of such intersecting streets, no structure, vegetation or grade shall be located or maintained in a manner which interferes with adequate visibility for approaching pedestrian or vehicular traffic.

(Ord. No. PLY-90-3, § 14-5, 11-13-90)

Sec. 14-80. Obstruction within street lines.

No structure or any article of property shall be located or maintained within any street line. For purposes of this section, street lines shall be determined as a line twenty-five (25) feet from and parallel to the centerline of the pavement or existing traveled way.

(Ord. No. PLY-90-3, § 14-6, 11-13-90)

Sec. 14-81. Duty of owner to remove.

(a) The owner, tenant, occupant or any person having the care or control of any land adjoining any street shall, within seven (7) days of written notice mailed or delivered by the director of public works, remove any obstruction in violation of section 14-79 or section 14-80.

(b) After the expiration of the time allowed for the removal of such obstruction, the director of public works may, in his discretion, cause the same to be removed at the expense of the owner, tenant, occupant or other person having the care or control of such land. The cost of removal, together with costs of collection,

*Editor's note--Ord. No. PLY-90-3, adopted Nov. 13, 1990, amended Ch. 14 by adding provisions designated as §§ 14-5-14-7. In order to provide for better classification and in order to facilitate indexing, reference and use, the editor, with the consent of the town, has redesignated these provisions as Art. V, §§ 14-79-14-81. The original numbering of these provisions has been preserved in both the history notes following each section and in the Code Comparative Table at the back of the volume as an aid in tracking.

may be recovered by the town in any civil action against such person and shall further constitute a lien in favor of the town upon such land.

(Ord. No. PLY-90-3, § 14-7, 11-13-90)

Secs. 14-82–14-91. Reserved.

ARTICLE VI. STREET TREES*

Sec. 14-92. Definitions.

Street trees: Trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the town.

Park trees: Trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the town, or to which the public has free access as a park.
(Ord. No. PLY-90-5, § 14-55, 11-13-90)

Sec. 14-93. Street tree species to be planted.

The following list constitutes the official street tree species for the town. No species other than those included in this list may be planted as street trees without written permission of the tree warden.

Small Trees (up to 20 feet)

Malus	sp.	Floribunda	Flowering Crabapples
		Hupehensis	
		Sargentii	
Pyrus	Call-		Callery Pear
	eryana		Aristocat

*Editor's note—Ord. No. PLY-90-5, adopted Nov. 13, 1990, amended Ch. 14 by adding provisions designated as §§ 14-55–14-61. In order to allow for the redesignation of the provisions of Ord. Nos. PLY-901 and PLY-90-3, and with the consent of the town, the provisions of Ord. No. PLY-90-5 have been designated as Art. VI, of Ch. 14 and renumbered §§ 14-92–14-98 by the editor. The original numbering of these provisions has been preserved in the history notes following each section and in the Code Comparative Table at the back of this volume as an aid in tracking.

	Chanticleer
	Redspire
Cornus Mas	Cornelian Cherry
Cornus Kousa	Japanese Dogwood
Crataegus sp.	Hawthorns
var.	Cockspur
	Lavalle
	Washington
	Winter King
Amelanchier	Allegheny Serviceberry
Laevis	

Medium Trees (20-40 feet)

Gleditsia Triacanthos var	Imperial Honey Locust
Imperial	
Acer Campestre	Hedge Maple
Celtis Occidentalis	Hackberry
Franxinus Pennsylvania	Marshall's Seedless Green Ash
var Lanceolata	
Nyssa Sylvatica	Black Gum/Black Tupelo
Koelreuteria Paniculata	Goldenrain

Large Trees (40-80 feet)

Quercus Pubrum	Northern Red Oak
Quercus Palustris	Pin Oak
Acer Platanoides	Norway Maple
Acer Rubrum	Red Maple
Platanus x Acerifolia	London Plane
Gleditsia Triacanthos var	Thornless Honey Locust
Inermis	
Tilia Tomentosa	Silver Linden
Tilia Cordata Var Greenspire	Littleleaf Linden
Liquidambar Styracifula	Sweet Gum
Zelkova Serrata	Village Green

(Ord. No. PLY-90-5, § 14-56, 11-13-90)

Sec. 14-94. Spacing.

(a) *Minimum spacing, exception.* The spacing of street trees will be in accordance with the three (3) species size classes listed in section 14-93, and no tree may be planted closer together than

the following: Small trees, thirty (30) feet; medium trees, forty (40) feet; and large trees, fifty (50) feet; except in special planting designed or approved by a landscape architect.

(b) *Distance from curb and sidewalk.* The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three (3) species size classes listed in section 14-93 of this article, and no trees may be planted closer to any street line or sidewalk than the following: Small trees, two (2) feet; medium trees, three (3) feet; and large trees, four (4) feet.

(c) *Distance from street corners and fireplugs.* No street tree shall be planted closer than thirty-five (35) feet of any street corner, measured from the point of nearest intersection curbs or curblines. No street tree shall be planted closer than ten (10) feet of any fireplug.

(d) *Utilities.* No street trees other than those species listed as small trees in section 14-93 may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility.
(Ord. No. PLY-90-5, § 14-57, 11-13-90)

Sec. 14-95. Public tree care.

(a) The town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(b) The tree warden may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition, or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners, providing that the selection and location of such trees is in accordance with this article.

(c) No person shall top any street tree, park tree or other tree on public property. Topping is defined as the severe cutting back

of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires and other obstructions where other pruning practices are impractical, may be exempted from this article at the determination of the tree warden.

(Ord. No. PLY-90-5, § 14-58, 11-13-90)

Sec. 14-96. Private tree care.

(a) Every owner of any tree overhanging any street or right-of-way within the town shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the street or sidewalk. Such owner shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public. The town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic-control device or sign.

(b) The town shall have the right to cause the removal of any dead or diseased trees on private property within the town when such trees constitute a hazard to life and property, or harbor insects or disease or when they constitute a potential threat to other trees within the town. The town tree warden will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the town shall have the authority to remove such trees at the owner's expense and a lien for such costs shall exist upon such property in favor of the town.

(Ord. No. PLY-90-5, § 14-59, 11-13-90)

Sec. 14-97. Removal of stumps.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(Ord. No. PLY-90-5, § 14-60, 11-13-90)

Sec. 14-98. Permit and bond.

No person or firm may engage in the business or occupation of pruning, treating or removing street or park trees within the town without a permit from the tree warden. The permit fee shall be twenty-five dollars (\$25.00) annually in advance; provided, however, that no permit shall be required of any public service company or town employee doing such work in the pursuit of their public service endeavors. Before any permit shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of fifty thousand dollars (\$50,000.00) for bodily injury and one hundred thousand dollars (\$100,000.00) property damage indemnifying the town or any person injured or damaged resulting from the pursuit of such endeavors as herein described, and a copy of any permit issued pursuant to Connecticut General Statutes, section 23-61b. (Ord. No. PLY-90-5, § 14-61, 11-13-90)

Secs. 14-99–14-109. Reserved.

ARTICLE VII. CEREMONIES AND SPECIAL EVENTS**DIVISION 1. GENERALLY*****Sec. 14-110. Police protection at public events; responsibility of promoters for costs.**

When police protection is necessary or required at any place of public amusement, fair, parade, contest, exhibition, performance or similar public event, or to control traffic or preserve public peace and good order in connection therewith, within the Town of Plymouth, the amount and deployment of such protection shall be determined by the chief of police. The cost of such protection, including any temporary traffic control signs or devices made necessary, shall be paid for by the person or persons operating, conducting or promoting such event. The chief of police shall prepare an estimate of such costs and shall require a deposit in the

*Editor's note—Ord. No. PLY-92-3, adopted Dec. 1, 1992, did not specify manner of codification; hence, inclusion as new Art. VII, Div. 1, § 14-110, was at the editor's discretion.

amount of the estimate prior to the event. Upon a showing of suitable financial stability or of peculiar hardship, the chief of police may reduce or waive the amount of the deposit.
(Ord. No. PLY-92-3, 12-1-92)

Secs. 14-111–14-119. Reserved.

DIVISION 2. PARADES, PROCESSIONS, ETC.*

Sec. 14-120. Definition.

[The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates otherwise:]

Parade shall include any parade, march, ceremony, or procession in or upon any street, sidewalk, park or public place, but shall not include any funeral procession.
(Ord. No. PLY-92-1, § 1, 12-1-92)

Sec. 14-121. Permit required.

No person shall engage in, participate in, aid, form or start any parade without a permit obtained from the chief of police.
(Ord. No. PLY-92-1, § 2, 12-1-92)

Sec. 14-122. Same—Application contents; time of filing.

Application for a parade permit shall be filed with the chief of police not less than thirty (30) days, or if use of a state highway is involved, not less than one hundred twenty (120) days, before the date on which the parade is proposed to be conducted. Such application shall include:

- (1) The name, address and telephone number of the person or organization who will be responsible for the conduct of the parade;
- (2) The route to be traveled, the starting point and the termination point;

*Editor's note—Ord. No. 92-1, §§ 1–5, adopted Dec. 1, 1992, did not specify manner of codification; hence, inclusion as Div. 2, §§ 14-120–14-124, was at the discretion of the editor.

- (3) The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals and a description of the vehicles;
 - (4) The date of such parade and the hour when such parade will start and terminate; and
 - (5) An application fee of ten dollars (\$10.00).
- (Ord. No. PLY-92-1, § 3, 12-1-92)

Sec. 14-123. Issuance of permit.

The chief of police shall grant and issue a parade permit if he finds that:

- (1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.
 - (2) The conduct of the parade will not interfere with normal police and fire protection and ambulance service to the town.
 - (3) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas.
- (Ord. No. PLY-92-1, § 4, 12-1-92)

Sec. 14-124. Same--Authority of police chief to stipulate conditions or alternatives.

The chief of police may attach conditions to the permit for the safe and orderly conduct of the parade or may authorize the conduct of such parade on a date, at a time or over a route different from that named by the applicant.

(Ord. No. PLY-92-1, § 5, 12-1-92)

Chapter 15

TAXATION*

- Art. I. In General, §§ 15-1—15-20
Art. II. Low and Moderate Income Housing Tax Abatement, §§ 15-21—15-45
Art. III. Exemptions, §§ 15-46—15-80
Div. 1. Generally, §§ 15-46—15-60
Div. 2. Solar Energy Heating or Cooling Systems, §§ 15-61—15-75
Div. 3. Solar Energy Electricity Generating Systems, §§ 15-76—15-80
Art. IV. Tax and Business Incentive Program, §§ 15-81—15-89
Art. V. Volunteer Firefighter and Ambulance Personnel Property Tax Abatement, §§ 15-90—15-94

ARTICLE I. IN GENERAL

Sec. 15-1. Issuance of construction permits when delinquent property taxes owed.

No building permit shall be issued for any construction on property subject to delinquent property taxes owed to the town except for repairs ordered by any public authority or emergency repairs to the extent such repairs cannot be delayed.

(Ord. No. PLY-92-7, 12-1-92)

Editor's note—Ord. No. PLY-92-7, adopted Dec. 1, 1992, did not specify manner of codification; hence, inclusion as § 15-1 was at the discretion of the editor.

Secs. 15-2—15-20. Reserved.

*Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 9.

**ARTICLE II. LOW AND MODERATE INCOME HOUSING
TAX ABATEMENT****Sec. 15-21. Definitions.**

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

Low and moderate income housing means housing, the construction or rehabilitation of which is aided or assisted in any way by any federal or state statute, which housing is subject to regulation or supervision of rents, charges or sales prices and methods of operation by a governmental agency under a regulatory agreement or other instrument which restricts occupancy of such housing to persons or families whose incomes do not exceed prescribed limits as set by such governmental agency and shall be deemed to include the property on which such housing is situated.

Owner means a person or persons, partnership, joint venture, or corporation who or which has executed, or will execute a regulatory agreement or other instrument with a governmental agency which limits occupancy of the low and moderate income housing owned or to be owned by such person or persons, partnership, joint venture or corporation to persons or families whose incomes do not exceed prescribed limits.

(Ord. No. PLY-142, § 1, 10-25-83)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 15-22. Contracts for abatement.

The town council may, by a majority vote, enter into contracts for the town with owners of low and moderate income housing granting abatement, in whole or in part, of the real property taxes on such housing; provided, that such abatement need not be conditioned upon receipt of state reimbursement to the town for such abatement; and provided, further, that each such contract shall require that the owner apply the money equivalent of the taxes so abated to one or more of the following specified purposes:

- (1) To reduce rents below the levels which would be achieved in the absence of abatement;

- (2) To improve housing quality and design;
 - (3) To effect occupancy by persons and families of varying income levels, within prescribed limits; or
 - (4) To provide necessary related facilities. The amount of such abatement shall be established in each such contract, giving due consideration to the purpose or purposes to which the money equivalent of the taxes so abated is to be applied.
- (Ord. No. PLY-142, § 2, 10-25-83)

Sec. 15-23. Term.

The abatement shall become effective on the date specified in the contract between the town and the owner of low and moderate income housing. The term of abatement shall extend for the remainder of the fiscal year in which such abatement becomes effective and may continue for as long as the property for which tax abatement had been granted is used solely for low and moderate income housing, unless such contract is conditioned upon state reimbursement to the town for such abatement, in which instance, the term of abatement may continue for a period not exceeding fifty (50) years.

(Ord. No. PLY-142, § 3, 10-25-83)

Sec. 15-24. Valuation.

For the purpose of determining the amount of taxes to be abated under the provisions of this article, the present true and actual value of low and moderate income housing on which rents and carrying charges are limited by regulatory agreement with, or otherwise regulated by, the federal or state government or department or agency thereof shall be based upon and shall not exceed the capitalized value of the net rental income of such housing; provided, that for the purposes of this section, "net rental income" shall mean gross income as limited by the schedule of rents or carrying charges, less reasonable operating expenses and property taxes.

(Ord. No. PLY-142, § 4, 10-25-83)

Sec. 15-25. State assistance.

The town may, by a majority vote of the town council, enter into contracts with the state for financial assistance by the state in the form of reimbursement for all or any part of the tax abatement granted to an owner of low and moderate income housing in accordance with this article but the entering into of such a contract for financial assistance need not be a condition of any tax abatement.

(Ord. No. PLY-142, § 5, 10-25-83)

Secs. 15-26—15-45. Reserved.

ARTICLE III. EXEMPTIONS

DIVISION 1. GENERALLY

Sec. 15-46. Veteran's exemption.

(a) In accordance with the provisions of section 12-81f of the General Statutes, an exemption from local property taxation to the extent of one thousand dollars (\$1,000.00) of assessed valuation is hereby granted to those veterans who qualify under the provisions of such section 12-81f commencing with the assessment date of October 1, 1983 and continuing on each assessment date thereafter.

(b) Such exemption shall be in addition to that provided by section 12-81 of the General Statutes.

(c) Such exemption shall be valid for a period of one year and shall be renewable upon proof by such veterans of continuing qualification under Public Act 83-361.
(Ord. No. PLY-139, §§ 1—3, 9-27-83)

Secs. 15-47—15-60. Reserved.

DIVISION 2. SOLAR ENERGY HEATING OR COOLING SYSTEMS

Sec. 15-61. Definition.

As used in this division, "solar energy heating or cooling system" means equipment which provides for the collection, transfer, storage and use of incident solar energy for water heating, space heating or cooling which absent such solar energy system would require a conventional energy resource, such as petroleum products, natural gas or electricity, and which meets standards established by regulation by the secretary of the office of police and management.

(Ord. No. PLY-125, § 1, 4-29-80)

Cross reference—Definitions and rules of construction generally, § 1-2.

stalled as a system at any private residential location, which utilizes solar energy to produce electricity for consumption at such location and which meets standards established by regulation by the secretary of the office of policy and management. (Ord. No. PLY-126, § 1, 4-29-80)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 15-77. Scope.

The owner of any real property shall be entitled to an exemption for any solar energy electricity generating system installed for the generation of electricity for private residential use, provided such installation occurs on or after October 1, 1977, and before October 1, 1991. This exemption shall be applicable in the first fifteen (15) assessment years following the installation of such system.

(Ord. No. PLY-126, § 2, 4-29-80)

Sec. 15-78. Application.

Any person claiming the exemption provided in this division for any assessment year shall, on or before the first day of November in such assessment year, file with the assessor written application claiming such exemption on a form as prescribed by the secretary of the office of policy and management. Failure to file such application in such manner and form within the time limit prescribed shall constitute a waiver of the right to such exemption for such assessment year. Such application shall not be required for any assessment year following that for which the initial application is filed; provided, if such solar energy electricity generating system is altered in any manner, such alteration shall be deemed a waiver of the right to such exemption until a new application, applicable with respect to such altered system, is filed and the right to such exemption is established as required initially.

(Ord. No. PLY-126, § 3, 4-29-80)

Secs. 15-79, 15-80. Reserved.

**ARTICLE IV. TAX AND BUSINESS INCENTIVE
PROGRAM**

Sec. 15-81. Purpose.

The purpose of the tax incentive program is to attract new firms to the Town of Plymouth and to promote expansion of existing businesses and industry. It is the intent of the town to provide and create jobs for local and area residents; to create long-term tax base growth through the replacement, reconstruction, expansion and remodeling of existing business and industrial facilities, where appropriate and environmentally sound; to encourage the construction of new facilities, when necessary, and to create the potential for generating new demands for existing local businesses through a "spin-off" effect of major employers' business decisions. It is further the intent of the Town of Plymouth to encourage substantial investment in new equipment and other personal property subject to taxation within the town.

In addition to the incentives provided hereunder, the applicant may also be eligible for incentives allowed under other ordinances and provisions of the Town of Plymouth and State of Connecticut including section 12-65h and section 12-127a of the Connecticut General Statutes, as amended.

(Ord. No. PLY-98-1, 9-22-98)

Sec. 15-82. Qualifying businesses.

The following types of businesses, consistent with town codes, shall receive priority consideration for development incentives:

- (1) Manufacturing firms as defined in the Economic Development and Manufacturing Assistance Act of 1990, as amended.
- (2) Facilities designed for the management and administrative support of business activity located elsewhere.
- (3) High technology firms.
- (4) Wholesale/distribution firms providing new employment not less than one job per each one thousand (1,000) square feet of gross building area.

- (5) New retail businesses in the Terryville section of Plymouth.

Notwithstanding the listing of priority businesses, all companies shall meet the following standards:

- (6) Possession of a good, recent environmental "track record"; or, through relocation to an area with appropriate infrastructure, begin meeting its environmental responsibilities.
- (7) Investment of one hundred thousand dollars (\$100,000.00) or more in new or rehabilitated facilities and/or equipment.
- (8) Creation of at least five (5) new permanent, full-time jobs.
- (9) Provision of a solid financial base and growth potential through the preparation of a business plan which demonstrates possessing the capital necessary for reasonable business growth.

(Ord. No. PLY-98-1, 9-22-98)

Sec. 15-83. General requirements.

Applications for tax incentives under this program will be considered under the following circumstances:

- (1) The proposed project must be located in an appropriate zone as defined in the Town of Plymouth's Zoning Regulations, subject to approval of the land use boards.
- (2) If the applicant is a tenant, the tax benefits must be reflected in the lease and the lease must be for at least the term of the tax abatement period.
- (3) There is no delinquency in any taxes or service charges due the Town of Plymouth.
- (4) The project should have a clear economic benefit to the Town of Plymouth as follows: the benefits derived to the town shall exceed the total cost from the town over the economic life of the investment or project, not to exceed five (5) years.

(Ord. No. PLY-98-1, 9-22-98)

Sec. 15-84. Local employment considerations.

To the extent feasible, the applicant shall commit to the utilization of town-based businesses and town residents during both the construction and operation phases. The following guidelines are offered to assist in achieving these goals:

- (1) To the extent feasible, the applicant shall commit to hire town residents for new positions created as a result of the development project.
 - (2) Applicants shall estimate the number of anticipated new hires, the skills required and the timing of such new hires.
 - (3) Applicants shall provide a copy of its affirmative action/hiring statement or plan.
- (Ord. No. PLY-98-1, 9-22-98)

Sec. 15-85. Application procedure.

All tax abatement requests shall be made in writing on a form prescribed by the Town of Plymouth. The applicant must indicate that the new investment would not occur within the Town of Plymouth without the tax incentive requested. Two (2) copies of the application must be submitted simultaneously, one to the mayor and the other to the land use office.

The application for tax abatement shall first be referred to the tax incentive committee consisting of the following: mayor or his/her designee; chair of the economic development task force or his/her designee; chair of the industrial and development commission or his/her designee; tax assessor; town comptroller; town planner; and town council liaison. Said committee shall review the application to determine if the application conforms to and complies with the town's requirements. Each complete application shall be reviewed on a case-by-case basis. Within thirty (30) days of receipt of the application, the committee shall forward a recommendation for town council action. In the event of unusual or extraordinary circumstances, the committee may recommend and the town council may alter or waive any requirements contained herein.

(Ord. No. PLY-98-1, 9-22-98)

Sec. 15-86. Tax abatement agreement.

Pursuant to section 12-65(b) of the Connecticut General Statutes, as amended, the town may enter into a written agreement with the owner or lessee of real property, fixing the assessment of the real property and all improvements thereon or therein to be constructed. Within the parameters of section 12-65(b) of the Connecticut General Statutes, as amended, a business may be granted partial exemption from real property taxation for a term of years which may vary in accordance with the scale and/or economic impact of the new development.

The fixed assessment period shall commence with the first fiscal year of the Town of Plymouth for which a tax list is prepared on October 1st immediately following the issuance of a certificate of occupancy for any construction. The assessment of the real property for the period prior to the affixed assessment period shall be determined in the normal course pursuant to state and local laws and ordinances.

Pursuant to the Manufacturers Assistance Act, the town will assist all qualified businesses to obtain tax relief from the state on equipment or personal property used in manufacturing as defined in section 12-65(h) of the Connecticut General Statutes, as amended. Machinery and equipment must qualify for five- or seven-year depreciation for federal tax purposes. New tangible personal property acquired by lease or purchase must be used predominately in the manufacture or production of goods, research or development design and engineering of manufactured products.

All agreements shall contain a provision that any business granted a tax incentive abatement shall repay the town the dollar amount of any incentive contained in such agreement if such business does not meet obligations contained in such agreement. (Ord. No. PLY-98-1, 9-22-98)

Sec. 15-87. Construction schedule.

After approval of any application by the town council, construction shall commence within six (6) months and shall be completed

within twenty-four (24) months. Any extension from this requirement must be approved by the tax incentive committee and the Plymouth Town Council.

(Ord. No. PLY-98-1, 9-22-98)

Sec. 15-88. Other development incentives.

In addition to, or in lieu of, tax abatements, the town will consider on a case by case basis, other financial/development incentives. Such incentives include, but are not limited to:

- (1) Waiving of building permit fees, in whole or in part.
- (2) In-kind services such as infrastructure improvements by the town related to the development project subject to fund availability. For example, road widening, storm drainage improvements, sidewalk construction, extension of sanitary sewer lines.

(Ord. No. PLY-98-1, 9-22-98)

Sec. 15-89. Town council authority.

Any and all decisions to grant an incentive, pursuant to the terms of this ordinance, shall be within the sole and absolute discretion of the town council of the Town of Plymouth.

(Ord. No. PLY-98-1, 9-22-98)

**ARTICLE V. Volunteer Firefighter and Ambulance
Personnel Property Tax Abatement**

Sec. 15-90. Purpose.

In recognition of the outstanding service to the Town of Plymouth that is provided by the members of the Volunteer Fire Department and by the members of the Ambulance Corps and to encourage others to become volunteers of these two (2) organizations, the Town of Plymouth hereby establishes a property tax abatement program pursuant to Public Act 99-272, as amended by public Act 00-120.

(Ord. of 7-5-2000)

Sec. 15-91. Eligibility

Members of the Terryville Volunteer Fire Department and the Plymouth Ambulance Corps who reside or pay property tax in the Town of Plymouth shall be eligible pursuant to the following criteria:

- (1) Members must have achieved one year of qualifying service by December 31 of the current year to be eligible for a tax abatement on July 1 of the following year. For the year 2000, members must have achieved one year of qualifying service by December 31, 1999 and
- (2) Members must have achieved a "qualifying year" as defined by the Service Award Program. Any amendment to this definition must be approved by the town council in the same manner as an amendment to an ordinance; and
- (3) Members must be current with all real and personal property tax payments.

(Ord. of 7-5-2000)

Sec. 15-92. Certification.

Annually on or before February 28, the chief of the Terryville Volunteer Fire Department and the president of the Plymouth Ambulance Corps shall submit to the mayor a list of the members of their organizations who are eligible as defined in section 15-91(2). This list shall be approved by the board of fire commissioners and by the ambulance corps board of directors respectively, and shall contain addresses and the amount of the abatement for which each member is eligible. For the year 2000 only, the list shall be submitted on or before July 14.

(Ord. of 7-5-2000)

Sec. 15-93. Abatement amount.

Abatement of property taxes shall be granted the following July 1 (except in the year 2000 where the abatement shall be granted July 15) to eligible members as follows:

- (1) If a member has completed one (1) year of qualifying service as of the December 31 preceding the date of

abatement, the member shall be entitled to a two hundred fifty dollar (\$250.00) annual abatement of property taxes.

- (2) If a member has completed five (5) years of qualifying service as of the December 31 preceding the date of abatement, the member shall be entitled to a five hundred dollars (\$500.00) annual abatement of property taxes.
 - (3) If a member has completed seven (7) years of qualifying service as of the December 31 preceding the date of abatement, the member shall be entitled to a seven hundred fifty dollar (\$750.00) annual abatement of property taxes. 4. If a member has completed ten (10) years of qualifying service or more as of the December 31 preceding the date of abatement, the member shall be entitled to a one thousand dollar (\$1,000.00) annual abatement of property taxes.
- (Ord. of 7-5-2000)

Sec. 15-94. Application of abatement.

The tax abatement shall be applied first as against any real property taxes owing the town and then against any motor vehicle taxes owing to the town. The tax abatement shall be applicable for any real property or motor vehicle owned individually, jointly or as tenant in common with one (1) or more other persons. No part of this tax abatement shall be applied to any delinquent taxes, penalties or accrued interest. Failure to make full utilization of the tax abatement, or any use whatsoever, due to grand list property of insufficient value, shall not be construed so as to create any carry-over abatement for use in subsequent years. The abatement afforded hereunder shall terminate at the end of the fiscal year in which a qualifying member dies. The sale or transfer of any grand list property by a qualifying member shall disqualify said property from abatement application for the remainder of the then fiscal year, on a pro-rata basis.

(Ord. of 7-5-2000)

Chapter 16

WATER, SEWERS AND SEWAGE DISPOSAL*

- Art. I. In General, §§ 16-1—16-20**
Art. II. Sewers and Sewage Disposal, §§ 16-21—16-142
Div. 1. Generally, §§ 16-21—16-40
Div. 2. Connections, §§ 16-41—16-75
Div. 3. Discharge Restrictions, §§ 16-76—16-110
Div. 4. Drain Layers, §§ 16-111—16-140
Div. 5. Rates and Charges, §§ 16-141, 16-142

ARTICLE I. IN GENERAL

Sec. 16-1. Authority of town to access water consumption records.

The Plymouth Water Pollution Control Authority is authorized to obtain from the Connecticut Water Company and other water companies providing water service to the residents of the town, all necessary records to determine the consumption of water by commercial customers of such companies, such records being deemed necessary or desirable to the operation of the municipal sewer system. The Town of Plymouth may enter into such contracts and agreements as authorized by section 7-258 of the General Statutes, as amended, with such water companies for the purpose of obtaining access to such records of water consumption. (Ord. No. PLY-92-2, 12-1-92)

Editor's note—Ord. No. 92-2, adopted Dec. 1, 1992, did not specify manner of codification, hence, inclusion as § 16-1, was at the discretion of the editor.

***State law references**—Power of town to lay out, construct, etc., sewer and drainage systems and sewage disposal plants, G.S. § 7-148(c)(6)(B)(i); power of town to contract for the furnishing of water, G.S. § 7-148(c)(4)(G); power of town to create, etc., all things in the nature of public works and improvements, G.S. § 7-148(c)(6)(A)(ii); power of town to regulate the laying, etc., of water pipes, drains, sewers, etc., in streets and public places, G.S. § 7-148(c)(6)(B)(iii); power of town to regulate and prohibit the construction, etc., of sinks, cesspools, G.S. § 7-148(c)(7)(C); municipal waterworks systems, G.S. § 7-234 et seq.; municipal sewerage systems, G.S. § 7-245 et seq.; sewer districts, G.S. § 7-324 et seq.; water resources, G.S. § 25-32 et seq.; sewer revenue bonds, G.S. §§ 7-259—7-266.

Sec. 16-2. Extensions of public sewer mains by private persons.

(a) The Water Pollution Control Authority, hereinafter referred to as "the authority" may, but shall not be required to, accept any sanitary sewer line installed at the expense of a private person which is dedicated for public use. As a condition to any acceptance, the authority shall require that the sewer extension be constructed in accordance with sections 16-21 et seq., of the Plymouth ordinances and any specifications or requirements established by the authority. Upon such acceptance, such sewer extension shall become a public sanitary sewer line which is the property of the Town of Plymouth, subject to the provisions of section 16-116 of the Plymouth ordinances.

(b) The authority may cause to be imposed a connection charge on the owner of any property which is benefitted by a public sanitary sewer line installed at the expense of a private person. The connection charge will be collected only if a benefitted property owner makes an application for permission to connect to the particular sewer line.

(c) The connection charge shall be computed by the authority based upon the following factors:

- (1) The area, frontage, grand list valuation and the present or permitted use or classification of said third-party-benefitted properties;
- (2) The costs of construction of the sewer extension as determined by the water pollution control authority. The costs of construction shall not include any costs of constructing any sewer line upon any property owned or controlled by the private person causing the sewer line to be extended;
- (3) Any other factors relevant and proportionate to the property of each applicant.

(d) Certified and verifiable itemized costs of construction of the sewer extension must be filed by the private installer with the authority and approved by it. The authority's determination of the amount of the connection charge, and of the amount of reimbursable construction costs shall be conclusive and final. In no event will the authority impose charges which in the aggre-

gate, taking into account a proportionate charge to the private installer and other benefitted properties, exceed the costs of installation as approved by the authority.

(e) Any connection charge imposed under this section will be in lieu of any benefit assessment.

(f) No connection charge will be required of owners of property which property is served by a public sanitary sewer installed on behalf of a private person who owns or controls that property.

(g) The connection charge will be paid by the owner of the benefitted property in full before connection will be allowed.

(h) The authority is authorized, at its discretion, to enter into acceptance and reimbursement agreements with a person causing the installation of the sewer line extension to carry out the provisions of this section. Any such agreement shall include the following:

- (1) The total costs to be reimbursed, as determined pursuant to the subsection (d) of this section;
- (2) A designation of the properties the connection charges from which shall be used to provide the reimbursement;
- (3) The amount of each connection charge as determined by subsection (c) of this section;
- (4) A date, not later than ten (10) years from the acceptance by the water pollution control authority of the sewer extension, after which no reimbursement will be paid by the Town of Plymouth;
- (5) That the costs, of whatever kind or nature whether legal, engineering, clerical or other, incurred by the Town of Plymouth in administering, prosecuting or defending the terms of this section will be deducted from any reimbursement payment; and
- (6) That the right to receive reimbursement payments shall not be assigned except with prior written notice to the water pollution control authority, and, in the case of a corporation, limited liability company, limited partner-

ship or similar entity, will terminate upon the dissolution of the corporation or company unless previously assigned.
(Ord. No. PLY-98-3, 10-28-98)

Secs. 16-3—16-20. Reserved.

ARTICLE II. SEWERS AND SEWAGE DISPOSAL

DIVISION 1. GENERALLY

Sec. 16-21. Purpose.

(a) This article establishes rules and regulations for making connections to the public sewer in the town sanitary sewer system. It also establishes specific limits for pollutant discharges which by their nature or by their interaction with sewage will be detrimental to the public health, cause damage to the public sewer or the water pollution control facility, pollute the waters of the state, or otherwise create a public nuisance.

(b) This article is intended to:

- (1) Inform the public as to the technical and administrative procedures to be followed in obtaining connection to the town sanitary sewer system;
- (2) Prevent the introduction of pollutants into the sanitary sewer system which will interfere with the collection and/or treatment system;
- (3) Prevent the introduction of pollutants into the treatment system which will pass through the system, inadequately treated, into the waters of the state, or the atmosphere, or otherwise be incompatible with the system;
- (4) Improve the opportunity to recycle and reclaim wastewaters and sludges from the system.

(c) This article is enacted in order to ensure proper removal and disposal of sewage wastes within the town; to ensure the proper operation and maintenance of public sewers, drains, sewage treatment plants and other drainage or sewerage works within said district; and to provide for keeping adequate records

of sewers, drains and appurtenances and connections thereto, and for regulating the construction, use, repair, alteration and discontinuance or abandonment of sewers, drains and appurtenances and connections thereto, including drains and pipes discharging directly or indirectly into such sewers or drains, and the substances to be discharged directly or indirectly into and through sewers, drains and appurtenances of the public sewer system of the town.

(Ord. No. PLY-145, §§ 1, 1.0, 5-13-86)

Sec. 16-22. Scope, enforcement.

The provisions of this article shall apply to the town and to persons outside the town who are users of the public sewer.

Except as otherwise provided herein, the superintendent of the town W.P.C.A. shall otherwise implement and enforce the provisions of this article.

(Ord. No. PLY-145, 5-13-86)

Sec. 16-23. Definitions.

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

Act or the act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

Biochemical oxygen demand (BOD) is the amount of oxygen required by bacteria while stabilizing decomposable organic matter under aerobic conditions for five (5) days. The determination of BOD shall be performed in accordance with the procedures prescribed in the latest edition of "Standard Methods for the Examination of Water and Wastewater."

Categorical standards means National Categorical Pretreatment Standards or Pretreatment Standards.

Combined sewer shall mean a sewer provided and intended to convey, in the same pipe, both sanitary sewage and storm water.

Commissioner means the commissioner of environmental protection for the state.

Compatible pollutant means biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus any additional pollutants identified in the water pollution control facilities NPDES permit, where the water pollution control facility is designed to treat such pollutants and, in fact does treat such pollutants to the degree required by the NPDES permit.

Composite sample means a mixture of aliquot samples obtained at regular intervals over a period of time. The volume of each aliquot is proportional to the discharge flow rate for the sampling interval. The minimum time period for composite sampling shall be four (4) hours.

Cooling water shall include the clean waste water from air conditioning, industrial cooling, condensing and similar apparatus and from hydraulically-powered equipment. In general, cooling water will include only water which is sufficiently clean and unpolluted to admit of being discharged, without treatment, or purification, into any natural open stream or watercourse without offense.

Drain layer or licensed drain layer shall mean either an individual, partnership or corporation who possesses a valid license issued under Chapter 393 of the General Statutes as amended as such to install and repair sewers, sewer connections, house connections, etc., during the period when such license is valid as hereinafter provided, and the proper agents and representatives of such drain layer. The term drain layer may also be applied to town and city public works departments and employees, state highway forces, and public utilities, when and insofar as they are engaged in installing, altering and repairing sewers, drains or connections and appurtenances thereto under permit from the town sewer authority or its agents. Drain layers may be referred to herein by masculine singular pronoun, irrespective of whether a corporation, a partnership or an individual of either sex.

Engineer shall mean the chief engineer of the sewer authority or his duly authorized agent or representative as the case may be, acting according to and limited by the instructions, duties and authority assigned by the chief engineer to the particular agent or representative as the case may be.

Floatable oil is oil, fat, or grease in a physical state such that it will separate by gravity from sewage by treatment in an approved pretreatment facility.

Garbage means the animal or vegetable waste resulting from the handling, preparation, cooking or serving of foods.

Grab sample means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Holding tank waste means any waste from holding tanks such as vessels, chemical toilets, campers, trailers and septage hauling trucks.

House connection or house drain, where the context so indicates or implies, shall mean a pipe connecting a main sewer with a building, house, yard or other property, for the purpose of conveying sewage of any kind from the property to a main sewer. The term house connection or house drain, when used in that sense, shall include not only the pipe extending directly from the main sewer to the house, building, yard or other portion of the property in question, but also all other drain pipes connecting directly or indirectly thereto and discharging directly or indirectly thereinto, or intended to so connect or discharge. House connections and house drains shall, in general, be maintained by the owners of the property served and shall have been constructed, in whole or in part, for or by the property owner or his predecessor.

House connection lateral shall mean a pipe laid incidental to the original construction of a sewer from that sewer to some point at the side of the street, highway, or similar location, and there capped, having been provided and intended for extension and for use at some time thereafter as part of a house connection. When a house connection lateral has been connected with and extended for the purpose of installing a house connection, the lateral shall become and thereafter be a part of such house connection, to be maintained, etc., as provided for house connections.

Incompatible pollutant means all pollutants other than compatible pollutants as defined in this section.

Industrial wastes shall include the liquid or water-carried wastes of any industrial process not clearly included within the definitions of sanitary sewage, storm water, cooling water or subsoil drainage herein. In general, waste waters carrying any quantity of oils, grease, fats, abrasives, chemicals, residues of manufacturing processes, wastes from commercial food preserving or canning, from slaughterhouses or meat processing plants, and similar substances, whether dissolved, in suspension, or mechanically carried by water, shall be considered as industrial wastes.

Manager shall mean the superintendent of the sewer authority or the deputy manager thereof, or the agents or representatives of the manager or deputy manager, acting under and limited by

the instructions, duties and authorities assigned by the manager to the agent or representative.

National pollution discharge elimination system (NPDES) permit means a permit issued pursuant to Section 402 of the act (33 USC 1342).

Overflow sewer shall mean a pipe or conduit, with appurtenances, provided to carry some part of flow entering or within any sewer in excess of the capacity of that sewer, or some portion of the flow within the sewer. In general, overflow sewers will only exist or have been provided in connection with and for excess flow from combined sewers.

pH means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

Pretreatment or treatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in waste water to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a water pollution control facility. The reduction or alteration can be obtained by physical, chemical or biological processes, except as prohibited by Title 40, Code of Federal Regulations, Section 403.6(d).

Properly shredded garbage shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

Property owner or owner of property or owner shall include both the owner of fee in any real estate and also all tenants, lessees or others in control or possession and use of the property in question, or any interest therein, and his, her, its or their agents or representatives as the interest, duties, powers or liabilities of each may be.

Relief sewer or auxiliary drain shall mean a sewer or storm drain constructed to supplement the capacity of an existing sewer

or drain either by conveying part of the wastes which would otherwise be conveyed by the existing sewer or drain, or to divert from and convey certain of the wastes, such as part or all of the storm water, which, prior to the construction of the auxiliary sewer or relief sewer, would have been discharged into and conveyed by the existing sewer. The particular wastes to be conveyed by any such auxiliary sewer or drain, or relief sewer or drain, shall be determined by what wastes it was designed, laid out or intended to receive as may appear in the records of the sewer authority or other body which created it.

Sanitary sewage shall mean the common waste water and water-carried wastes from human dwellings and from toilet and lavatory fixtures, kitchens, laundries and similar facilities of business and industrial buildings. In general, sanitary sewage shall not include storm water from roofs, yards, streets or open spaces, water from land surfaces or brooks, clean waste or overflows from springs, wells, or subsoil drainage, large volumes of clean water from air conditioning or other cooling or condensing facilities, clean waste water from hydraulically-operated contrivances and those wastes included within the definition of "Industrial Waste."

Sanitary sewer shall mean a sewer intended to convey only sanitary sewage, or, if so stipulated with respect to the particular sewer, sanitary sewage plus industrial or other wastes. In general, sanitary sewers shall not be intended to convey storm water nor more than very small quantities of cooling water.

Seepage or subsoil drainage shall include water from the soil percolating into subsoil drains and through foundation walls, basement floors, or underground pipes or from similar sources.

Septage means the liquids and solids which are removed from on-site waste water disposal systems, principally septic tanks and cesspools.

Sewage shall mean waste water, water-carried wastes, or a combination of them, discharged into and conveyed by sewers or intended or customarily so discharged or conveyed.

Sewage collection system means the structures and equipment required to collect and convey sewage to the water pollution control facility.

Sewer shall include the main pipe or conduit, manholes and other structures and equipment appurtenant thereto, provided to carry sewage, industrial wastes, storm water, cooling water or similar wastes, subject, in each particular case, to the purposes and limitations imposed upon the particular pipe or conduit or sewer. Where the context so indicates, the word "sewer" shall be restricted to pipes and conduits intended to convey sanitary sewage. Where the context so indicates, the word "sewer" shall be used only with respect to the main line of pipe or conduit, owned, controlled and maintained by a public municipal body for the conveyance of waste or sewage from several properties, and shall not be understood to include house connections or connections between the main sewer and individual properties, which house connections are maintained by the owners or tenants of the properties using them.

Sewer authority as used herein, shall mean the town sewer authority in the county, and acting in any particular matter by the sewer authority or the town sewer authority, its engineer or manager or its proper officer or officers, as may be proper in the particular instance.

Slug means any sudden or excessive discharge which exceeds permitted levels either in terms of pollutant concentration or instantaneous flow rate in such a manner as to adversely affect the sewage collection system and/or water pollution control facility.

Soluble oil means oil which is of either vegetable or mineral origin and disperses in water or sewage at temperatures between zero degrees Celsius and sixty-five (65) degrees Celsius. For the purposes of this article, emulsified oil shall be considered as soluble oil.

Storm water shall include the runoff or discharge of rain and melted snow or other clean water from roofs, surfaces of public or private lands or elsewhere. For most purposes within the scope of this regulation, storm water shall not include the flow of any natural brook, rivulet or stream even if the source of such water is storm runoff from land or other property once that runoff has entered the channel of such brook or natural watercourse. In general, storm water shall include only water which is suffi-

ciently clean and unpolluted to admit of being discharge, without treatment or purification, into any natural open stream or water course without offense.

Storm water or storm sewer or drain, where the context so indicates or implies, shall mean a pipe, conduit, sewer or drain, with appurtenances, provided and intended for the conveyance of storm water with or without other clean waste waters as may have been stipulated for any particular drain or sewer.

Superintendent shall mean the authorized agent or representative of the water pollution control authority who is responsible for the operation and management of the sewer collection system and/or the associated water pollution control facility.

Suspended solids means the solid matter, measured in mg/liter, which may be in suspension, floatable, or settleable and is removable by laboratory filterings as prescribed in the latest edition of "Standard Methods for Examination of Water and Waste Water."

Toxic pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the environmental protection agency under the provisions of section 307(a) of the act or other acts.

User means any person who contributes, causes or permits the contribution of sewage into the town sewer system.

Water pollution control authority (W.P.C.A.) shall mean the sewer authority of the town, its engineer or manager or superintendent or its proper officer or officers, as may be proper in the particular instance.

Water pollution control facility (W.P.C.F.) means an arrangement of devices for the treatment of sewage and sludge.

Watercourse means a natural or artificial channel for the passage of water either continuously or intermittently.

(Ord. No. PLY-145, § 2, 5-13-86)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 16-24. Inspection of concealed, covered work.

If any person shall construct, install, alter or repair any sewer or drain, or connection to any public sewer or drain of the sewer

authority in violation of the requirements of this article, or, having obtained a permit as provided in this article, shall construct, install, alter or repair a sewer, drain or connection thereof without having given the engineer and his representatives adequate notice, time, opportunity and assistance, during regular working hours to inspect such sewer, drain, connection and the work and materials used thereon, the manager may, in his discretion, order or direct the person who constructed, installed, altered, or repaired such sewer, etc., and/or the owner of any property in which such sewer, etc., may be located or which may be served thereby, or in whose interest and employ such work was done, to uncover and fully expose any or all portions of such sewer, drain or connection and afford, the engineer and his representative adequate opportunity to examine and inspect such sewer, etc., and to secure such records thereof as may be proper. If such sewer, drain or connection and the appurtenances thereof shall be found not to be in full accord with the requirements of this regulation and the standards established under its provisions, then the manager may order and direct such person, owner or lessee to make such changes in or additions to or remove portions of appurtenances of such sewer, etc., as may be necessary to ensure that such sewer, etc., will conform to the requirements of this article and of the standards established under its provisions. All such work shall be performed by the person, owner or lessee without delay and without expense to the sewer authority. (Ord. No. PLY-145, § 8a, 5-13-86)

Sec. 16-25. Investigation of nonconforming facilities; procedures for correction.

If the manager of the sewer authority shall have reason to believe that a sewer, drain, or any part or appurtenance thereof, which is connected to or discharges into any public sewer or drain of the sewer authority has been constructed, repaired or altered or is or has been used, operated or maintained, or that substances are being or recently have been discharged through the same in violation of the requirements of this regulation or of the standards established under its provisions, the manager shall inquire into the matter. The manager may require that the owner, lessee or tenant of the property where such sewer, etc., may be located or

of property served by such sewer, etc., assist the manager and his representatives in such inquiry and permit them to examine such sewer, etc., and observe the manner in which such sewer, etc., is used, operated or maintained and the wastes discharged through the same. If the manager shall find on such inquiry that there exists good reason to believe that the requirements of this article have not been or are not being complied with, he may require that the owner, lessee or tenant of such property furnish the manager with adequate proof that the requirements are being conformed to and will continue to be complied with. If it shall appear that the requirements have not been or are not being conformed to or complied with or that good reason exists to believe that they may not thereafter be conformed to or complied with, the manager may order and require that such owner, lessee or tenant shall immediately take such measures, provide and install such appurtenances or make such changes in such sewer, etc., or the manner of using and maintaining the same as will ensure that the requirements will be conformed to or complied with thereafter. All assistance, proof, changes and new appurtenances required by this section to be furnished or provided by the owner, lessee or tenant of property in question shall be promptly furnished by such owner, lessee or tenant without expense to the sewer authority.

(Ord. No. PLY-145, § 8b, 5-13-86)

Sec. 16-26. Enforcement of compliance.

(a) If any person, after proper order or direction from the manager of the sewer authority, fails to take the remedial steps or perform the acts required by sections 16-24 and 16-25, or fails thereafter to use, operate and maintain any connection with the public sewers of the sewer authority, or appurtenance thereof, as required by this regulation the sewer authority, by such agents and/or facilities as it may choose, may disconnect the building connection or drain which was wrongfully connected, altered, repaired, or used, or through which improper wastes were discharged into the public sewer system from the public sewer or drainage system of the sewer authority. In disconnecting such drain or house connection, the sewer authority may, if necessary, interfere with or cut off drainage from other portions of the

property whereon such violation of the regulation has occurred or of any adjacent property which is served by such house connection or drain.

(b) If the sewer authority or its agents shall have disconnected a house connection or drain from the public sewer system, as above provided, the sewer authority may collect the cost of making such disconnection from any person responsible for or wilfully concerned in or who profited by such violation of the requirements of this regulation.

(c) If the sewer authority has disconnected any property from the public sewer system, as above provided, it may thereafter refuse to permit the restoration of the former connection or any new connection to the property concerned in the violation of this article until the claim of the sewer authority for the cost of making such disconnection shall have been paid in full plus interest and the reasonable overhead and any legal expense incurred by the sewer authority in connection herewith.
(Ord. No. PLY-145, § 8c, 5-13-86)

Sec. 16-27. Penalty for violations.

Any person violating any provision of this article may be proceeded against and fined not exceeding fifty dollars (\$50.00) or imprisoned not more than thirty (30) days, or both. Each day that any violation of this regulation continues and each day that any person continues to discharge improper wastes or substances into any public sewer or drain shall be deemed a separate offense for the purpose of applying the above penalties.
(Ord. No. PLY-145, § 8d, 5-13-86)

Sec. 16-28. Interpretation; appeals.

(a) The provisions of this article with respect to the meaning of technical terms and phrases, the classifications of different kinds of types of sewers, the restrictions as to what wastes may be discharged into sewers, the regulations with respect to making connections to sewers and other technical matters shall be interpreted and administered by the manager, and, acting under and for him, by the engineer.

(b) Details as to sewer use, sewer connections, etc., not otherwise regulated or described by some provision of this article shall continue as heretofore established by local custom and practice, as interpreted by the manager or engineer.

(c) Any person who may be aggrieved by any interpretation of any provision of this article made by the manager or engineer or by an order issued by the manager or engineer under authority conferred by this article, or by any requirement of this article, or by any classification of any sewer, drain or any waste water proposed to be discharged into any sewer or drain, made by the manager or engineer may appeal from such interpretation, order, classification or requirement to the sewer authority. Any such appeal shall be in writing, addressed to the town sewer authority, setting out the matter in reasonable detail and completeness. The sewer authority shall consider any such appeal made to it and, if so requested by any person interested therein, shall afford all interested parties an opportunity to be heard by the sewer authority or by a committee thereof. Thereafter, the sewer authority shall take such action in the matter of the appeal as may to it appear proper, and, in its discretion may alter the interpretation, order or requirement of the manager or the engineer in whole or in part. Until such time as the sewer authority shall have received and considered an appeal and shall have voted to change the interpretation, order or requirement of the manager or engineer, such interpretation, order or requirement of the manager or engineer shall be observed and remain in full force and effect.

(d) If any provision, requirement, or section of this article or any interpretation thereof by the manager or engineer shall be adjudged invalid or unenforceable by reason of conflict with some other provision of law, such adjudication shall not affect the validity of any other provision hereof, but all other provisions, sections and requirements of this article shall be deemed valid and effective and shall remain in full force and effect.
(Ord. No. PLY-145, § 9, 5-13-86)

Secs. 16-29—16-40. Reserved.

DIVISION 2. CONNECTIONS

Sec. 16-41. Supervision, inspection of work generally.

The inspector or representative of the chief engineer shall be notified not less than two (2) hours in advance of the time any connection is to be made to any public sewer or drain of the sewer authority, or to any existing drain, pipe or similar structure connected thereto and discharge therein, or intended to be so connected and to so discharge, and such connection shall be made only in the presence of the inspector or representative and according to his directions. The inspector shall be afforded all reasonable opportunity to oversee the construction of all parts of any drain connected directly or indirectly, or intended to be so connected, to any public sewer or drain of the sewer authority and to obtain and record the location and other pertinent facts with respect to such drain or sewer. This same requirement shall apply to repair or alterations to sewers, drains or pipes discharging thereto. (See sections 16-54 and 16-55).
(Ord. No. PLY-145, § 5f, 5-13-86)

Sec. 16-42. Tampering, etc., with system.

(a) No unauthorized person shall open the cover of, enter or alter any manhole or appurtenance of any public sewer, put anything therein or interfere therewith. No person shall insert or place in any public sewer, drain, manhole or other appurtenance thereof any sticks, rubbish, or other material which the sewer, drain or manhole or appurtenance thereof was not intended to receive.

(b) No unauthorized person shall maliciously, wilfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the public sewer system of the sewer authority.

(c) Should it become necessary to relocate, reset the top of or otherwise alter any sewer, drain, manhole or other appurtenance thereof belonging to the sewer authority or in its charge, the person or party desiring such change to be made shall make a written request to that effect to the manager of the sewer authority.

(d) No person shall make any connection to any public sewer of the sewer authority, or appurtenance thereof, or to any pipe or appurtenance discharging thereinto, or remove or disconnect any existing connection thereto, except as provided in sections 16-41, and 16-43 through 16-59; provided, plumbing work and fixtures within buildings and similar structures may be built and connected as provided by local or state plumbing codes, laws and regulations and by permits issued thereunder.

(Ord. No. PLY-145, § 4, 5-13-86)

Sec. 16-43. Requirements, specifications generally.

(a) The manager of the sewer authority shall, from time to time, establish standard requirements or specifications to regulate the sizes, materials, methods and workmanship to be used in the construction of sewers, drains, house connections and other similar work and appurtenances thereto connected or intended to be connected or to discharge, directly or indirectly, to any public sewer or drain of the sewer authority. Such standard requirements shall provide minimum requirements as to the size, depth, slope or rate of grade for such pipes, shall regulate the kinds of pipe, fittings, methods of laying, jointing, materials used, manner of connecting to pre-existing sewers and drains, and general considerations as to location and other pertinent features.

(b) So far as practicable, the standard requirements as established by the manager under this section shall apply throughout the town insofar as each particular requirement shall be applicable to each location and condition.

(c) Until such time as the manager or chief engineer shall have established other standards for work and materials on such sewers, drains, connections thereto and appurtenances thereto, the practices and customary requirements of the sewer authority with respect to such matters shall control as those practices and requirements were observed and followed prior to May 13, 1986. (Ord. No. PLY-145, § 5a-c, 5-13-86)

Sec. 16-44. Technical codes, specifications.

(a) The requirements of local building and plumbing codes shall be observed with respect to piping and fixtures inside or

immediately adjacent to buildings and within the areas of jurisdiction of these several codes, subject only to the general requirements of this article. Building drains passed under or through walls shall be brought to a point five (5) feet outside the outer walls and shall conform to the requirements of local building and plumbing codes with respect to size, and material and shall be protected from breakage. Any plumbing pipe passing under a footing or through a foundation shall be provided with a relieving arch; or there shall be built into the masonry wall an iron pipe sleeve two (2) pipe sizes greater than the pipe passing through; or equivalent protection shall be provided as may be approved in writing by the plumbing official. Pipe more than five (5) feet outside the outer walls of any building or similar structure shall conform to the requirements of this article as to permits, materials and workmanship. Each independent house or building shall be required to have trapped fixtures with a fresh-air intake or a building house trap with fresh-air intake when connecting to the town sanitary sewer system.

(b) All drains outside of the buildings, except those which are within the control of town or city plumbing or building inspectors, shall be either approved vitrified tile, PVC-plastic, ABS, cast iron or asbestos-cement pipe, with proper fittings.

(c) In general, each principal drain from any house or building to any public sewer or drain shall not be less than five (5) inches diameter if of cast iron, or six (6) inches inside diameter if of other material.

(Ord. No. PLY-145, §§ 5d.1, 5d.3, 5d.4, 5-13-86)

Sec. 16-45. Separate connections for separate structures.

In general, each independent house or building, if set on an individual lot by itself, shall have a direct connection to the public sewer or drain serving it, separate from any other house drain serving any other house, building or structure set upon another parcel or lot of land. The manager of the sewer authority in his discretion may permit variations of this requirement upon receipt of a written request to that effect from the owners of all the land in any way concerned.

(Ord. No. PLY-145, § 5d.2, 5-13-86)

Sec. 16-46. Grade, backfill specifications.

House connections and drain pipe, except as specially permitted otherwise by the manager or chief engineer, shall be laid to a true rate of grade of not less than one (1) foot per one hundred (100) feet and more if possible; shall have not less than three (3) feet of cover at all points; pipe shall be laid on firm, stable, undisturbed soil or suitable foundation bedded in six (6) inches of sand haunched to the spring-line of the pipe and thoroughly compacted. A backfill layer of sand shall be uniformly placed from the spring-line of pipe to twelve (12) inches over top of pipe and thoroughly compacted, the remaining backfill shall be suitable material free of large stones or boulders, clumps of frozen earth, masses of vegetation and/or other debris, and thoroughly compacted; shall be located at a sufficient distance from other parallel pipes to admit of altering or making repair to either line without disturbing the other; shall be well and tightly jointed and well cleaned inside after laying; shall consist of such straight pipe, bends, branches and other fittings as may be needed; and shall conform to all reasonable requirements for good construction. Pipe larger than the minimum size specified herein shall be used when and as the size of structure, numbers and kinds of fixtures to be drained and other conditions may make it necessary to provide proper drainage. In unstable or unsuitable trench conditions the use of one-half-inch to three-fourths-inch stone shall be required as needed.

(Ord. No. PLY-145, § 5d.5, 5-13-86)

Sec. 16-47. Point of connection restrictions.

Connections to public sewers and drains of the sewer authority shall be made only at such points and in such manner as shall have been indicated by the permit issued by the manager to such connections, or as the manager shall direct. In general, if any means such as a house connection lateral to the side of the street or road, or a Y-branch, slant, inlet or connection chimney in or on the main sewer or drain has been provided at or near the location where a connection is to be made, such lateral, Y, etc., as the case may be, shall be used wherever possible in lieu of cutting a new opening into the main sewer or drain. When no lateral or Y-branch is available near the point where a connection is to be made into

any public sewer or drain of the sewer authority, a suitable Y or T fitting shall be installed, if and in such manner as the engineer shall direct. When it is necessary to cut an opening into any public sewer or drain or appurtenance thereof, such cutting shall be done only in the presence of and in the manner directed by the representative of the engineer assigned to observe such work and any connection to the sewer or drain shall be made with such materials and in such manner as said representative shall direct. (Ord. No. PLY-145, § 5e, 5-13-86)

Sec. 16-48. Use of existing sewers.

Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent to meet all requirements of this article. (Ord. No. PLY-145, § 5e.1, 5-13-86)

Sec. 16-49. Protection of public.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town. (Ord. No. PLY-145, § 5e.2, 5-13-86)

Sec. 16-50. Proximity to water supply systems.

No building sewer shall be constructed within twenty-five (25) feet of a water supply well. If a building sewer is constructed within twenty-five (25) to seventy-five (75) feet of a water supply well it shall be constructed in accordance with all applicable guidelines promulgated by the commissioner. (Ord. No. PLY-145, § 5e.3, 5-13-86)

Sec. 16-51. Elevation, lifters.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building

drain shall be lifted by an approved means and discharged to the building sewer. Duplex lift systems shall be provided for commercial and industrial buildings.

(Ord. No. PLY-145, § 5e.4, 5-13-86)

Sec. 16-52. Sewer ejector system.

(a) A sewage ejector system for residential properties shall consist of a single submersible pump with semiopen type two-vane, nonclog impeller able to handle one-and-one-half-inch solids, one-half h.p. 120V, single phase, 60 Hz., oil-filled motor with overload, stainless steel pump shaft, cast-iron pump body and motor housing, mechanical seals, three-inch pump discharge pipe, and a ten-foot long, 3-wire grounding type power cord. The pump shall have a minimum capacity of 25 GPM at twenty-five-foot head and be capable of handling one-hundred-forty-degree Fahrenheit temperature liquids for continuous operation. Pump operation shall be controlled automatically. Sump basin shall be an eighteen-inch diameter by thirty-inch minimum depth fiber-glass basin with gastight cover and contain four-inch hubbed inlet connections for cast-iron soilpipe, three-inch vent and three-inch pump discharge connections. All openings in the cover shall be sealed with vapor-tight gaskets.

(b) Any substitutions from the above specifications must be submitted to the town water pollution control authority for review and approval.

(c) The installation of sewage ejector pumps are subject to and regulated by the requirements of state and local plumbing codes.

(d) The building discharge line from sewage ejector pumps to the public sewer shall be a minimum three-inch heavy duty cast-iron pipe with hubs, or other approved equal; and be provided with a check valve. The pump discharge line shall be laid at a minimum depth of four (4) feet from building to the public sewer. Pipe bedding and backfill requirements shall be the same as those stated in section 16-46.

(Ord. No. PLY-145, § 5e.5, 5-13-86)

Sec. 16-53. Destruction of certain systems.

All septic tanks, cesspools, and other on-site disposal systems shall be completely pumped, crushed and made inoperative when connection is made to the town sanitary sewer system.
(Ord. No. PLY-145, § 5f.1, 5-13-86)

Sec. 16-54. Supervision, inspection of specific work.

All connections to public sewers or drains and appurtenances thereto, all repairs and alterations to such sewers or to drains which are connected to or discharge, directly or indirectly, into such sewers or drains of the sewer authority or are intended to connect to or discharge, directly or indirectly, into such sewers or drains, shall be made under the supervision and inspection of representatives of or inspectors assigned to such work by the chief engineer. The services of such inspectors shall, in general, be available, if needed, between the hours of 8:30 a.m. and 4:00 p.m. on regular working days, Monday to Friday inclusive, provided two (2) hours' notice of the need for such services is given to the office of the engineer or authority. Inspections will be made outside said hours on Saturdays or holidays only by previous arrangement with the engineer and only when, for good and sufficient reasons, the engineer shall deem it necessary to perform such work outside the usual working hours, and such inspections shall be subject to an additional charge of twenty-five dollars (\$25.00) (subject to change by majority vote of the water pollution control authority) for each inspection. (See section 16-57).
(Ord. No. PLY-145, § 5g, 5-13-86)

Sec. 16-55. Record of connections, etc.

The chief engineer shall keep a record of all connections made to public sewers or drains under this regulation and all repairs and alterations made to sewers, house connections or drains connected to or discharging into public sewers or drains of the sewer authority or intended to so discharge. Licensed drain layers and others shall assist the engineer to secure data needed for such records. (See sections 16-53 and 16-54).
(Ord. No. PLY-145, § 5h, 5-13-86)

Sec. 16-56. Assistance in installations by engineer.

The chief engineer or his representative shall assist in the installation, repair and alteration of connections to public sewers and drains and of house connections or drains discharging thereinto by furnishing such information as may be in his possession and proper to be furnished to the party performing such work, by taking levels and staking out grades for sewers, house connections or drains where he deems it expedient, and in similar ways. (Ord. No. PLY-145, § 5i, 5-13-86)

Sec. 16-57. Reimbursement of authority expenses.

The manager may, in his discretion, in any case where the quantity or expense of work by the sewer authority incidental to the construction, repair or inspection of any sewer or sewer connection warrants such a requirement, require that the owner of property concerned or the drain layer shall reimburse the sewer authority for the cost of the services of sewer authority employees engaged in work or inspection incidental to the sewer or sewer connection. The sewer authority or the manager may make a suitable provision for such reimbursement a condition precedent to the issuance of any permit for the construction, alteration or repair of such sewer or sewer connection, subject to such directions as the sewer authority may issue. (Ord. No. PLY-145, § 5j, 5-13-86)

Sec. 16-58. Capping of certain drains.

Adequate precautions shall be taken to exclude from public sewers all water or other materials which may obstruct, damage or wrongfully fill the drain or any sewer into which they may be discharged directly or indirectly. To that end, the open ends of drains and sewer or drain connections shall be kept closed or protected during construction and during periods when work on any incomplete drain is suspended. If any drain shall have been laid to the site of a proposed building, or other structure prior to the time when the building, or structure is built, the end of the drain shall be kept closed to ensure that no water or materials enter such drain during the interval prior to the construction of the building or structure. (Ord. No. PLY-145, § 5k, 5-13-86)

Sec. 16-59. Discontinued, abandoned drains.

When any building or other structure previously served by a connection to any public sewer or drain is demolished, destroyed, abandoned or altered so that any drain or portion of an abandoned plumbing system which is directly or indirectly connected to any public sewer or drain is no longer used and is no longer connected to the drainage system of the building or structure, the open end of such drain which discharges directly or indirectly, into a public sewer or drain shall be promptly closed and sealed off so that no water or wastes not otherwise permitted to enter the public sewer or drain shall be so discharged thereinto. The manager shall be notified of such abandonment or discontinuance and of the closing and sealing of such drain and his representative afforded an opportunity to see such work performed. All of such work shall be done by the person or party who demolishes the building or structure or who alters the drainage of the premises so as to make such closing and sealing necessary, and, in event of the failure of such person or party to do so, shall be done by the owner, lessee or tenant of the premises to the satisfaction of the manager, all without expenses to the sewer authority.
(Ord. No. PLY-145, § 6, 5-13-86)

Secs. 16-60—16-75. Reserved.**DIVISION 3. DISCHARGE RESTRICTIONS****Sec. 16-76. Generally.**

No person or party shall discharge or put into any public sewer or public drain of the sewer authority, or into any sewer, drain or fixture which thereafter discharges into any public sewer, drain or appurtenance thereof, any waste or substance other than such kinds or types of water or water-carried wastes for the conveyance of which the particular sewer, drain or appurtenance is intended, designed or provided.
(Ord. No. PLY-145, § 3, 5-13-86)

Sec. 16-77. Classification of sewers.

If the proceedings by or under which any public sewer was laid out, constructed or conveyed to the town described the kind or

kinds of waste waters for which that particular sewer was intended, or what waste waters should be excluded therefrom, or what kind of a sewer (i.e. sanitary, storm, combined, overflow, relief sewer, etc.) the sewer was to be, such description shall be considered evidence as to which of the several kinds of waste waters may be discharged thereinto or shall be excluded therefrom; provided that, if the original designation of such sewer or wastes to be conveyed by it has been legally changed since the original proceedings, such amended classification shall be applicable. (Ord. No. PLY-145, § 3a, 5-13-86)

Sec. 16-78. Effect of wrongful discharges.

If wastes other than those for the conveyance of which a particular sewer was originally intended have been, at any time, discharged thereinto or conveyed thereby, that shall not constitute any amendment of the originally and formally expressed intended use for the sewer, unless the original designation shall have been amended by a competent municipal body. (Ord. No. PLY-145, § 3b, 5-13-86)

Sec. 16-79. Designation of specific sewers for specific discharges.

If the proceedings for the layout and construction of any particular sewer for its acquisition by the town did not indicate what kind of sewer or drain it was to be or what wastes could or could not be discharged therein, the manager shall consider the pertinent facts and shall determine what kind of sewer or drain the sewer is to be considered for the application of the provisions of this regulation and what waste or waste waters shall be permitted to be discharged thereinto or be excluded therefrom. Except as, and until, the determination so made by the manager of the kind of sewer or kinds of waste to be permitted in or excluded from any sewer shall have been altered or changed by vote of the sewer authority or other competent body, such determination by the manager shall control the classification of the sewer and the kind of wastes which may be permitted to be discharged thereinto or to be excluded therefrom. (Ord. No. PLY-145, § 3c, 5-13-86)

Sec. 16-80. Prohibited discharges.

No person or property owner shall discharge or permit to be discharged, directly or indirectly, from any premises under his control into any public sewer of any kind or type, any of the following:

- (1) Any substance or object likely to damage, injure, destroy or cause an obstruction in any sewer, or appurtenance thereof, into which it may be discharged.
- (2) Any substance which may attack, damage or alter by either abrasion or chemical action the materials of which the sewer and its appurtenances are composed or built.
- (3) Sticks, stones of material size, coarse rubbish, rags, unground or unshredded garbage or refuse having particles more than one (1) inch in their longest dimension, portions of any animal carcass more than one (1) inch in longest dimension.
- (4) Any debris or substance which by depositing any considerable quantity of sediment, by coagulation, by congealing or by attaching itself to the lining of the sewer or to other substances being transported within the sewer is likely to cause an obstruction in any sewer or appurtenance.
- (5) Any gasoline, kerosene, alcohol, oil, tar, flammable or explosive gas or vapor or any substance which may generate or form any flammable, explosive or combustible substance, fluid, gas, vapor or mixture when combined with air, water or other substances commonly found in sewers. (See section 16-82).
- (6) Steam, water vapor or other substance at a temperature above one hundred fifty (150) degrees Fahrenheit, or substance, which, upon coming into contact with water or sewage, will generate steam or vapor within such sewer. (See section 16-82).
- (7) Any waste or waste water which is strongly acid, and which, when tested in the usual technical manner, has a pH less than 5.5 or which is strongly alkaline and has a pH more than 9.0.

- (8) Objectionable poisons, cyanides, or any substance likely to generate poisonous fumes that may interfere with, constitute a hazard to, or be dangerous to human beings or domestic animals.
- (9) Any waste water or sewage containing considerable quantities of animal guts or tissues, entrails, offal, blood, feathers, hair, hides, scraps, unshredded vegetables, straw or cinders.
- (10) Any water containing disinfectants, formaldehyde, toxic or poisonous substances in quantities sufficient to delay or interfere with sewage treatment and sludge digestion processes including the sedimentation, biological and chemical processes used by the sewer authority at its treatment plants.
- (11) Any sewage which, by interaction with other sewage in the public sewer, releases obnoxious gases, forms suspended solids which interfere with the collection system, or creates a condition which may be deleterious to structures and treatment processes or which may cause the effluent limits of the W.P.C.F.'s NPDES permit to be exceeded.
- (12) Any substance which may cause the WPCF's effluent or any other product of the WPCF such as residues, sludges, or scums, to be unsuitable for reclamation process where the WPCF is pursuing a reuse and reclamation program. In no case shall a substance discharged to the WPCF cause the facility to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under section 405 of the act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the resource conservation clean air act, the toxic substances control act, or state criteria applicable to the sludge management method being used.
- (13) Any substance which will cause a WPCF to violate its NPDES permit or the receiving water quality standards.
- (14) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the commissioner in compliance with all applicable state and federal regulations.

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(15) Materials which exert or cause:

- a. Unusual concentrations of inert suspended solids (such as, but not limited to, sodium chloride and sodium sulfate).
- b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
- c. Unusual BOD, chemical oxygen demand, or chlorine demand in such quantities as to constitute a significant load on the water pollution control facility.
- d. Unusual volume of flow or concentrations of wastes constituting a slug.

(16) Any considerable quantity of waste from an industrial or commercial process or processes containing more parts per million than the minimum indicated by weight or by volume, for any of the following:

<i>Pollutant</i>	<i>Concentration: parts/million (mg)</i>
Arsenic as As	0.05
Barium as Ba	5.0
Boron as B	5.0
Cyanides as CN (amenable)	0.1
Fluoride as F	20
Chromium (Total)	1.0
Chromium (Cr +6)	0.1
Magnesium as Mg	100
Manganese as Mn	5.0
Copper as Cu	1.0
Zinc as Zn	1.0
Cadmium	0.07
Lead	0.1
Tin	2.0
Silver	0.1
Mercury	0.01
Nickel	1.0

Note: All metals are to be measured as total metals.

(17) Any waste waters or sewage likely to cause damage, injury or loss to other persons or to the property of other persons

who are lawfully entitled to use of the sewer or sewers through which said wastes are discharged, or to any person or equipment engaged in sewage treatment and disposal for the sewer authority. This prohibition shall be understood as applying to the kind or character of wastes discharged into any sewer and as limiting the quantity of wastes or waters which may be discharged from any one (1) parcel or plot of property and the rate or rates at which wastes are discharged to approximately the quantity of sewage or water which the sewer was intended to receive from that particular parcel or plot or from a typical parcel of that size or area.

(18) In accordance with Section 22a-430 of the General Statutes as amended, a permit from the commissioner of environmental protection is required prior to the initiation of a discharge of any of the following waste waters to a public sewer:

- a. Industrial wastewater of any quantity.
- b. Domestic sewage in excess of five thousand (5,000) gallons per day through any individual building sewer to a public sewer.

A potential discharger must submit a permit application to the department of environmental protection not later than ninety (90) days prior to the anticipated date of initiation of the proposed discharge.

(Ord. No. PLY-145, § 3d, 5-13-86)

Sec. 16-81. Determination for exclusion.

In determining whether any waste discharged or proposed to be discharged into any public sewer or drain is or is not to be excluded under sections 16-81 through 16-92, or any subdivisions of any of them, or this regulation, consideration shall be given to the quantity, time or times, rate and manner of discharge, dilution and character of the waste in question, the size of the sewer or drain into which it is or is not to be discharged, the probable quantity of other sewage in the sewer or drain at the time of discharge, the quantities of other objectionable wastes likely in the sewer or drain, and other pertinent facts. Minute quantities

of a waste which would be objectionable in larger quantity may be permitted if sufficiently diluted when and as discharged, or if the quantity discharged is very small in comparison to the receiving sewer or drain and the flow therein at the time of discharge, upon specific permission from the manager of the sewer authority; but any permission to discharge minute quantities of any otherwise excluded waste shall be revocable at any time by the manager or his successor.

(Ord. No. PLY-145, § 3e, 5-13-86)

Sec. 16-82. Protective devices.

At all premises where wastes or substances specified to be excluded from sewers or drains by the provisions of this article are customarily present and liable to be discharged directly or indirectly into any public sewer or drain, suitable and sufficient piping layouts, oil or grease traps or separators, screens, sedimentation chambers, diluting devices, storage and regulating, treatment, cooling or condensing equipment and similar devices or equipment shall be provided, maintained and operated to ensure that no waste, substance, or water required to be excluded from the sewer or drain shall be discharged thereinto in violation of the requirements of this article.

(Ord. No. PLY-145, § 3f-1, 5-13-86)

Sec. 16-83. Sampling wells, etc.

(a) At premises where any of the substances or wastes prescribed as being or to be excluded from any sewer or drain are present and liable to be discharged contrary to the limitations of this article, the manager or chief engineer of the sewer authority may require that the owner of the premises provide, operate and maintain a sampling well or wells, a flow measuring device, manholes, catch basins or other suitable devices or treatment facilities on any or all house connections or drains from the premises near the point or points where the drains connect to any public sewer or drain. By means of the sampling well or wells, or other devices, the owner, owners, and occupants of the premises and the manager, chief engineer or the authorized representative of either, or any other public officer charged with any duty in-

volving the supervision of the disposal of waste waters may secure samples of or examine the wastes and waters discharged into the public sewer or drain and measure the quantities thereof for the purpose of ascertaining the compliance or noncompliance with the requirements of this article.

(b) Sampling wells and other devices required by this section shall be provided, operated and maintained by the persons in control of the premises, where required, without expense or cost to the sewer authority. Such devices shall be subject to the approval of the manager or chief engineer.

(Ord. No. PLY-145, § 3f-2, 5-13-86)

Sec. 16-84. Accidental discharges.

(a) Within five (5) days following an accidental discharge, the user shall submit to the superintendent and the commissioner a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the WPCF, fish kills, aquatic plants, or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

(b) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees are advised of the emergency notification procedure.

(Ord. No. PLY-145, § 3f-3, 5-13-86)

Sec. 16-85. Right of entry for inspection.

The manager or chief engineer, or any authorized representative of either of them, shall have the right to enter and inspect any part of any premises served by the public sewers and drains of the sewer authority upon which there may be reason to believe that violations of the requirements of this article have occurred or are likely to occur, for the purpose of ascertaining facts as to such violation or suspected violation, or of obtaining samples of

wastes, substances or waters being discharged into sewers or drains, or of inspecting devices provided to exclude such prohibited discharges.

(Ord. No. PLY-145, § 3f-4, 5-13-86)

Sec. 16-86. Conduct of town personnel.

While performing the necessary work in private properties referred to in section 16-85, the superintendent or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the user. The user shall be held harmless for injury or death to the town employees and the town shall indemnify the user against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the user to maintain safe conditions as required under this article.

(Ord. No. PLY-145, § 3f-4-1, 5-13-86)

Sec. 16-87. Attachment to permit application.

To facilitate compliance with the requirements of this division, the manager or chief engineer of the sewer authority may require that the owner or party applying for a permit to install a new connection to any sewer or drain, or to alter or extend an existing house connection shall, in any case where a sampling well, oil or grease trap or separator, diluting device, or similar appurtenance is or may be required, furnish to the manager or chief engineer as part of the application for the permit a plan or satisfactory description or both, of the device (of whatever kind) which it is proposed to provide in accordance with the requirements of this section and description of the proposed operation thereof. The plan, description, or both, shall become part of the application and the installation of the device in accordance therewith shall be a condition attached to the granting of the permit.

(Ord. No. PLY-145, § 3f-5, 5-13-86)

Sec. 16-88. Use of sanitary sewers.

Except as specifically provided with reference to some particular sewer, sanitary sewers shall be used only for the conveyance

and disposal of sanitary sewage and for diluted, water-carried industrial wastes which are not objectionable as provided hereinafter. Except as specifically provided for some particular sewer or location, no sanitary sewer shall be used to receive and convey or dispose of any flow of water seeping into buildings or excavations from soils or other underground sources, flows of natural springs, or groundwaters, surplus from flowing wells, the discharges from roofs, roof conductors, yard drains, floor drains, or highway drains.

(Ord. No. PLY-145, § 3g, 5-13-86)

Sec. 16-89. When sewer connection required.

The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the town may, at the option of the town and at the owners' expense, be required to install a building sewer to connect their building drain to the public sewer in accordance with the provisions of this article, within ninety (90) days after date of official notice to do so.

(Ord. No. PLY-145, § 3g-1a, 5-13-86)

Sec. 16-90. When construction of certain facilities prohibited.

It shall be unlawful for any person to construct or repair any privy, privy vault, septic tank, cesspool or other facility intended for the disposal of sewage if public sewers are available. (Public Health Code Section 19-13-B20b).

(Ord. No. PLY-145, § 3g-1b, 5-13-86)

Sec. 16-91. Septage discharges generally.

Septage pumpings from on-site waste water disposal systems, such as septic tanks and cesspools, that are taken from properties within the town may be discharged into the public sewer system at a designated location at the water pollution control facility situated on Canal Street, Pequabuck. No septage discharges will be permitted that are in violation of any applicable regulations of this article. Discharges shall be made between the hours of 7:30

a.m. through 4:00 p.m., Monday through Friday; and between the hours of 7:30 a.m. through 11:30 a.m., on Saturday. No other hours will be permitted for discharges, except by previous arrangement with the superintendent, and only when, for good and sufficient reasons the superintendent deems it necessary. Every person making a discharge shall be required to complete and file with the superintendent a discharge ticket, to be provided by the sewer authority, indicating name and address of property(s) where the septage was taken from; date, time, number of gallons, and name and signature of discharger or authorized representative. A schedule of charges for discharging shall be available for inspection at the water pollution control facility (WPCF). All charges shall be due and payable with thirty (30) days from billing. Any violation of the requirements of this article, that are applicable, shall forfeit the violator's right to discharge into the town sanitary sewer system.

(Ord. No. PLY-145, § 3g-1c, 5-13-86)

Sec. 16-92. Cooling water, etc., restricted.

No large quantity of cooling water or similar waste waters in large volumes or discharged in large quantity at one (1) time shall be discharged into any sanitary sewer without specific permission from the manager of the sewer authority. Such permission, if granted in any case, shall be revocable by the manager or his successor at any time upon proper notice. In general such permission shall not be granted at locations where there is conveniently available a storm drain, natural watercourse or other convenient and suitable means of disposal for such large volumes of clean waste water. Before permitting such discharge into a sanitary sewer at any given location the manager shall consider whether the discharge in question may cause excessive flows in the sewer or sewers through which it is to be discharged and whether such discharge will occasion a burden on any pumping equipment, sewage treatment plant, or other appurtenance of the sewer system, out of proportion to the other needs of the community and to the contribution which the property from which the discharge comes, makes, or has made toward the services of the sewer authority.

(Ord. No. PLY-145, § 3g-2, 5-13-86)

Secs. 16-93—16-110. Reserved.

DIVISION 4. DRAIN LAYERS

Sec. 16-111. Work restricted.

To ensure compliance with the provisions of this article and to facilitate the supervision of the construction, operation and repair of sewers and drains and the keeping of records thereof, no person other than those described in section 16-112 shall construct, repair, alter or remove any sewer, house connection or drain connected to or with, or discharging directly or indirectly to or into, any public sewer or drain of the sewer authority or intended to discharge at some future time, regardless of whether the work is located in a public street or in public or private land. (Ord. No. PLY-145, § 7a, 5-13-86)

Sec. 16-112. Authorized workers enumerated.

The following may, as indicated, construct, repair, alter or remove sewers and drains, subject to supervision and approval by the manager or superintendent of the sewer authority.

- (1) Regular forces of or a contractor employed by the sewer authority, operating under orders of the manager and in the performance of work for the sewer authority.
- (2) Regular forces of the sewer authority and regular forces of the town within the sewer authority or the state highway department operating under and subject to permit for the particular job to be issued by the manager, or superintendent, and while engaged in the regular work and operation of the public works department of the town or state highway department.
- (3) Regular forces of any public utility corporation authorized by state law to construct, maintain and operate pipes or ducts within public highways within the sewer authority, while engaged in work incidental to the regular structures of the utility company and operating under and subject to the conditions of a permit for the particular job issued by the manager or superintendent.

- (4) Any person who possesses a valid drain layer's license issued under chapter 393 of the General Statutes as amended, to perform work of the type in question in the town, during the period provided in such license and when operating under and subject to the conditions of a permit for the particular job and issued therefor by the manager of the sewer authority or his/her authorized representative. Should any licensed drain layer change his, her, their or its name, composition of firm or business address during the term of his, her, their or its license, he, her, they or it shall immediately notify the sewer authority in writing, giving both old and new name, address, etc., as the case may be.

(Ord. No. PLY-145, § 7b-f, 5-13-86)

Sec. 16-113. Exception respecting workers.

The limitations as to persons who may construct, alter or repair house connections, drains and sewers, as provided in sections 16-111 and 16-112 shall not restrict the usual work of plumbers or others when operating in accordance with local plumbing and building codes of the town within the sewer authority and when they are working on pipes within or not more than six (6) feet outside the walls of a building or similar structure. Provided, no plumber or other persons shall make any connection to a public sewer or drain of the sewer.

(Ord. No. PLY-145, § 7g, 5-13-86)

Sec. 16-114. Permits required.

No plumber or other person shall make any connection to a public sewer or drain of the sewer authority without a permit therefor, even if the sewer or drain is located under or immediately adjacent to any building or similar structure; provided, all drains and fixtures within the building or structure and all use made of them shall conform to the requirements of this article as to what may and may not be permitted to be discharged into public sewers and drains.

(Ord. No. PLY-145, § 7g, 5-13-86)

Cross reference--Licenses, permits and miscellaneous business regulations, Ch. 9.

Sec. 16-115. Authority of property owners; insurance.

Property owners within the town shall be permitted to make connection of their buildings to the public sewer system, provided a lateral connection has been installed for their property beyond the limits of the town right-of-way and they can furnish proof to the sewer authority of liability insurance against damages arising out of the installation of the proposed sewer connection because of bodily injury or death of any person with limits of not less than twenty-five thousand dollars (\$25,000.00) per person and fifty thousand dollars (\$50,000.00) per occurrence or because of injury or destruction to property with limits of not less than ten thousand dollars (\$10,000.00) per occurrence; and shall execute an indemnity agreement, on forms to be provided by the sewer authority, which shall hold the town and its agents harmless for any and all losses or claims arising out of the installation, maintenance or repair of the proposed sewer connection. All work shall be done in accordance with the requirements of this article as it relates to, but not limited to, making application, securing a permit, type of material, bedding and backfilling, etc., and all other requirements that may be applicable.
(Ord. No. PLY-145, § 7h, 5-13-86)

Sec. 16-116. Surety bond and insurance.

(a) Licensed drain layers performing work within the town shall be required to file with the sewer authority a satisfactory bond and a protective liability insurance policy in the name of the town sewer authority together with satisfactory insurance policies or certificates to the effect that the licensee is properly insured against claims by employees or the public and against liabilities to be assumed under the terms of the drain layer's permit. The bond and certificate shall be on forms satisfactory to the sewer authority. The surety bond shall be in the sum of not less than five thousand dollars (\$5,000.00). The insurance shall be not less than one hundred thousand dollars (\$100,000.00) for each person and not less than three hundred thousand dollars (\$300,000.00) for each accident, and property insurance shall be not less than one hundred thousand dollars (\$100,000.00). Higher limits, for either the bond or insurance may be set by vote of the sewer authority.

(b) The bond and insurance, in combination, shall provide that the sewer authority, the state and the town within the sewer authority and their respective agents shall be indemnified and saved harmless from all suits and actions of every name and description brought against any of the public bodies or their agents, for or on account of any injuries or damages received or sustained by any person or property in consequence of or resulting from any work performed by the drain layer, his agents, or servants, or from any act or omission of the drain layer, his servants or agents, while operating under his license or from any negligence regarding his work; that the drain layer shall reimburse the sewer authority for any expense to the sewer authority or its agents arising from any injury or damage to any sewer or drain or other property of the sewer authority or by reason of any violation by the drain layer or his agents or employees of any requirement of this regulation; that the drain layer shall faithfully execute in all respects all work performed under this license; that the drain layer shall restore the portion of any street or public place in which the drainlayer may have made an excavation incidental to work under the permit to as good condition as it was prior to the work and also shall keep the street or public place in like good condition to the satisfaction of the town or other public officer in charge thereof for a period of not less than one (1) year after the restoration; that the drain layer shall reimburse the town or the state for the expense of repairs to such street or public place made necessary by reason of the excavation made by the drain layer; and that the drain layer shall comply in all respects with the rules, regulations, laws, etc., relative to work in such streets or public places and with the terms of the permits which may be issued to the drain layer by any of the foregoing public bodies and shall pay all fines imposed on the drain layer for the violation of these rules and regulations.
(Ord. No. PLY-145, § 7i, 5-13-86)

Sec. 16-117. Conduct of drain layer.

Each licensed drain layer shall be responsible for the faithful performance of all work performed under his license or permits issued to him and for the conduct of all work and all materials furnished on work by his employees or agents. No work shall be

sublet by a licensed drain layer under any permit issued under such license in any manner to divest the drain layer of full control and responsibility for all parts of the work. Only competent men shall be employed on work performed under such license and only suitable materials conforming to the standards established by the manager of the sewer authority shall be furnished or used on such work.

(Ord. No. PLY-145, § 7j, 5-13-86)

Sec. 16-118. Suspension of license or permit.

Should the manager find that any licensed drain layer has failed to conform to the requirements of this article and to the conditions of any permit issued hereunder, or that such drain layer has not been faithful in the performance of work or furnishing materials under his license, the manager may suspend such license until the next meeting of the sewer authority and shall report the matter to such meeting. Such suspended drain layer and any complainant in the matter shall be notified of such meeting and afforded an opportunity to be heard on the matter at that time. The sewer authority may, after the opportunity to be heard has been provided, revoke such license or may extend the suspension of such license for such period or limit the activities of such drain layer in such manner as may appear to be to the public interest.

(Ord. No. PLY-145, § 7k, 5-13-86)

Sec. 16-119. Responsibility of drain layer.

Each licensed drain layer shall save the sewer authority, its agents and servants, the town, and the state harmless from all loss or claim for loss, damage or injury arising from the operations of such drain layer under any permits issued under his license or any negligence or failure on the part of such drain layer in guarding, protecting or conducting the work thereunder or from damage to or obstructions or disturbance of any highways, pavements, walks, pipes, sewers, drains, etc., caused by such work.

(Ord. No. PLY-145, § 7l, 5-13-86)

Sec. 16-120. Work permit required.

No person, other than those working for and under the direction of the sewer authority, shall make any excavation for or construct, install, lay, repair, alter or remove any sewer, drain, sewer or drain connection, or appurtenance thereof, within the sewer authority jurisdiction, which sewer, drain, etc., is in any way connected to or discharges directly or indirectly to or into any public sewer or drain of the jurisdiction, or is intended at some future time to be so connected or so discharge, until such person or party shall have applied for and secured from the manager or his authorized representative a permit for doing such work. Such permits may be issued only to those qualified to perform such work as provided in section 16-112.
(Ord. No. PLY-145, § 7m, 5-13-86)

Sec. 16-121. Application for permits.

(a) The manager or superintendent of the sewer authority may authorize competent representatives in the town within the sewer authority jurisdiction to act for him in receiving applications for permits and issuing such permits.

(b) Every application for a permit shall be made in writing on forms to be provided by the sewer authority for that purpose and shall be signed by the licensed drain layer or other qualified person or party, or an authorized agent thereof. The application shall state the location and ownership of the property to be served by the sewer or drain in question, the post office address of the property owner, a brief description of the work to be done, and shall contain an agreement that the permittee will do the work in accordance with the requirements of the sewer authority and local laws, rules and regulations and permits as those laws, etc., may apply to the particular location or work and will save the sewer authority and others harmless from damages, loss, damage claims, etc., in accordance with the terms of the drain layer's surety bond provided for in section 16-116; all in such form and detail as may be directed by the sewer authority in the form provided. The manager in his discretion, may require as a pre-

requisite to the issuance of any permit that he be furnished evidence:

- (1) That any and all necessary permits, etc., to open public streets, public or private grounds or property have been or will be issued.
 - (2) That the agent of the applicant is properly authorized to sign the application in question.
 - (3) That the devices or provisions to prevent the entry into public sewers or drains of any substances forbidden entry by this regulation will be provided, maintained and operated as required by section 16-82 hereof; and any other information or proof pertinent to the particular job in question.
- (Ord. No. PLY-145, § 7n, o, 5-13-86)

Sec. 16-122. Records of permits, work.

All completed applications for permits and a record of work performed under every permit issued thereupon shall be kept as permanent records of the sewer authority.

(Ord. No. PLY-145, § 7p, 5-13-86)

Sec. 16-123. Contents of permit; fee; transfer.

Each permit to construct, alter or repair any sewer, building connection or drain under this division shall be issued only after an application as hereinbefore provided. It shall state the location and character of the work to be performed thereunder, the person granted permission to perform such work, a time limit within which the work must be performed and at the expiration of which the privileges for construction under the permit shall terminate, unless such time limit shall have been extended in writing by the manager; shall indicate the general character of wastes which may be discharged into the sewer in question; and any other pertinent information or conditions. Permits shall not be transferable or assignable by the permittee. A permit and inspection fee of fifteen dollars (\$15.00) (subject to change by majority vote of the water pollution control authority) shall be due and payable to the sewer authority upon issuance of the permit.

(Ord. No. PLY-145, § 7q, 5-13-86)

Sec. 16-124. Display of permits.

Permits shall be kept on the premises where and at all times when work is in progress and shall be shown to any proper person asking to see the same. All persons operating under such permits shall be held responsible for conformity to the requirements thereof and of this regulation.

(Ord. No. PLY-145, § 7r, 5-13-86)

Sec. 16-125. Termination of permit.

Any permit may be suspended, cancelled or terminated by the manager on written notice to the permittee for violation of the conditions thereof or for violation of the requirements of this article or of the standards and specifications established by the manager for such work as provided by this article, or for other reasons in the public interest. Suspension, cancellation or termination of a permit may cover all or any portion of the work contemplated thereunder as the manager may direct. Suspension, cancellation or termination of a permit shall not entitle the permittee to any compensation or reimbursement from the sewer authority or its agents for any alleged loss or expense incurred thereby, and permits shall be issued only on this condition.

(Ord. No. PLY-145, § 7s, 5-13-86)

Secs. 16-126–16-140. Reserved.**DIVISION 5. RATES AND CHARGES****Sec. 16-141. Collector of assessments.**

The tax collector is hereby designated as collector of sewer benefit assessments, sewerage system connection and use charges.

(Res. of 2-3-64)

Sec. 16-142. Adjustments in sewer assessment payments for elderly property owners.

(a) An owner of real property who meets the qualifications set forth in subsection (b) of this section shall be entitled to apply to the town water pollution control authority for approval of a plan of periodic payment of eligible property owner's Phase III sewer

assessment. The water pollution control authority may allow and approve optional methods of payment of each subsequent year during which the property owner is eligible under subsection (b), including an option to pay only the annual interest charge not exceeding six and one-half (6.5) percent for any deferred payments or outstanding principal balance, provided in any such option methods of payment, the outstanding balance of principal shall become due upon any transfer of title to the property subject to the assessment or upon the death of such property owner. If such transfer or death results in a transfer of title to a surviving spouse who is sixty (60) years of age or over and who was domiciled with the decedent property owner at the time of his death, the water pollution control authority may allow a continuation of such optional method of payment until the death of such eligible property owner or upon the transfer of title to the property, whichever shall first occur. Any such optional method of payment shall be subject to annual review by the water pollution control authority.

(b) To qualify for the optional methods of payment for elderly property owners, the property owner shall meet all of the following requirements:

- (1) Be sixty-five (65) years of age or over, or his spouse, who is domiciled with him, shall be sixty-five (65) years of age or over at the close of the preceding calendar year, or at such time be sixty (60) years of age or over and the surviving spouse of a property owner who at the time of his death had qualified, and received approval of an optional payment method under this article, provided such spouse was domiciled with such property owner at the time of his death; and
- (2) Occupy such real property as his home; and
- (3) Either he or his spouse shall have resided within this state for at least five (5) years before filing application for an optional method of payment under this section; and
- (4) Have individually, if unmarried, or jointly, if married, adjusted gross income and tax exempt interest as determined under the Internal Revenue Code of 1954, as amend-

ed, hereinafter called "qualifying income" during the calendar year preceding the filing of this application in an amount of not more than six thousand dollars (\$6,000.00); and

- (5) Shall have received no financial aid or subsidy from federal, state, county or municipal funds, excluding property tax exemptions and any payments received under the federal supplemental security income program, for direct payment of property taxes during the prior calendar year.

(Ord. No. PLY-124, 7-2-79)

State law reference—Authority, G.S. § 7-253a.