

**ORDINANCE PROVIDING FOR BIENNIAL ELECTIONS
IN THE TOWN OF BEACON FALLS
AS PER PUBLIC ACT 159 – 1949 SESSION
HOUSE BILL NO. 1244
(Revision – June 2013)**

SECTION 1. General Elections

Nominations and elections of Federal and State officers, including Registrars of Voters, and of such elective municipal officers, boards and commissions as are provided for in this document shall be conducted, and the Registrars of Voters shall prepare lists of electors qualified to vote therefore, in the manner prescribed in the Constitution and the General Statutes and Special Laws of the State of Connecticut applicable to the Town of Beacon Falls. The election of Town officers shall be held biennially on the first Tuesday after the first Monday in November in the odd numbered years.

SECTION 2. Elected Town Officers, Boards and Commissions.

Effective with the first Town election following adoption of this Ordinance, the following officers and members of Boards and Commissions shall be elected for terms herein specified commencing on the 3rd Monday in November next following their election unless otherwise provided elsewhere in the Connecticut General Statutes: three (3) Selectmen, a Town Treasurer and a Tax Collector.

A. First Selectman and Board of Selectmen.

The First Selectman and two (2) members of the Board of Selectmen shall be elected for a term of two (2) years at the Town election to perform the duties as prescribed in the Connecticut General Statutes Section 9-188.

B. Town Clerk.

The Town Clerk who shall also be the Registrar of Vital Statistics shall be elected at the Town election for a term of four (4) years commencing on the first Monday in January next after such election to perform the duties prescribed in Chapter 92, Chapter 93 and Title IX of the Connecticut General Statutes.

C. Town Treasurer

At each biennial election, a Town Treasurer shall be elected for a term of two (2) years and shall take office on the 3rd Monday in November following their election unless otherwise provided elsewhere in the Connecticut General Statutes and shall be required to perform all of the duties as prescribed in Chapter 94, Section 7-180 of the Connecticut General Statutes.

D. Tax Collector

At each biennial election, a Tax Collector shall be elected for a term of two (2) years and shall take office on the 3rd Monday in November following their election unless otherwise provided elsewhere in the Connecticut General Statutes and shall be required to perform all of the duties as prescribed in Chapter 204 Section 12-22 of the Connecticut General Statutes

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E. Registrar of Voters

At the National election, along with the gubernatorial election held every four (4) years in November, there shall be elected Two (2) Registrars of Voters, each for a four (4) year term commencing on the first Monday of January succeeding their election to perform the duties prescribed in Title 9 of the Connecticut General Statutes.

F. Board of Finance

At each biennial election, two members shall be elected to the Board of Finance for a term of six (6) years and shall take office on the 3rd Monday in November following their election unless otherwise provided elsewhere in the Connecticut General Statutes and shall be required to perform all of the duties as prescribed in Chapters 106 and 108 of the Connecticut General Statutes.

The Board of Finance shall be composed of no more than three members of the same political party.

G. Library Board of Trustees

At each biennial election, two (2) members shall be elected to the Library Board of Trustees for a term of six (6) years and shall take office on the 3rd Monday in November following their election unless otherwise provided elsewhere in the Connecticut General Statutes and shall be required to perform all of the duties as prescribed in the Connecticut General Statutes

H. Board of Assessment Appeals

At each biennial election, one member shall be elected to the Board of Assessment Appeals for a term of six (6) years and shall take office on the 3rd Monday in November following their election unless otherwise provided elsewhere in the Connecticut General Statutes and shall be required to perform all of the duties as prescribed in Sections 12-110 through 12-117 of the Connecticut General Statutes.

I. Zoning Board of Appeals

At each biennial election, one member shall be elected to the Zoning Board of Appeals for a term of four (4) years and shall take office on the 3rd Monday in November following their election unless otherwise provided elsewhere in the Connecticut General Statutes and shall be required to perform all of the duties as prescribed in Sections 8-5 through 8-7e of the Connecticut General Statutes

J. Regional Board of Education

At each biennial election, two members shall be elected to the Regional Board of Education for a term of four (4) years and shall take office on the 1st day of December following their election unless otherwise provided elsewhere in the Connecticut General Statutes and shall be required to perform all of the duties as prescribed in Chapter 94, Section 7-180 of the Connecticut General Statutes.

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SECTION 3.

If a vacancy occurs in any office provided for under the provisions of this Ordinance, the unexpired portion of the term of office shall be filled by the Board of Selectmen, with the exception of a vacancy on the Board of Education, which will be filled by a Special Town Meeting called for said purpose.

Public Hearing held on September 18, 2006.

Town Meeting held on January 29, 2007.

This Ordinance becomes effective fifteen (15) days after publication in the most widely circulated newspaper in the Town of Beacon Falls.

Summary of this Ordinance was published in the Republican American on February 5, 2007.

This Ordinance became effective February 20, 2007.

Revision to Ordinance.

Town Meeting Held on: February 25, 2008

Ordinance Published: March 1, 2008

This Revised Ordinance became effective: March 16, 2008

Revision to Ordinance:

Public Hearing Held on: June 10, 2013

Town Meeting Held on: June 19, 2013

Ordinance Published on: July 15, 2013

Ordinance Becomes Effective: July 31, 2013

AN ORDINANCE TO CONFORM THE COMPOSITION OF VARIOUS
GOVERNMENTAL BOARDS WITHIN THE TOWN OF BEACON FALLS TO
THE REQUIREMENTS OF CONNECTICUT GENERAL STATUTES
SECTION 9-167a (revised)

SECTION 1.

All governing Boards within the Town of Beacon Falls which fall under the authority of Connecticut General Statutes Section 9-167a, relating to representation of minority political parties, shall be composed of persons from the various political parties in conformity to Connecticut General Statutes Section 9-167a.

SECTION 2.

This Ordinance shall take effect **fifteen days after its publication** in a newspaper having the largest circulation in the Town of Beacon Falls.

Presented and passed at a Town Meeting on August 25, 1997.

Summary published in accordance with Connecticut General Statutes Section 7-157 on September 12, 1997.

This Ordinance became effective on September 25, 1997.

ORDINANCE RELATING TO THE NUMBER OF JUSTICES OF THE PEACE
WITHIN THE TOWN OF BEACON FALLS

Be it ordained by the Town of Beacon Falls:

1. Pursuant to the provisions of Section 9-183a of the Connecticut General Statutes, there shall be thirty (30) Justices of the Peace elected within the Town of Beacon Falls **was repealed** and

In accordance with the provisions of Section 9-252 of the Connecticut General Statutes, **having been transferred to Chapter 146, Part 2, Section 9-183b, nominations of Justices of the Peace by major parties based on enrollment and in accordance with provisions of Section 9-184c of the Connecticut General Statutes, appointments of Justices of the Peace of electors who are not members of major parties is hereby enacted and...**

2. **Hereforth**, there shall be forty-five (45) Justices of the Peace within the Town of Beacon Falls

This Ordinance was passed at a duly scheduled Town Meeting held on February 18, 1997.

Public Hearing held on May 7, 2007

Town Meeting held on June 18, 2007

Notice published in newspaper having a large circulation in the Town of Beacon Falls on June 25, 2007.

This revised Ordinance became effective July 11, 2007.

ORDINANCE CONSTITUTING QUORUM AT TOWN MEETINGS

Effective with the passage of this Ordinance, it is required that all Town Meetings have a minimum of twelve (12) resident electors in order to constitute a legal quorum.

Other qualifications: as per Connecticut General Statutes Section 7.6 – Eligibility to vote. At any Town Meeting other than a Regular or Special Town Election or at any meeting of any fire, sewer, or school district or any other municipal sub-division of any Town incorporated by any Special Act, any person who is an elector of such Town may vote and any citizen of the United States of the age of eighteen (18) years or more who, jointly or severally, is liable to the Town, District or Sub-division for taxes assessed against him on an assessment of not less than one thousand dollars on the last completed Grand List of such Town, District, or Sub-division, or who would be so liable if not entitled to an exemption under sub-division (17), (19), (23), (25), or (26) of Section 12-81, may vote, unless restricted by the provisions of any Special Act relating to such Town, District, or Sub-division.

This Ordinance was duly passed at a Town Meeting held on **OCTOBER 2, 2006.**

This Ordinance becomes effective fifteen (15) days after publication in the most widely circulated newspaper in the Town of Beacon Falls.

Public Hearing Held on September 18, 2006

Town Meeting Held on October 2, 2006

Ordinance published in newspaper with a large circulation in Town of Beacon Falls on October 25, 2006

This Ordinance became effective on November 9, 2006.

AN ORDINANCE CREATING A BOARD AND CODE OF ETHICS

1.0 Declaration of Policy

1.1 The Town of Beacon Falls hereby adopts the provision of CT General Statutes, Section 7-148h, establishing an Ethics Commission.

1.2 The Town of Beacon Falls does hereby establish a code of ethics for all officers, employees, officials, and agents, whether elected or appointed, paid or unpaid. The purpose of this policy is to establish suitable ethical standards for all such officers, employees, officials, and agents by prohibiting acts or actions incompatible with the discharge of their public duties and the best interests of the Town of Beacon Falls and by directing disclosure of private financial interest or personal interest in matters affecting the Town of Beacon Falls by such officers, employees, officials, and agents. Any violations of this article may constitute a cause for suspension, removal from office or employment or other disciplinary action.

2.0 Prohibited Activities

2.1 The Town of Beacon Falls hereby adopts in its entirety Section 1-84(a) through (c), 1-84(f) through (h), 1-84(j), 1-84(l) through (m), 1-84(o), and Section 1-85 of the Connecticut General Statutes, as the same may be amended from time to time as prohibited activities of any officer, employee, official, or agent of the Town of Beacon Falls. **No person, whether they be an Officer, Employee, Official or Agent of the Town of Beacon Falls shall accept or receive any gift or service with an excess value of \$50.00. In the event that such gift or service is received, it shall forthwith be reported to the Ethics Board/Commission within thirty (30) days.**

2.2 No Officer, Employee, Official or agent of the Town of Beacon Falls shall represent any person or entity other than himself or a family member, or a business of which he is a principal, before any commission, board, or municipal authority of which he is a member, or of which he acts as agent or advisor.

2.3 No officer, employee or official of the Town of Beacon Falls, nor any member of the immediate family of any officer, employee or official of the Town of Beacon Falls, nor any business with which any officer, employee, or official of the Town of Beacon Falls is associated, shall enter into any contract with the Town of Beacon Falls, valued at one hundred dollars or more, other than a contract of employment, unless the contract has been awarded through an open and public process, including prior public offer and subsequent public disclosure of all proposals considered and the contract awarded.

AN ORDINANCE CREATING A BOARD AND CODE OF ETHICS

- 2.4** No officer, employee, official or agent of the Town of Beacon Falls shall accept a fee or honorarium for any writing, appearance or speech, or for any participation in any event, in that person's official capacity. However, an officer, employee, official or agent of the Town of Beacon Falls may receive payment for reasonable and necessary expenses of any writing, speech, appearance or participation and shall be disclosed to the Board of Ethics of the Town of Beacon Falls within thirty (30) days of receipt, unless the reimbursement is paid by a state, municipal or federal government entity. If said officer, employee, official or agent of the Town of Beacon Falls fails to disclose any such payment within thirty (30) days of receipt to the Board of Ethics, either intentionally or due to gross negligence on that person's part, said person shall return the payment to the maker of the payment. If a failure to disclose is not intentional or due to gross negligence on the part of said person, then there shall be no penalty under this article. Whenever any officer, employee, official or agent of the Town of Beacon Falls attends an event in this state in that person's official capacity and as a principal speaker at such event receives admission to it, and or food and beverage from the sponsor of the event, such admission, food and or beverage shall not be considered a gift and no disclosure shall be required under this section.

3.0 Written Disclosure of Interest

Any officer, employee, official, or agent having any financial or private interest in a matter pending before the board, agency or authority on which he serves or for whom he is an agent shall file written disclosures of the interest with the Town of Beacon Falls as soon as he or she becomes aware of such interest. Such written disclosure shall set forth in detail the nature and extent of such interest.

4.0 Membership and Appointment Terms

- 4.1** There is hereby created a Board of Ethics that shall be charged with the administration of this article.
- 4.2** The Board of Ethics shall be composed of five (5) members and one (1) alternate member, all of whom shall be electors of the Town of Beacon Falls, to be nominated by the First Selectman and confirmed by the Board of Selectmen in accordance with Section 9-167a of the Connecticut General Statutes.
- 4.3** The members of the board shall be appointed by the Board of Selectmen to serve as follows:
- Two (2) members shall be appointed for a term expiring December 30, 2006.
 - Two (2) members shall be appointed for a term expiring in December 30, 2007.
 - One (1) members shall be appointed for a term expiring in December

AN ORDINANCE CREATING A BOARD AND CODE OF ETHICS

30, 2008.

- One (1) alternate member shall be appointed for a term expiring December, 30, 2006

Thereafter, all appointments shall be for a term of three (3) years. Any regular member having served for six (6) years in succession shall be ineligible for reappointment to the board. For individuals filling a vacancy, successive years of service will commence with the next appointment period. The alternate shall serve as a regular member in the absence or disqualification of a regular member and shall fill the unexpired portion of the term of any vacancy.

4.4 The Board of Selectmen shall remove a member of the Ethics Board for malfeasance or misfeasance and for failure to attend a majority of the meetings held annually.

5.0 Meetings; Quorums; Records and Minutes; Confidentiality.

5.1 Meetings shall be held at the call of the chairman and at such other times, as the board shall determine. The presence of four (4) members at a meeting shall constitute a quorum, except that any meeting whose purpose is to hear a complaint or violation of this code against an official or consultant shall have five (5) members to constitute a quorum. The board shall only conduct business if a quorum is present. The board shall keep minutes of its meetings and shall provide strict adherence to Robert's Rules of Order and the Connecticut Freedom of Information Act.

This ordinance becomes effective fourteen (14) days after publication in the most widely circulated newspaper in the Town of Beacon Falls.

Public Hearing held on December 5, 2005

Town Meeting held on December 12, 2005

Ordinance published in the most widely circulated newspaper in the Town of Beacon Falls on December 21, 2005.

Ordinance became effective January 6, 2006.

Revision to Ordinance

Town Meeting Held: February 25, 2008

Ordinance Published: March 1, 2008

Revised Ordinance became effective: March 16, 2008

TOWN OF BEACON FALLS
C/O TOWN HALL, 10 MAPLE AVENUE, BEACON FALLS, CT 06403
COMPLAINT - ETHICS VIOLATION

Date: _____

I wish to register a complaint alleging a violation of:

_____ The Code of Ethics Ordinance for Town of Beacon Falls Local Elected
Officials, Town Employees, Board and Commission Members or Town
Consultants.

Name of Person or Organization (Respondent) in violation of the Code of Ethics Ordinance:

Name Address

Complainant's Name, Address and Telephone Number. (Please print or type your name, address and telephone):

Name: _____ Address: _____

Telephone Number: _____

Once filed, the Complainant may not withdraw this Complaint.

I hereby certify under penalty of false statement that I believe that the foregoing statement describing a possible violation of the Ethics Code Ordinance is true.

Signature Date

The Respondent violated the Code of Ethics as follows. (Please be as specific as possible with regard to time, place, actions and other persons involved).

- NOTE:**
1. This Complaint will not be effective without the name, address and signature of the Complainant.
 2. In addition to the criminal penalties that may be imposed upon a complainant who, under penalty of false statement, knowingly files a false complaint, the Code of Ethics provides that if any complaint is made with the knowledge that it is without foundation in fact, the person against whom the complaint is made (the Respondent) has a cause of action against the Complainant for double the amount of damage caused. If the Respondent prevails in the action, the cost of the action together with the reasonable attorneys fees may also be awarded in the Respondent by the court.
- Mail or hand-deliver this complaint to the**
Office of the Town Clerk, Town Hall, 10 Maple Avenue, Beacon Falls, CT 06403

ORDINANCE CONCERNING MEMBERSHIP ON TOWN BOARDS AND
COMMISSIONS BY MUNICIPAL EMPLOYEES

BE IT ORDAINED BY THE TOWN OF BEACON FALLS:

Any employee of the Town of Beacon Falls shall be eligible to serve on any Town Board or **Commission**, providing that such person is eligible to serve if such person were not a Town Employee, **with the exception of the Board of Finance.**

Approved at a Town Meeting held on January 27, 2000.

Published in the Waterbury Republican, a paper having a substantial circulation in the Town of Beacon Falls.

Effective date of this Ordinance: December 24, 2001.

CREATING A BOARD OF FINANCE (REVISED)

Matter of creating a Board of Finance was brought up to vote on as specified in the call. Vote cast on same, was follows by ballot:

Total Vote Cast.....	178
Yes Vote on Question.....	121
No Vote on Question.....	56
Blank.....	1

Chairman announced that a Board of Finance would be created and same duly appointed as by Statute provided.

It was noted that said Board of Finance be composed of **no more than three (3) members of the same political party may serve on the Board of Finance.***

Voted to rescind previous motion made at this meeting that we hold a meeting the first Monday in March 1938, as said meeting would riot be needed now that a Board of Finance is created, and the matter of laying of a tax will be in their hands.

The foregoing was passed at the Annual Town Meeting dated October 4, 1938.

*Amended at a duly scheduled Special Town Meeting held on August 25, 1997, effective September 27, 1997; A summary of the foregoing Ordinance Amendment was published on September 12, 1997 in the Connecticut Post and the Waterbury Republicans, both papers having a substantial circulation in the Town of Beacon Falls.

Public Hearing held on September 18, 2006.

Town Meeting held on October 2, 2006.

This Ordinance shall become effective fifteen (15) days after its publication in the most widely circulated newspaper in the Town of Beacon Falls.

Ordinance became effective November 9, 2006.

AN ORDINANCE CONCERNING THE TAX COLLECTOR
OF THE TOWN OF BEACON FALLS

Be it ordained by the Town of Beacon Falls:

SECTION 1.

The Tax Collector of the Town of Beacon Falls is hereby designated as the collector of sewerage system connection and use charges. Such collector of sewerage system, connection and use charges may collect such charges in accordance with the provisions of the General Statutes for the collection of property taxes.

PASSED AT A TOWN MEETING – JULY 12, 1951

ORDINANCE RELATING TO TAXES / ISSUANCE OF PERMITS

No taxpayer in the Town of Beacon Falls will be issued a Building, Septic Installation or Water Hook-up permit, if any outstanding taxes are owed by them to the Town of Beacon Falls, whether it be Real Estate or Personal Property, and whether it be in their individual name or a company name. (Revised Ordinance)

Original Ordinance: History

No taxpayer in the Town of Beacon Falls will be issued a permit from any **Town Agency** (i.e. Building Inspector, Zoning, Planning and Zoning, etc) if any outstanding taxes are owed by them to the Town of Beacon Falls, whether it be Real Estate or Personal Property, and whether it be in their individual name or a company name.

Public Hearing held on May 7, 2007

Town Meeting held on June 18, 2007

Published in a newspaper having a large circulation in the Town of Beacon Falls on June 25, 2007.

This Ordinance became effective on July 11, 2007.

Revision to Ordinance - Clarification

Town Meeting held on: February 25, 2008

Ordinance published in local newspaper: March 1, 2008

This Ordinance became effective on: March 16, 2008

**AN ORDINANCE CONCERNING ASSESMENT LISTS AND THE
ASSESSMENT OF PROPERTY IN THE TOWN OF BEACON FALLS**

**SPECIAL ACT OF THE GENERAL ASSEMBLY
OF THE STATE OF CONNECTICUT**

Special Sessions, November 1949

March and September 1950

Regular Session, January 1951

Special Session, June 1951

House Bill No. 978

SECTION 1.

The assessment of the Town of Beacon Falls shall be the first day of October in each year and all persons, firms or corporations required to file tax lists of property subject to taxation with the Assessors of said Town shall file such lists between October 1st and November 1st, inclusive, of each year, or, if the last day shall be a Sunday, then the next business day following. Such person, firm or corporation shall not include in such lists any real estate. The State Tax Commissioner shall prescribe the form to be used by property owners in said Town filing lists under the provisions of this Ordinance.

SECTION 2.

The addition of twenty-five percent (25%) to taxpayers' lists as provided by law for failure to file lists in the time prescribed by law shall apply only to such properties as are not excepted from the provisions of Section 1 of this Ordinance.

SECTION 3.

Any provision of the General Statutes or of any Special Act inconsistent with the provisions of this Ordinance shall have no force or effect so far as it relates to the assessment of property in the Town of Beacon Falls.

SECTION 4.

This Ordinance shall take effect upon its approval by the State Tax Commissioner and upon its adoption by a majority vote at a Regular or Special Town Meeting called for said purpose.

APPROVED: July 9, 1951

DATE OF VOTE – TOWN MEETING – October 8, 1951

VOTE FOR: 75; VOTE AGAINST: 0

Revision to the Ordinance.

Public Hearing Held on September 18, 2006.

Town Meeting Held on October 2, 2006.

This Ordinance becomes effective fifteen (15) days after its publication in the most widely circulated newspaper in the Town of Beacon Falls.

**ORDINANCE ESTABLISHING TRAINING AND HOURLY REQUIREMENTS
FOR
ELECTED MEMBERS OF THE BOARD OF ASSESSORS
(Revision)**

All members elected or appointed (to fill an unexpired term) to the Board of Assessors, shall attend a minimum of eight (8) hours of instruction and training for said position to be administered by a Certified Connecticut Municipal Assessor at no cost to the new member.

These sessions will be scheduled immediately following the Election and/or appointment of said individual and must be completed within a reasonable time thereafter. Instructions shall include responsibilities of **being a member of the Board of Assessors.**

Training shall include but not necessarily be limited to working familiarity with State Statutes and Reports, Methods of Valuation of Real Estate, Motor Vehicles, and Personal Property, Exemptions, Tax Relief, Prorated Construction, Measuring of Property, Mapping, Sales Ratios, Certificates of Correction, and Transfers.

A Chairperson shall be elected from among its members every two (2) years.

This Ordinance passed at a duly scheduled Town Meeting held February 18, 1997.

A summary of the foregoing Ordinance was published April 3, 1997 in the Connecticut Post and the Waterbury Republican, both papers having a substantial circulation in the Town of Beacon Falls.

The effective date of this Ordinance is April 18, 1997.

Public Hearing Held on August 9, 2007

Town Meeting Held on September 6, 2007

Effective Date of Ordinance: September 29, 2007

REVISION TO THE ORDINANCE – Eliminate the six (6) hours of mandated hours of work per month.

Public Hearing Held on November 24, 2008

Town Meeting Held on December 15, 2008

Ordinance Published in Republican American on December 22, 2008

Effective Date of Revised Ordinance: January 7, 2009

**ORDINANCE ESTABLISHING TRAINING AND HOURLY REQUIREMENTS
FOR
ELECTED MEMBERS OF THE BOARD OF ASSESSORS
ORDINANCE ELIMINATED AT TOWN MEETING JULY 25, 2011**

Elimination of Ordinance:

This Ordinance shall be null and void.

Public Hearing Held on: July 6, 2011

Town Meeting Held on: July 25, 2011

Legal Notice Published on: August 8, 2011

Effective Date of Ordinance Elimination:: August 23, 2011

HISTORY:

The effective date of this Ordinance is April 18, 1997.

Public Hearing Held on August 9, 2007

Town Meeting Held on September 6, 2007

Effective Date of Ordinance: September 29, 2007

REVISION TO THE ORDINANCE – Eliminate the six (6) hours of mandated hours of work per month.

Public Hearing Held on November 24, 2008

Town Meeting Held on December 15, 2008

Ordinance Published in Republican American on December 22, 2008

Effective Date of Revised Ordinance: January 7, 2009

**AN ORDINANCE CONCERNING LOCAL OPTION TAX RELIEF
FOR ELDERLY AND DISABLED HOMEOWNERS**

(Revision – June 2013)

WHEREAS, Connecticut General Statutes Section 12-129n provides that a municipality may provide property tax relief with respect to real property owned and occupied by elderly or disabled residents as more fully set forth in said statute; and

WHEREAS, the Board of Finance has recommended to the Board of Selectmen that certain property tax relief be afforded to elderly or disabled residents; and

WHEREAS, the Board of Selectmen desires to provide tax relief to the elderly and disabled in accordance with Section 12-129n of the Connecticut General Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF BEACON FALLS THAT:

Section 1. Elderly and disabled residents of the Town of Beacon Falls may apply, to the Office of the Assessor, for real property tax credit with respect to real property owned and occupied by said resident provided they meet the eligibility criteria set forth in this ordinance.

Section 2. For the purpose of this ordinance, qualified applicant is a person who is sixty-five (65) years of age or older, or whose spouse, living with that person, is sixty-five (65) years of age or older or sixty (60) years of age or older, and is a surviving spouse of a taxpayer qualified in the Town of Beacon Falls at the time of his death with respect to real property which taxpayer and/or spouse are liable for taxes under Section 12-48 of the Connecticut General Statutes or under age sixty-five (65) and eligible in accordance with applicable Federal regulations to receive permanent total disability benefits under Social Security or have been engaged in employment covered by Social Security and accordingly have not qualified for benefits there under, but have become qualified for permanent total disability benefits under any Federal, State or local government retirement or disability plans, including the Railroad Retirement Act and any government related Teacher's Retirement Plan, which requirements with respect to qualifications for such permanent total disability are comparable to such requirements under Social Security and meet the requirements which may be established by the Town with respect to maximum income allowable during the calendar year preceding the year in which an application is made and comply with all other provisions of the ordinance for tax relief. A qualified applicant must have reached the set forth above, by December 31st of the year preceding that for which an application is made.

Section 3. For the purpose of this ordinance, resident status shall be defined as follows: The applicant must have been a Town of Beacon Falls resident taxpayer, whose Beacon Falls residence was such taxpayer's principal residence for at least one (1) year immediately preceding his/her receipt of benefits. Residents may apply for tax relief pursuant to the terms of this ordinance provided that the property for which tax relief is sought must be (a) the applicant's principal residence at the time of such application; (b) located in Beacon Falls; and (c) owned by the applicant. Eligibility for benefits there under shall be upon applicant's proof of ownership and resident status. Any and all municipal taxes

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FOR ELDERLY AND DISABLED HOMEOWNERS**

(Revision – June 2013)

must be paid in full prior to any tax relief given. In order to be considered a principal residence, the applicant must spend a minimum of one hundred eighty four (184) days per year in residence on the subject property.

To qualify for the local option tax relief for the elderly and disabled homeowners, the income limit for singles shall be \$75,000 and \$150,000 for two (2) persons.

Section 3a. Taxpayers who previously qualified under the one (1) year residency requirements are hereby grandfathered, under this Ordinance.

Section 4. Benefits hereunder shall be prorated by the Office of the Assessor in the event of the sale or other transfer of the affected real estate or the death of the applicant and surviving spouse, if applicable. All qualified applicants shall notify the Assessor in the event of the sale or other transfer of the affected real estate or the death of the owner or successor owner, if applicable.

Section 5. Residents shall be qualified for the town program if they meet all requirements as contained within Section 12-170aa or Section 12-129b under these sections of the General Statutes. Applications may be submitted between February 1st and May 15th. Approved applicants shall be required to certify continuing eligibility at least every two (2) years, but in the event any provision of this ordinance is amended, all those receiving benefits under this ordinance at the time of said amendment shall be required to reapply. Failure to file an application under Section 12-170aa by May 15th, the statutory deadline, will constitute a waiver of right to claim local real property tax relief, except as otherwise provided by this section.

Section 6. Maximum income eligibility limits are as set forth from time to time for the owners' program by Connecticut General Statutes Section 12-170aa and regulations promulgated there under. Qualifying income is defined as adjusted gross income and tax-exempt interest plus and other income not included in such adjusted gross income. This definition includes taxable income not reported for federal Income Tax purposes as well as nontaxable income.

Section 7. Applicants who meet the eligibility requirements shall be provided with a flat grant of an amount not to exceed five hundred dollars (\$500.00) per applicant per tax year, which may be changed annually by the Board of Selectmen, but calculation of benefits conferred hereunder shall be exclusively based on the amount of local tax relief that the applicant received so that in no event shall total available benefits exceed seventy-five (75%) percent of the real property taxes assessed against the applicant with partial benefits available to those persons who so qualify.

(The total of all tax credits granted by the Town of Beacon shall not exceed 10 percent (10%) of the prior year's total real estate tax assessed in the Town of Beacon Falls.)

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FOR ELDERLY AND DISABLED HOMEOWNERS
(Revision – June 2013)**

Section 8. Tax relief provided for in this Ordinance shall be limited to resident owners of single-family residences and resident owner occupied structures containing four (4) or fewer multiple family dwelling units. Tax relief provided pursuant to this ordinance shall be pro-rated to the applicant's share of ownership or if such property is a multiple family dwelling, such relief shall be pro-rated to reflect the fractional portion of such property occupied by the taxpayer.

Section 9. Tax relief granted pursuant to this ordinance shall not disqualify eligible taxpayers from any other benefits to which they may be entitled as provided by law.

Section 10. This ordinance shall be governed, amended and implemented in accordance with Section 12-129n of the Connecticut General Statutes.

This ordinance becomes effective fifteen (15) days after publication in the most widely circulated newspaper in the Town of Beacon Falls.

Public Hearing held on January 30, 2006

Town Meeting held on February 21, 2006

Effective Date of Ordinance March 16, 2006

Revision to Ordinance:

Public Hearing Held on: November 24, 2008

Town Meeting Held on: December 15, 2008

Notice Published in Republican American: December 22, 2008

Effective Date of Revised Ordinance: January 7, 2009.

Revision to Ordinance – June 2011

Public Hearing Held on: July 6, 2011

Town Meeting Held on: July 25, 2011 (revisions rejected)

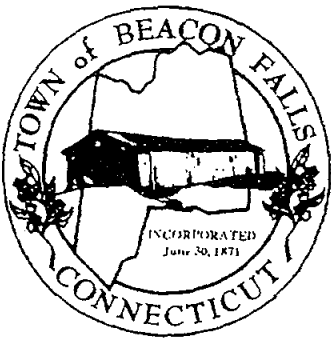
Revision to January 7, 2009 Ordinance:

Public Hearing Held on: June 10, 2013

Town Meeting Held on: June 19, 2013

Notice Published in Republican American: July 15, 2013

Effective Date of Ordinance: July 31, 2013



Town of BEACON FALLS
Connecticut

ASSESSORS OFFICE

TOWN OF BEACON FALLS LOCAL TAX CREDIT APPLICATION
FILING PERIOD: February 1 – May 15, 2008 for following Grand List
GRAND LIST YEAR 2007 and 2008

NAME OF APPLICANT BIRTH DATE SOCIAL SECURITY #

SPOUSES NAME BIRTH DATE SOCIAL SECURITY #

LEGAL ADDRESS

Beacon Falls, CT 06403

HAVE YOU RESIDED AT AND PAID TAXES ON SAID PROPERTY FOR 5 YEARS OR MORE? YES NO

WERE YOU 65 YEARS OF AGE BY DECEMBER 31, 2007? YES NO

IF NO, PLEASE ATTACH YOUR SOCIAL SECURITY STATEMENT, RAILROAD RETIREMENT OR TEACHERS RETIREMENT DISABILITY LETTER

******THIS APPLICATION MUST BE FILED EVERY TWO (2) YEARS TO KEEP YOUR BENEFIT IN EFFECT.**

YOUR NEXT APPLICATION MUST BE FILED IN 2010.

I AM HEREBY APPLYING TO THE TOWN OF BEACON FALLS FOR TAX CREDIT FOR MY LEGAL DOMICILE LISTED ABOVE. I DECLARE THE INFORMATION SUPPLIED ON THIS APPLICATION IS TRUE AND COMPLETE. BY MY SIGNATURE, I ACCEPT AND ACKNOWLEDGE THAT I HAVE THE RESPONSIBILITY TO IMMEDIATELY NOTIFY THE TOWN OF BEACON FALLS OF ANY CHANGES THAT WOULD AFFECT MY STATUS TO HAVE SAID TAX CREDIT. I ALSO AGREE TO PAY ALL PROPERTY TAXES AND INTEREST THAT RESULT IF THE TOWN RECEIVES INFORMATION, WHICH CHANGES MY ABILITY TO RECEIVE A TAX CREDIT.

APPLICANT'S SIGNATURE DATE PHONE NUMBER

ASSESSOR'S OR ASSESSOR'S STAFF APPROVAL ☐

**AN ORDINANCE CONCERNING LOCAL OPTION TAX RELIEF
FOR VOLUNTEER FIREFIGHTERS, EMERGENCY MEDICAL TECHNICIANS,
PARAMEDICS OR AMBULANCE DRIVERS**

(Revision to Ordinance Passed at Town Meeting – April 8, 2013)

1. **PURPOSE:** In recognition of the valuable service provided to the Town of Beacon Falls and sacrifices made by those individuals who volunteer their time, and place themselves at risk to assist their fellow citizens, the Town of Beacon Falls desires to implement a program of Property Tax Relief for individuals who volunteer their services as a firefighter, emergency medical technician, paramedic or ambulance driver in conformity with Connecticut General Statutes Section 12-81W.

2. **DEFINITIONS:**

- A. **Qualifying Organization:** A Volunteer Fire Department serving the Town of Beacon Falls and/or a Volunteer Ambulance Corp serving the Town of Beacon Falls. The Board of Selectmen shall determine by a simple majority if a particular volunteer fire fighting or ambulance association shall be a qualifying organization.
- B. **Member in Good Standing:** For the purpose of this ordinance, to be considered a member in good standing an individual must regularly make him or herself available to serve as a volunteer in the qualifying organization and maintain required levels of training. Such standards shall include all state and federally mandated training. Each year, by August 31st, the Chief Executive Officer of each qualifying organization shall review such training and attendance criteria and may make and changes required for the following 12 months. Such criteria shall be available in writing to any member of the organization or any member of the public desiring to review them.

A volunteer member must participate in a minimum of twenty-five (25%) of Department activities, from October 1 of the preceding year, in order to be eligible for the next succeeding October 1 Grand List. The Chief Executive Officer of the organization will be responsible for tracking volunteer hours. The Chief Executive Officer of the organization must provide a list of eligible members, to the Service Award Committee for its review before it is submitted to the Office of the Assessor, on or before October 1 to be considered for property tax relief.

3. **ELIGIBILITY:**

Individuals who serve in a qualifying organization and maintain their status, as a member in good standing shall be eligible for a Property Tax Relief as set forth in this Ordinance.

Any individual serving as the local director of Civil Preparedness without salary shall qualify for relief as set forth in this Ordinance.

4. **AMOUNT OF ABATEMENT (flat grant)**

- **Any volunteer with less than three (3) years of service is not eligible.**

RECEIVED

APR 10 2013

BEACON FALLS TOWN CLERK

**AN ORDINANCE CONCERNING LOCAL OPTION TAX RELIEF
FOR VOLUNTEER FIREFIGHTERS, EMERGENCY MEDICAL TECHNICIANS,
PARAMEDICS OR AMBULANCE DRIVERS**
(Revision to Ordinance Passed at Town Meeting – April 8, 2013)

FLAT GRANT

3 years completed service	\$300.00
4 years completed service	\$400.00
5 years completed service	\$500.00
6 years completed service	\$600.00
7 years completed service	\$700.00
8 years completed service	\$800.00
9 years completed service	\$900.00
10 years completed service and maximum benefit	\$1,000.00

5. **PROCEDURE FOR DETERMINING CREDIT:** The Chief Executive Officer of each qualifying organization shall provide to the Assessor, by October 1, each year, a list of members in good standing in their organizations. Such list shall include the members full name, address and the number of years the individual has served with the organization for the twelve (12) months prior to October 1, and dates that individuals who served less than the full twelve (12) months began and ended service.

Individual members of a qualifying organization requesting exemption or relief shall notify the Assessor of Beacon Falls of their name, address, the name of the organization of which they are a member and the item of real or personal property to which they wish to have their exemption or tax relief applied. Such request must be received by the Assessor, in writing, on or before October 1, to be applied towards the Grand List.

- A. **APPEALS:** Any member of a qualifying organization who feels that they have been unjustly deprived of a tax relief may file a written request with the Board of Selectmen requesting a review of their status. The Board of Selectmen shall hold a public hearing on such request at which time the aggrieved party shall be offered an opportunity to present written and oral testimony and other evidence. The Board of Selectmen shall determine by simple majority if such person shall qualify for a tax relief. Such appeals shall be limited to situations where the Chief Executive Officer of a qualifying organization refuses to certify that an individual is a member in good standing. The Board of Selectmen may, on their own, hold a public hearing to determine the eligibility of any individual certified by the Chief Executive Officer of the qualifying organization as a member in good standing. The individual shall be served not less than 21 days notice by first class mail return receipt requested, sent to the address appearing on the list of members in good standing prepared by the qualifying organization's Chief Executive Officer, and shall be offered an opportunity to present written and oral testimony, and other evidence. The Board of Selectmen shall determine by a simple majority if such person shall qualify for a tax relief.

RECEIVED

APR 10 2013

BEACON FALLS TOWN CLERK

**AN ORDINANCE CONCERNING LOCAL OPTION TAX RELIEF
FOR VOLUNTEER FIREFIGHTERS, EMERGENCY MEDICAL TECHNICIANS,
PARAMEDICS OR AMBULANCE DRIVERS**
(Revision to Ordinance Passed at Town Meeting – April 8, 2013)

- B. **TERMINATION OF MEMBERSHIP IN A QUALIFYING ORGANIZATION:** Any individual who qualifies for a tax relief under the terms of this ordinance and discontinues service with a qualifying organization for any reason shall not qualify for a tax relief in the terminal year unless they qualify as a member in good standing for more than six (6) months in that terminal year.
- C. **BREAKS IN MEMBERSHIP:** A break in membership of less than six (6) months shall be considered continual membership providing that the individual has been a member in good standing for no less than 24 months prior to the break in membership. For example, a member who leaves in March of a given year, and return in July shall not be penalized for that period in determining the amount of the relief as long as that person served as a member in good standing for the 24 months preceding the March separation. An individual who has a break in membership for more than six (6) months for any reason, and then rejoins a qualifying organization, after completing one (1) year continual service shall receive credit for prior qualifying years. For example, if a member who has qualified for three (3) years of service for membership in 1998, 1999 and 2000 leaves on April 1, 2001, then rejoins December 15, 2001, the individual would not receive a relief for the year 2001 because he or she did not serve six (6) months in the terminal year, but at the end of the 2002, he or she would receive credit for the three (3) prior years service and for the full year of 2002, for a total of four (4) years credit.
- D. **DUAL MEMBERSHIP:** An individual can receive credits for service in any qualifying organization in any combination, but cannot receive double credit for serving in two qualifying organizations at the same time. For example, an individual who served in a qualifying volunteer fire department from January 1st through July 15th, and in a qualifying volunteer ambulance company from August 1st through December 31st, would receive credit for the entire year.
- E. **INITIAL YEAR:** Members who begin service in a qualifying organization after April 1st shall not receive relief for that year.
6. **APPLICABILITY:** Any tax relief is limited to an individual's real or personal property tax payable to the town of Beacon Falls. Such relief may be applied to any property held either completely or partially in the individual's name. No relief may be carried over from one twelve month period to another. No relief may be transferred from one person to another.

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APR 10 2013
BEACON FALLS TOWN CLERK

**AN ORDINANCE CONCERNING LOCAL OPTION TAX RELIEF
FOR VOLUNTEER FIREFIGHTERS, EMERGENCY MEDICAL TECHNICIANS,
PARAMEDICS OR AMBULANCE DRIVERS**
(Revision to Ordinance Passed at Town Meeting – April 8, 2013)

7. **SEVERABILITY:** If any section, sentence, clause or phrase of this Ordinance shall for any reason, be held to be invalid or unconstitutional, such decision shall not effect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, which shall remain in effect.
8. **STATE AND FEDERAL TAXES:** Any individual who receives a Tax Relief shall be solely responsible for determining what State and/or Federal Taxes are due because of such relief, if any, and the individual shall be solely responsible for paying such taxes, if any.
9. Any Volunteer Firefighter, Emergency Medical Technician, Paramedic or Ambulance Drivers serving in the active military service shall be eligible for the Optional Tax Relief Program for Volunteer Firefighters, Emergency Medical Technicians, Paramedics or Ambulance Drivers.
10. Permanent Earned Relief (Lifetime)
 - i. Individuals who have completed twenty (20) years of service as a “Qualified Participant” of the “Service Award Plan” and have reached the age of 65 or greater, shall receive a permanent annual tax abatement at the maximum benefit. This benefit will be passed on to the surviving spouse upon death of participant.
 - ii. Individuals who are currently collecting entitlement benefits from the “Service Award Plan” as of the date this Ordinance change becomes effective, shall qualify for this permanent earned relief.
11. **ABATEMENT OF REAL PROPERTY TAXES:** In the event of such death of a volunteer firefighter in the performance of such firefighter’s duties, in accordance with § 12-81x of the Connecticut General Statutes, the surviving spouse of such deceased firefighter shall receive an abatement equal to fifty percent (50%) of the property taxes due with respect to real property owned and occupied as his or her principal residence.

EFFECTIVE DATE

This Ordinance becomes effective fourteen (14) days after publication in the most widely circulated newspaper in the Town of Beacon Falls.

Public Hearing held on December 5, 2005
Town Meeting held on December 12, 2005
Ordinance published on December 21, 2005.
This Ordinance became effective January 6, 2006

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MAR 8 - 2013
TOWN OF BEACON FALLS, CT

**AN ORDINANCE CONCERNING LOCAL OPTION TAX RELIEF
FOR VOLUNTEER FIREFIGHTERS, EMERGENCY MEDICAL TECHNICIANS,
PARAMEDICS OR AMBULANCE DRIVERS**
(Revision to Ordinance Passed at Town Meeting – April 8, 2013)

REVISION

Public Hearing Held on: July 6, 2011
Town Meeting Held on: July 25, 2011
Ordinance Published on: August 8, 2011
This Revised Ordinance Became Effective: August 23, 2011

REVISION

Public Hearing held on: March 20, 2013
Town Meeting held on: April 8, 2013
Ordinance Published on: April 11, 2013
This Revised Ordinance Became Effective: April 26, 2013

RECEIVED

APR 10 2013

BEACON FALLS TOWN CLERK

ORDINANCE
EXEMPTION FOR AMBULANCE-TYPE VEHICLES

The Town of Beacon Falls hereby authorizes, as set forth in Section 12-81c of the Connecticut General Statutes, a personal property taxation exemption for any ambulance-type motor vehicle that is used exclusively for the purpose of transporting any medically-incapacitated individual. Any such vehicle used to transport any such individual for payment shall not receive any such exemption.

Public Hearing Held: January 8, 2007

Town Meeting Held: January 29, 2007

The adoption of this Ordinance shall become effective fifteen (15) days after publication of the Ordinance or a summary thereof, in the most widely circulated newspaper in the Town of Beacon Falls.

Effective Date of Ordinance: February 20, 2007

For clarification purposes of this Ordinance:

The Connecticut General Statutes (CGS) Section 12-81c states:

“Municipal Ordinance may exempt certain motor vehicles. The legislative body of any Municipality may, by Ordinance, exempt from personal property taxation (1) any ambulance-type motor vehicle which is used exclusively for the purpose of transporting any medically incapacitated individual, except any such vehicle used to transport any such individual for profit, (2) any property owned by a non-profit ambulance company, and (3) any motor vehicle owned by a person with disabilities, or owned by the parent or guardian of such person, which vehicle is equipped for purposes of adapting its used to the disability of such person, provided the legislative body of the Municipality adopts a definition of such vehicle”.

Revision to Ordinance:

Public Hearing held on: November 26, 2007

Town Meeting held on: December 10, 2007

Effective Date of Ordinance: January 15, 2008

**EXEMPTION FROM PERSONAL PROPERTY TAXATION
FOR ANY AMBULANCE TYPE AND RETROFITTED
HANDICAPPED VEHICLES**

Date:

To: Assessor, Town of Beacon Falls

I hereby apply for an Exemption from taxes as provided for in the Connecticut General Statutes, Section 12-81c and adopted by the Board of Selectmen for the Town of Beacon Falls on _____.

Name (last) (first) (Middle Initial)

Address (No. Street) (City) (State) (Zip)

Vehicle for which Exemption is requested.

(Year) (Make) (Model) (Identification Number)

CERTIFICATION

I certify under the penalties of false statement that I meet the requirement of Connecticut General Statutes Section 12-81c and am entitled to the Tax Exemption provided for therein and **have attached proof of vehicle compliance.**

Applicant's Signature

Date

ORDINANCE RELATING TO COMBINED PLANNING AND ZONING COMMISSION

SECTION 1. CREATION.

There shall be in the Town of Beacon Falls, a Planning and Zoning Commission composed of nine (9) members, who shall be electors of the Town, appointed as hereinafter provided, together with the First Selectman and the Town Engineer as ex-officio members. The Town Engineer shall have no vote and the First Selectman shall vote *only* in the case of a tie. The Chairman shall be elected by the members from the membership, not including the ex-officio members.

SECTION 2. COMPOSITION.

Appointment and terms of members; filling vacancies.

The members of the Town Planning and Zoning Commission shall be appointed by the Board of Selectmen on or before August 12, 1974. The present elected members of the Town Zoning Commission shall be appointed as members to serve out their unexpired terms; i.e. Francis Guida and Edward R. Betkoski shall serve until November 4, 1975; Courtney F. Harris, Jr. Edward J. Smith, and Wilbur Weed, Jr. shall serve until November 8, 1977. The Board of Selectmen shall appoint the remaining members; one (1) member to serve until November 4, 1975, and three (3) members to serve until November 1, 1976. At the expiration of each of these said terms, three (3) members shall be appointed for three (3) year terms and shall serve until their successors have been appointed and have qualified. Vacancies in the membership shall be filled for the unexpired portion of a term in the manner as regular appointments. No person shall serve for more than three (3) full successive terms on the Town Planning and Zoning Commission.

All members of the Planning and Zoning Commission are required to attend at least one (1) training per year, specific to the Planning and Zoning Commission. This training will provide useful information needed to make decisions in the best interests of the Town of Beacon Falls. Failure to attend such training and provide documentation of the attendance will be cause for removal from the Commission by the Board of Selectmen.

SECTION 3. MEMBERS AND DUTIES

The Commission shall choose one of its members to be the Secretary, who shall keep a record of the acts and resolutions of the Commission, including the votes of each member upon any issue before it. No more than five (5) appointive members of the same political party shall serve on the Commission at the same time. Appointive members shall serve without compensation and shall hold no other office of trust or emolument in the Town government. A quorum shall consist of five (5) members and the concurrence of four (4) votes, except as otherwise provided in Section 4 hereof, shall be necessary for the transaction of business.

ORDINANCE RELATING TO COMBINED PLANNING AND ZONING COMMISSION

SECTION 4. POWERS

The Commission shall have all of the powers and duties and be subject to the restrictions and limitations of a Zoning Commission established under Chapter 124 of the General Statutes, and of a Planning Commission established under Chapter 126 of the General Statutes.

SECTION 5. PROCEDURE FOR HOLDING PUBLIC HEARINGS.

For the purpose of holding Public Hearings as required under Chapters 124 and 126 of the General Statutes and as required under the Zoning and Planning rules and regulations now or hereinafter in force in the Town of Beacon Falls, the Chairman may appoint committees of no less than five (5) appointive members among whom may be included the Chairman and one of whom he shall designate as Secretary. Action on matters which have been the subject of a Public Hearing shall be taken by a majority vote of the entire Commission at a Regular or Special Meeting thereof, except in the event of a protest filed under Section 8-3 of the General Statutes, in which case a vote of two-thirds (2/3) of the entire Commission shall be required for the adoption of a change in Zoning Regulations and boundaries.

SECTION 6. ABOLISHMENT

Discontinuance of present Planning Commission and Zoning Commission. Continuation of the Planning Commission and Zoning Commission rules and regulations.

On August 12, 1974, the present Town Planning Commission and the present Zoning Commission shall cease to exist. All rules and regulations heretofore enacted or adopted by said Town Planning Commission and said Zoning Commission shall continue in full force and effect until modified, repealed or superseded in accordance with the provisions of this amendment.

SECTION 7. REPEAL OF SPECIFIC PROVISIONS.

All Ordinances relating to the Planning Commission and the Zoning Commission of the Town of Beacon Falls to the extent that their provisions are in conflict with the provisions of this Ordinance are repealed.

PASSED AT A TOWN MEETING - JULY 16, 1974.

Revision to the Ordinance.

Public Hearing held on September 18, 2006.

Town Meeting held on October 2, 2006.

This Ordinance shall become effective fifteen (15) days after its publication in the most widely circulated newspaper in the Town of Beacon Falls.

This Ordinance became effective November 9, 2006.

ORDINANCE ESTABLISHING CITATION PROCEDURES AND FINES FOR ZONING REGULATIONS

SECTION 1.

The Zoning Enforcement Officer is authorized to issue Citations for violations of the Zoning Regulations of the Town of Beacon Falls to the extent and in the manner provided by this Ordinance. Any such Citation may be served either by hand delivery or by Certified Mail, Return Receipt Requested, to the person named in such Citation. If the person named in a Citation sent by Certified Mail refused to accept such mail, the Citation may be sent by regular United States mail. The Zoning Enforcement Officer shall file and retain an original or Certified Copy of the Citation.

SECTION 2.

A Citation may be issued for any violation of the Planning and Zoning Regulations of the Town of Beacon Falls.

SECTION 3.

The fine for each such Citation shall be One Hundred Fifty (\$150.00) Dollars, payable to the Treasurer, Town of Beacon Falls.

SECTION 4.

A person receiving such a Citation shall be allowed a period of thirty (30) days from his or her receipt of the Citation to make an uncontested payment of the fine specified in the Citation to the Treasurer. If the Citation has been sent by regular mail pursuant to the provisions of paragraph 1 of this Ordinance, the day of receipt of the Citation shall be deemed to be three (3) business days after the day of the mailing of this Citation.

SECTION 5.

If a person who has been issued a Citation does not make uncontested payment of the fine specified in the Citation to the Treasurer within the time allowed under paragraph 4 of this Ordinance, the Zoning Enforcement Officer shall send a note to the person cited, informing such person. (1) of the allegations against him or her and the amount of the fines; (2) that the person cited may contest liability before a Hearing Officer appointed by the Board of Selectmen, as provided in paragraph 9 of this Ordinance, by delivering, in person or by mail, within ten (10) days of the date of the notice, a written demand for a hearing; (3) that if a person cited does not demand such a hearing, an assessment and judgment shall be entered against him or her; and (4) that such judgment may issue without further notice.

ORDINANCE ESTABLISHING CITATION PROCEDURES AND FINES FOR ZONING REGULATIONS

SECTION 6.

If the person who is sent notice pursuant to **Section 5** of this Ordinance wishes to admit liability for any alleged violation, he or she may, without requesting a hearing, pay the full amount of the fine, either in person or by mail, to the Zoning Enforcement Officer. All fines shall be made payable to the Treasurer of the Town of Beacon Falls. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten (10) days of the date of the notice described in **Section 5** of this Ordinance shall be deemed to have admitted liability, and the Zoning Enforcement Officer shall thereupon enter and assess the fines provided for by this Ordinance and shall follow the procedures set forth in **Section 7** of this Ordinance.

SECTION 7.

Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of the mailing of notice, provided the Hearing Officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. The presence of the Zoning Enforcement Officer or other person who issued the Citation may present evidence on behalf of the Municipality. If the person who received the citation fails to appear, the Hearing Officer may enter an assessment by default against him or her upon a finding of proper notice and liability under the applicable provisions of the Planning and Zoning Regulations. The Hearing Officer may accept written information by mail from the person who received the citation and may determine thereby that the appearance of such person is unnecessary. The Hearing Officer shall conduct the hearing in the order and from and with such methods of proof as he or she 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. The Hearing Officer shall announce his or her decision at the end of the hearing. If the Hearing Officer determines that the person who received the citation is not liable, the Hearing Officer shall dismiss the matter and enter that determination in writing accordingly. If the Hearing Officer determines that the person who received the citation is liable for the violation, the Hearing Officer shall forthwith enter and assess the fines against such person as provided by this Ordinance.

SECTION 8.

If such assessment is not paid on the date of its entry, the Hearing Officer shall send by First Class Mail, a notice of the assessment to the person found liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a Certified Copy of the Notice of Assessment with the Clerk of the Superior Court for Milford,

**ORDINANCE ESTABLISHING CITATION PROCEDURES AND FINES
FOR ZONING REGULATIONS**

together with an entry fee of eight (\$8.00) dollars. Further proceedings may then be held pursuant to the applicable provisions of the Connecticut General Statutes.

SECTION 9.

The Board of Selectmen shall appoint one or more Citation Hearing Officers to conduct the hearings provided by this Ordinance. Neither the Zoning Enforcement Officer, the Building Inspector nor any employee of the Town of Beacon Falls may be appointed as a Hearing Officer pursuant to this Ordinance.

This Ordinance passed at a duly scheduled Town Meeting held February 18, 1997.

The effective date of this Ordinance is April 18, 1997.

Public Hearing held on May 7, 2007

Town Meeting held on June 19, 2007

Ordinance published June 25, 2007

This Ordinance became effective July 11, 2007

TOWN OF BEACON FALLS
ROAD ORDINANCE
(Revision to Ordinance Passed at Town Meeting – April 8, 2013)

RECEIVED
2:10 PM
APR 10 2013
Hendrick Beckwith

This Ordinance shall be known and may be cited as the **“Beacon Falls Road Ordinance”**.

The purpose of this Ordinance is to set standard specifications for all types of roads in the Town of Beacon Falls.

SECTION 1. DEFINITION OF TERMS

- 1.01 **“Highways”** shall mean streets or vice versa and shall be that portion between street lines.
- 1.02 **“Streets”** or **“Street”** shall mean and include Streets, Avenues, Boulevards, Roads, Lanes, Alleys, Drives, Terraces and other ways.
- 1.03 **“Roadway”** shall mean the traveled way, that distance between curbs or gutters.
- 1.04 **“Street Line”** shall mean the limits of that portion dedicated for highway purposes.
- 1.05 **“Town”** shall mean the Town of Beacon Falls, Connecticut.
- 1.06 **“Right of Way”** shall be the land included between street lines, dedicated for highway purposes.
- 1.07 **“Selectman”** shall mean the First Selectman of the Town of Beacon Falls.
- 1.08 **“Selectman’s Agent”** shall mean a qualified Inspector as appointed by the First Selectman.
- 1.09 **“Engineer”** shall mean the Town Engineer of the Town of Beacon Falls.
- 1.10 **“Sub grade”** shall mean existing ground surface prepared as specified and brought to grades indicated to receive gravel sub-base course.
- 1.11 **“Watershed”** shall mean that portion of land surrounding a watercourse or paved road which sheds its ground and/or surface water into or on said watercourse or paved road. Final decisions to limits of any given watershed shall rest with the Engineer or the First Selectman’s Agent.
- 1.12 **“Roller”** shall mean self-powered mechanical roller, weighing a minimum of ten (10) tons, having two (2) wheels.

SECTION 2. GENERAL REGULATIONS

- 2.01 This Ordinance shall govern the construction of all roads, drainage structures, appurtenances and bridges, presented or designed to be presented for acceptance and maintenance by the Town of Beacon Falls.
- 2.02 All Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed.
- 2.03 Roads shall have a maximum grade of ten percent (10%) and a minimum grade of 1.0 percent.
- 2.04 Roads shall have a cross pitch of two and one half (2 ½) inches each side except on curves where the design bank shall be as required by the Engineer.
- 2.05 Except where the terms of this Ordinance may alter them, the State of Connecticut State Highway Department’s Standard Specifications for Roads, Bridges and Incidental Construction ****(Form 810)**, dated 1969, or any future revision thereof shall apply and govern, and are hereby made a part of this Ordinance.

**TOWN OF BEACON FALLS
ROAD ORDINANCE**

(Revision to Ordinance Passed at Town Meeting – April 8, 2013)

- 2.06 All thicknesses required by this Ordinance are finished or compacted thicknesses.
- 2.07 Curbs shall be installed on both sides of all roads in all Industrial and Business Zones and major collector streets. In other zones, curbing installation shall be as outlined in the Design Standards of this Ordinance or as required by the Engineer.
- 2.08 Horizontal and vertical sight distances, horizontal and vertical rates of curvature shall satisfy the requirements of the Connecticut Highway Department geometric standards, and applicable standards of this Ordinance.
- 2.09 Street Classification. All proposed streets shall be designated into one of the following classifications by the Planning and Zoning Commission prior to approval of the Final Subdivision Plan:
- 209.1 Major Collector Streets
 - 209.2 Commercial or Industrial Streets
 - 209.3 Local Residential Streets
 - 209.4 Determining Criteria
- 2.10 Sidewalks shall be constructed on both sides of all streets where specified by the Engineer and/or the Planning and Zoning Commission.
- 2.11 All roads shall be properly drained and sufficient culverts, manholes and catch basins installed as approved. No portion of any road shall drain in one direction more than **300** feet without catch basins on both sides of the road. In cases of extremely steep or flat grades or excessively large drainage areas, the Engineer may require installation of catch basins at lesser intervals. Culverts shall be of sufficient size to handle a maximum amount of water from the area drained. Drainage easements through lots shall be at least 20 feet wide. All drainage structures shall be indicated as to size and location on plan profile sheets. In addition, drawings and calculations showing size of watershed area and quantity of water drained by each culvert that either crosses, or is a part of the roadway drainage system or subdivision drainage system shall be submitted.
- 2.12 Plan-profile drawings of all proposed roads shall be submitted. Plan-profiles shall be at a scale of 1" equal 40' in plan. 1" equal 40' horizontal and 1" equal 4' vertical in profile. Elevations shall refer to USGS datum. Drawings shall include the following:
- Layout of proposed streets in both plan and profile indicating right-of-way dimensions as shown on the Final Subdivision Plan, width of right-of-way and paving. Existing and proposed centerline grade lines with stations every 50 feet, vertical curve data and percent of grade.
 - Typical cross-section of the streets with paving, shoulders, curbs and sidewalks in detail.
 - Plan-profile drawings shall also show all utility lines, encroachment lines, and all easements for utilities, drainage, and other rights-of-way, with location, size and inverts of existing and new culverts, and the entire drainage system.
 - Drainage analysis map shall show the tributary watershed area and downstream area affected by run-off. Drainage computations shall consider the entire watershed area; criteria and computations used in determining pipe sizes shall be submitted on 8 ½ x 11 inch sheets and

RECEIVED

APR 10 2013

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BEACON FALLS TOWN CLERK

**TOWN OF BEACON FALLS
ROAD ORDINANCE**

(Revision to Ordinance Passed at Town Meeting – April 8, 2013)

- certified by a Professional Engineer.
- If considered advisable by the Planning and Zoning Commission, due to the terrain as determined from contours and the proposed profile showing original and final grades, cross sections of the proposed road shall be furnished by the Holder of the Road Permit at intervals of every fifty (50) feet, showing the original ground, top and toe of slopes, culverts or bridges. These sections shall extend at least forty (40) feet left and right of center line.
 - Where required in the judgement of the Engineer, street intersections shall be developed at a larger scale, showing catch basins, gutter, road center line, curb and sidewalk elevations.
 - All of the above documents shall bear the appropriate seal as recommended by the Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut.
 - The above information shall be submitted for approval to the Beacon Falls Planning and Zoning Commission in accord with the Beacon Falls Subdivision Regulations and Planning and Zoning Commission Ordinance.
 - Upon final approval of the above listed submissions for any proposed roadway and auxiliary structures, three (3) copies of said documents will be required for filing by the Town.
- 2.13 Where drainage is tributary to a portion of a Connecticut Highway Department drainage system, such drainage shall be approved by the Connecticut Highway Department and such approval shall be submitted to the Planning and Zoning Commission along with other required documents.
- 2.14 Easements. Permanent easements, of a nature acceptable to the Town Counsel, shall be provided in all cases where drainage pipes or ditches cross or abut lands other than street Right-of-way or where drainage waters are discharged onto adjacent lands. A minimum width of twenty (20) feet shall be required and said easements shall be clearly defined on the Final Subdivision Plan placed on file in the land records. **Monuments shall mark the easements.**
- 2.15 House and Foundation Drains. House and foundation drains in no case shall be permitted to discharge onto the highway. Such drains shall be connected to storm drains wherever possible. All such drainage connections shall be made prior to construction of the bituminous concrete wearing surface. **Plans must show location of drains and where they terminate.**
- 2.16 Driveways. No person or persons in the Town of Beacon Falls shall construct a driveway, of any type, which enters upon a Town highway, or a proposed Town highway which has been approved by the Planning and Zoning Commission, until such person **shall have obtained a permit from the Town Building Official** subsequent to approval from the Town Road Foreman and shall have filed a bond with the Board of Selectmen. Said bond shall be in an amount sufficient to secure the proper control of storm water, including piping, if necessary, proper sight line and entrance grades at the highway. The work to be

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(Revision to Ordinance Passed at Town Meeting – April 8, 2013)

carried out by the permittee shall be **delineated** on the permit and bond. **Said fee for said permit shall be in accordance with the Ordinance Establishing Fees for Processing Land Use Applications Application Fee Schedule Ordinance of the Town of Beacon Falls, as the same may be amended from time to time, and is payable to the Treasurer, Town of Beacon Falls.**

SECTION 3. MAJOR COLLECTOR STREETS

- 3.01 The proposed street is a direct and logical continuation that carries or can be expected to carry a heavy volume of traffic.
- 3.02 The proposed street creates a shorter or more convenient through traffic artery, so that it can be reasonably expected to collect traffic diverted from other streets.
- 3.03 The proposed street is the particular collector of vehicles from one hundred and fifty (150) or more potential or existing homes in the area.
- 3.04 The proposed street could logically be expected to become a major street because of said construction or other foreseeable circumstances.

SECTION 4. COMMERCIAL OR INDUSTRIAL STREETS

- 4.01 The proposed street is in an area zoned for business or industry.
- 4.02 The proposed street is on or close to the dividing line between a residential and a business or industrial area that it may reasonably be expected to carry a substantial volume of commercial or industrial traffic.
- 4.03 The proposed street creates a shorter or more convenient route between a commercial or industrial area and a major traffic artery.
- 4.04 The proposed street for any reason may be expected to carry a substantial volume of commercial or industrial traffic.

SECTION 5. LOCAL RESIDENTIAL STREETS

(This classification is intended to cover the majority of subdivision streets)

- 5.01 The proposed street will serve residential subdivisions in districts designated (R-1), (R-2), (R-3), (R-4).
- 5.02 The proposed street shall not be reasonably expected to become through commercial or industrial street.
- 5.03 The proposed street shall be a dead end or other minor street within in a development, as distinguished from Major Collector Streets

SECTION 6. MATERIALS

- 6.01 Bank run Gravel: Section M.02.02.3 **Form 810.**
- 6.02 Broken Stone: The product resulting from the artificial crushing of quarried trap rock, substantially all faces of which have resulted from the crushing operation. Section 3.01. **Form 810.**

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- 6.03 Filler: Shall be crushed stone or sand consisting of sound durable particles containing not more than 3 percent (3%) of silt or crusher dust by actual dry weight, using A.A.S.H.O. Method T-11. It shall be so graded that 100 percent (100%) shall pass a 5/3 inch sieve and not less than 70 percent (70%) shall be retained on a NO. 50 sieve.
- 6.04 Bituminous Concrete: Shall be Bituminous Concrete Binder Course and Bituminous Concrete Surface Course Grading II as specified in Sections 4.07 and 4.04 of **Form 810**.
- 6.05 Catch Basins and Manholes: Section 5.07, **Form 810** in entirety.
Cast iron specialties shall be State of Connecticut Standard and shall bear ten (10) year written guarantee, which shall be turned over to the Town of Beacon Falls at completion of project. Catch basin frames and grates shall be type C or where necessary type CL. Frames shall be appropriate with the type of curb used.
- 6.06. Culverts and Under drain Pipe: Section M.08, **Form 810** in entirety.
In general, solid wall pipe will be used. However, at the direction of the Engineer, perforated pipe shall be used in areas where high water table or other problem conditions exist.
Headwalls for culverts shall be constructed of Class A Portland Cement concrete, either reinforced or gravity type, solid concrete block or stone rubble masonry.
- 6.07. Concrete:
- 6.07.01 All concrete specified herein shall be Class A concrete per Section 6.01, **Form 810**, unless otherwise noted. All concrete materials and methods of all concreting operations shall be in conformance with Section 6.01, **Form 810**.
- 6.07.02 Bar and Mesh Reinforcing: Section 6.02, **Form 810** in entirety.
- 6.08 Guide Rails, Fence and Posts: With the exception of Bridge railing, all guide rails shall be Two-Cable Guide Railing in accordance with Section 9.01, **Form 810**, in entirety. For Bridge Railing see Section M-10 of **Form 810**.
- 6.09 Monuments: Shall be set on all right-of-way lines of streets, at all intersections, angle points and points of curvature. There shall be a clear foresight and backsight to adjacent monuments on the right-of-way line or lines on which a monument is set. Monuments shall be at least 36" long and shall be at least 4" square.

The monuments shall be of a granite or of concrete with a center reinforcing rod of a type approved by the Engineer. The monuments shall not be set before the final wearing course has been completed nor shall they be set while frost is in the ground. They shall be set so that the top is one (1) inch above the finished grade and they shall be so set and tamped as to prevent shifting.

The Sub-divider's engineer or surveyor shall certify that the location of all monuments is accurate before acceptance of the street by the Town of Beacon Falls.

- 6.10. Street Signs: Street signs shall identify both intersecting roads and shall conform to the Town's Standard and shall be installed by the subdivider.

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- 6.11. Curbs: Curbs shall be Bituminous Concrete and shall conform to Section 8.15, **Form 810**, Page 343. All curbs shall be backed up full height with solidly packed earth.

SECTION 7 – CONSTRUCTION METHODS AND REQUIREMENTS

- 7.01 Clearing and Grubbing: Sections 2.01.01 and 2.01.04, Page 73 of **Form 810**.
- 7.02 Roadway, Excavation and Formation of Embankment: Sections 2.02.01 and 2.02.03, Page 75 of **Form 810**.
- 7.03 Trench Excavation: Sections 2.05.01 and 2.05.03 of **Form 810**.
- 7.04 Preparation of Sub-grade: Sections 2.09.01 and 2.09.03 Page 95 of **Form 810**. No gravel shall be placed on the prepared sub-grade until the Engineer or his Agent has approved the condition of the sub-grade.
- 7.05 Slopes: Sections 2.11.01 and 2.11.03 of **Form 810**, Page 107. Slopes shall be loamed to a minimum depth of four (4) inches, rolled, fertilized and seeded with a satisfactory grass seed mixture.
- 7.06 Gravel Sub-base: The sub-base shall consist of at least twelve (12) inches of Bank Run Gravel constructed in accord with Section 2.12.03, Page 108, **Form 810**. Where ledge rock is encountered, it shall be excavated as in 4.01 and the Gravel Sub-base shall be 18" minimum.
- 7.07 Gravel Fill: Sections 2.13.01 through 2.13.03 Page 110 of **Form 810**.
- 7.08 Base Course: The base course shall consist of one (1) 3 inch course of Broken Stone constructed in accord with Sections 3.01.01 through 3.01.03, Page 113 of **Form 810**.
- 7.09 Wearing Surface: The wearing surface will be Bituminous Concrete Pavement, constructed in one or two courses to the thicknesses indicated herein and in accord with Sections 4.07 and 4.04, Page 174 of **Form 810**. No final surfacing shall be installed until a period of sixty (60) days or more has elapsed with drainage, sub-base and base course in place.
- 7.10 Drainage: All drainage pipe shall be at least 15 inches in diameter except as noted below and installed with a minimum cover of 3 feet. All installation and construction shall be to the line and grade indicated on submitted drawings as required elsewhere herein and in accord with Section 5.06, Page 194 and 5.07, Page 196 of **Form 810**. Class A. Concrete headwalls shall be located at culvert ends. Under drain pipe and outlets shall be of a size determined by the Engineer.
- Curb type catch basins, various types of end walls, CL type catch basins, manholes. Wing type end walls and under drain, shall be constructed according to the dimensions, methods and materials shown in detail on Connecticut State Highway Department Standard Sheets, (Numbers 228-A, 228-D, 228-C, 228-E, 223-A, 221-I, 221-F, 221-H, 217-B and 221-G)
- A copy of these Standard Sheets will be kept on file in the Selectman's Office and in the Road Foreman's Office.
- 7.11. Utilities (other than Drainage)

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TOWN OF BEACON FALLS ROAD ORDINANCE

(Revision to Ordinance Passed at Town Meeting – April 8, 2013)

Gas, Telephone and Electric, Sanitary Sewers: Underground installations of gas, telephone and electric facilities shall be laid along the south and west sides of roadway in a strip 5' wide off the shoulder of the road. Water installation shall be in a strip 5' wide off the shoulder of the road on the opposite side of the road to the above facilities.

Water: Public or community water mains shall be laid along the north and east sides of the roadway seven (7) feet off the roadway centerline and be in accordance with specifications of the local Water Company. In no case, shall any pavement of roadways be begun until all water mains and laterals are completed under affected portion of the roadway.

Hydrants shall be installed on all roadways where water is available at such locations and in such number as the Engineer directs. Cost of the provision and installation of hydrants shall be borne by the contractor or subdivider.

- 7.12. Bridges: Where bridges are to be built, they shall be designed to satisfy the requirements of H-20-S-16 wheel loading, and the applicable section of **Form 810**, Pages 354, 468, 473, 474, 88, 209, 376, 238, 468, and 191. Drawings and design calculations shall be submitted to the Town Engineer and shall be certified by a Professional Engineer, registered in the State of Connecticut.
- 7.13. Upon suspension or completion of any permitted, work the subdivider or contractor shall remove from all public or private property all temporary structures, tools and equipment rubbish or waste materials resulting from his operations. All ditches shall be filled, all sewers, drains, catch basins and man-holes cleaned and flushed, streets, walks, curbs and other structures cleaned and repaired and the whole work left in a neat and clean condition.
- 7.14. The Holder of the Road Permit shall establish and clearly mark, on site, the center line of the proposed roadway. The stakes may be an offset from the center line. He shall also indicate the location of drainage structures and easements in the same manner.
- 7.15. In case of conflict on any of the specifications contained herein, the ruling of the Planning and Zoning Commission shall be deemed final.
- 7.16. Slight distance at all intersections including driveways shall be provided to 188' in either direction. The Holder of the Road Permit shall re-grade all areas falling within the sight distance triangle. He shall remove trees, brush, stones, etc. and other objects designated by the Engineer so that clear, unobstructed sight distance is obtained. Driveways, where they meet roads, shall flair a sufficient width so as to prevent crossing to the wrong side of the road for entrance or exit.

SECTION 8. SANITARY SEWERS:

Materials: Gravity Flow mains shall be constructed of extra strength PVC Pipe.

8.01 Pipe. Pressure mains shall be constructed of mechanical joint cast iron pipe. Minimum pipe size shall be eight (8) inches for street sewers and six (6) inches for laterals to buildings.

8.02 Location: The pipe shall be laid at a depth which, where possible, shall be below all other utilities in the roadway. In no case shall the cover over the pipe be less than six (6) feet.

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ROAD ORDINANCE**

(Revision to Ordinance Passed at Town Meeting – April 8, 2013)

- 8.03 Minimum Pitch: The pipe shall be laid at a pitch which will insure self-cleaning. This pitch shall be a minimum of 0.4 percent.
- 8.04 Manholes: Manholes shall be spaced at distances no greater than 300 feet and at angle points, intersections and grade changes of pipe or where pipe increases in size.
- 8.05 Drawings: In all cases proposed, sanitary sewer plans and profiles shall be submitted to the Selectman or Planning and Zoning Commission on plan profile paper as part of or separate from the roadway and drainage plan profiles required herein.

Before fine grading or construction of curbs is started, all service lines from underground utilities shall have been installed in every lot in the proposed subdivision. When all underground work is completed, the final grade shall be established and the pavement applied. Curbing, where required, shall then be installed throughout and shoulders fine graded as the final operation.

- 8.06 Where utilities are installed, the Holder of the Road Permit shall bear the expenses of raising all man-holes, valve boxes, etc, up to the final road grade. These utility appurtenances shall be clearly visible and shall be so set that a true line and grade is maintained.

In all cases, the installation of all utilities, including gas and cable lines within the right-of-way shall be under the inspection of the Engineer or Building Inspector. All utility lines shall be run to each and every lot at the time of initial installation of the distribution main, said service to extend to a point 24" inside the curb line and shall be terminated with a valve and curb box in the case of water service up to the finished grade of the shoulder.

SECTION 9. ADMINISTRATION

9.01 Guaranty Bond and Maintenance

In the case of the construction of a road under Contract to the Town, the Contractor shall file with the Town Clerk, a Performance Bond in the full amount of said Contract in order to secure to the Town the satisfactory completion of the work.

In the case of the construction of a road or roads in a proposed subdivision, the subdivider shall file with the Town Clerk, prior to the approval of the Final Subdivision Plan, a Performance Guaranty for street improvements, drainage, sewer and water supply and any other improvements required by the Commission. Such Performance Guaranty shall assure the installation and completion of the improvements before an agreed date, unless for good reasons shown to the Planning and Zoning Commission, the Planning and Zoning Commission may grant an extension with the consent of the Surety.

The Performance Guaranty shall be approved by the Town Counsel and shall be in the form of a Performance Bond to the Town of Beacon Falls which shall be issued by a bonding or surety company or in cash, returnable to the subdivider after full compliance. A Performance Guaranty shall be for a period not to exceed two (2) years, except that extension of such Guaranty to cover completion of the top surface of the street pavement may be extended by the Planning and Zoning Commission beyond the two (2) year time limit with the consent of the Surety. The amount of the Guaranty will be equal to 100 % of the cost of roads and improvements.

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The cost of roads and drainage shall be estimated by the subdivider's or contractor's Professional Engineer and submitted to the Town Engineer or the Planning and Zoning Commission for review and approval.

9.02 Permit

Upon submission and approval by the appropriate agency of the documents required, the Planning and Zoning Commission shall cause a permit to be issued and said permit shall grant the Holder of the Road Permit the right to construct roadways in the Town of Beacon Falls in accordance with the approved documents.

9.03 Inspection

The permit shall designate required inspections at certain stages of construction and it shall become the responsibility of the Holder of the Road Permit to obtain the signature of the Chairman of the Planning and Zoning Commission, Building Inspector, or Town Engineer upon completion of each stage and before starting additional work. The Holder of the Road Permit shall give the Planning and Zoning Commission or its Agent, forty-eight (48) hours notice before beginning construction requiring inspection. Failure of the Holder of the Road Permit to obtain the signature of the Chairman of the Planning and Zoning Commission, Building Inspector, or Town Engineer following each inspection as designated shall constitute a default of the regulation and said permit shall become null and void and further work shall not be permitted.

The **First** Selectman, Planning and Zoning Commission, Building Inspector, or their Agent reserves the right to conduct an inspection of the roadway at any time he/she may see fit, and at any rate, not less than once weekly during actual construction.

The construction of any road or highway subject to the provisions of this Ordinance may be halted by the **First** Selectman, Planning and Zoning Commission, Building Inspector, or their Agent, if at any time, they shall find that the road does not comply with the provisions of this Ordinance. In case it becomes necessary to order the Holder of the Road Permit to cease work due to not complying with this Ordinance, the **First** Selectman and Planning and Zoning Commission shall be notified, in writing, of the close-down date. When the project is reopened, the **First** Selectman and Planning and Zoning Commission shall be notified at least three (3) days in advance of the proposed starting date.

9.04 Release of Guaranty Bond

The Performance Guaranty shall not be released until the subdivider's or contractor's Professional Engineer has certified completion of the public utilities and improvements in substantial accordance with the requirements and the street or streets have been legally accepted by the Town and deeds covering land to be used for public purposes, easements and rights-of-way over property to remain in private ownership and rights-to-drain onto or across private property are submitted in a form satisfactory to the Town Counsel. All recording fees shall be borne by the subdivider.

Application for approval of portions of the total proposed work may be made upon completion of such portions. If such are accepted, a pro rated reduction in surety bond or deposit will be allowed.

If the work has not been completed within a two year period, the Planning and Zoning Commission shall recommend that the bond be forfeited and proper notice shall be given

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(Revision to Ordinance Passed at Town Meeting – April 8, 2013)

in writing to the Holder of the Road Permit and to the Surety of this action. The permit may be extended by the Planning and Zoning Commission if it deems in the best interest of the Town of Beacon Falls.

9.05 Maintenance of Bond and Maintenance Project

The contractor or subdivider shall keep and maintain the work in good repair for a period of one (1) year from the date of final acceptance by the Town. Prior to the final acceptance of the road by the Town, the contractor or subdivider will file with the Town Clerk an acceptable surety company bond in the amount of ten percent (10%) of the value of the work accepted. The term of this bond shall be for one (1) year from the date of final acceptance. Upon acceptance of the road by the Town and receipt and approval of this bond, the Town Clerk will release the one hundred percent (100%) performance bond required.

The contractor or subdivider shall, when notified by the **First** Selectman, promptly and at his own expense repair all failures in the construction and operation of structures and appurtenances or drains, pipes, mains or conduits, curbs, gutters, sidewalks, road surfacing, land turfing, or any other structures on the line of the work, or adjacent thereto, occurring during the maintenance period which are caused by or affected by his work.

If the contractor or subdivider fails to remedy such defects within a reasonable time, the Town of Beacon Falls, may, without prejudice to any other remedy and upon written notice to the contractor or subdivider and surety company, cause the required repairs to be made and bill the contractor or subdivider or the surety company for the cost of the work involved.

9.06 "As Built" Drawings and Warranty Deeds.

Upon completion of construction and prior to acceptance or release of bond, "As Built" drawings showing finished profile of road, storm drainage, with invert elevations and plans of roadway showing street lines, easements, curb lines, storm drainage, utilities and monumented control points, shall be submitted to the Planning and Zoning Commission. Said drawings shall be drawn in ink on plan profile linen or film 36 inches long and the originals shall be filed with the Town. "As Built" drawings shall be prepared and certified by a Professional Engineer registered in the State of Connecticut.

Upon completion of construction and prior to acceptance or release of bond, warranty deed or deeds covering all roads and rights-of-way and drainage or other easements shall be executed to the Town of Beacon Falls in acceptable Certificate of Title signed by a practicing attorney of the State of Connecticut.

"As built" are to be given to the Treatment Plant and Public Works before acceptance.

9.07 Approval and Acceptance by the Town.

Upon completion and final inspection of roadways and auxiliary structures, and upon submission of the required Maintenance Bond, Warranty Deeds, Certificates and 'As Built' drawings, the subdivider or contractor shall apply to the Planning and Zoning Commission for acceptance. The Planning and Zoning Commission will then review the requirements and if satisfactory, recommend acceptance to the Town. Affirmative action by the Town Meeting shall constitute approval and acceptance by the Town of Beacon Falls and the date of approval shall be the starting date for the one (1) year maintenance period.

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TOWN OF BEACON FALLS

ROAD ORDINANCE

(Revision to Ordinance Passed at Town Meeting – April 8, 2013)

9.08 Separability: It is hereby declared to be the legislative intent that:

9.08.01 If a court of competent jurisdiction finds any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

9.08.02 Effect on Other Requirements

It is not intended that the requirements of any other law or ordinance except as herein stated, be repealed or otherwise made ineffective by this Ordinance and in case of conflict the strictest of the relevant provisions of this and other laws and ordinances shall apply.

9.09 Effective Date.

9.09.01 This Ordinance shall become effective upon its enactment. This Ordinance shall not apply to any roadway for which a road construction permit, under bond, has been issued under the Road Ordinance prior to the date of adoption of this Ordinance, and to developments of record. It may be constructed in accordance with the provisions of the aforesaid ordinance provided construction is completed in full compliance with the provisions of such ordinance and approval of said construction, in writing by the Planning and Zoning Commission has been obtained prior to adoption of this Ordinance.

9.09.02 On the effective date of this Ordinance, the Road Ordinance of the Town of Beacon Falls originally adopted October 24, 1956 is hereby repealed. Adopted by the Town Meeting April 27, 1971.

9.10 Permits.

Permits for disturbing, digging, excavating, or in any way damaging a road bed for any reason, what so ever, shall be bonded, bond to be determined by the Town Engineer or First Selectman's Agent. Fee for Permit shall be at a rate of one (1) dollar per running foot. The fee for permit may be waived by a simple majority vote of the Board of Selectmen for work being performed under contract for the Town of Beacon Falls or any regional or local Commission, District, or Authority, including, but not limited to Sewer Authorities, School Districts, Water Authorities and Economic Development Commissions to which the Town of Beacon Falls is a member. *No permit to build shall be issued to any developer until the street upon which the building is to be constructed has been completed and approved in writing by the Town Engineer or the First Selectman's Agent.*

9.11 The Civil and Sanitary Engineer representing the Town of Beacon Falls shall not simultaneously represent the owner, nor the developer of any subdivision in the Town of Beacon Falls.

9.12 Restoration. Page 48, Section 1.07.04 **Form 810.**

Public Hearing Held on: September 18, 2006

Town Meeting Held on: October 2, 2006

Ordinance Published on: October 25, 2006.

This Ordinance became effective November 9, 2006.

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TOWN OF BEACON FALLS

ROAD ORDINANCE

(Revision to Ordinance Passed at Town Meeting – April 8, 2013)

REVISION

Public Hearing Held on: March 20, 2013

Town Meeting Held on: April 8, 2013

Ordinance Published on: April 11, 2013

This Revised Ordinance became Effective on: April 26, 2013

****Form 810** is the “State of Connecticut Highway Department’s Standard Specifications for Roads, Bridges and Incidental Construction (Form 810) dated 1969 and all future revisions.

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**TOWN OF BEACON FALLS
ROAD ORDINANCE**

(Revision to Ordinance Passed at Town Meeting – April 8, 2013)

**TOWN OF BEACON FALLS
Street Classification and Design Standards**

Highway Type	Local Residential Streets	Commercial or Industrial Streets	Major Collector Streets
Minimum Right of Way	50 ft.	60 ft.	80 ft.
Pavement Width	32 ft.	32 ft.	32 ft.
Width of Graded Shoulder Each Side	2 ft.	3 ft.	3 ft.
Pavement Type First Course	Bit. Conc. Grade 11 3" Deep	Bit. Conc. Binder 2" Deep	Bit. Conc. Binder 2" Deep
Second Course	Bit. Conc. Grade II 1 ½ "	Bit. Conc. Surf. Grade II 2" Deep	Bit. Conc. Surf. Grade II 2" Deep
Base Course	1 ½ "	3" Broken Stone	3" Broken Stone
Sub-base Course	12" Gravel (min.)	12" Gravel (min.)	12" Gravel (min.)
Gradient (Min.)	1.0%	1.0%	1.0%
Stopping Sight Distance	200' at 25 mph	200' at 25 mph	350' at 35 mph
Passing Sight Distance			1700' at 35 mph
Turnarounds	60' radius	75' radius Temporary Only	None Allowed
Minimum Radius	188 ft.	600 ft.	1200 ft.
Minimum Tangent Between Curves	200 ft.	200 ft.	200 ft.

Note: No. 1: Bituminous Concrete Curbs shall be installed on both sides of all Commercial, Industrial and Major Collector Streets. In all areas requiring curbing, it shall be installed in fills of over 6'.

Note: No. 2: Guide rail and/or single post are to be installed where directed by the First Selectman of his/her Agent.

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BEACON FALLS TOWN CLERK

**AN ORDINANCE ESTABLISHING FEES FOR PROCESSING
LAND USE APPLICATIONS
APPLICATION FEE SCHEDULE ORDINANCE
(Revision)**

WHEREAS, the Boards and Commission that regulate land use and development within the Town of Beacon Falls are required to make decisions that have important impacts upon the quality of life in the Town, and

WHEREAS, many of these decisions are complex, and require objective analysis by experts in the various fields, and

WHEREAS, the costs of review should be paid by the applicant who is requesting review.

Section 1. Authority

This Ordinance is adopted pursuant to Section 8-1c CGS.

Section 2. Title

This Ordinance shall be known as the Application Fee Schedule Ordinance.

Section 3. Purpose and Intent

1. To establish a schedule of reasonable fees for the review and processing of applications by the Town of Beacon Falls Planning and Zoning Commission, Inland Wetlands and Watercourse Commission and Zoning Board of Appeals, and
2. To provide for the adequate review of land use applications in accordance with the size and complexity of the proposed land use development.

Section 4. Fee Schedule

- The following schedule of fees as indicated in Section 4.4 shall be the minimum to cover the cost of processing application to the Planning and Zoning Commission, Inland Wetlands and Watercourses Commission and Zoning Board of Appeals. (please refer to pages 3 and 4 for fees required)
- The Planning and Zoning Commission, Inland Wetlands and Watercourses Commission and Zoning Board of Appeals may, at its discretion hire or engage outside experts to assist in its evaluation of any application. The total costs for all outside expertise shall be borne by the applicant. This payment shall be considered as an integral component of the application, and the failure of the applicant to make this payment shall render the application incomplete. If the applicant fails to pay the fee within thirty (30) days of receiving an invoice, the Board or Commission may revoke all approvals of the application and pursue all necessary action to receive payment.
- All application fees shall be paid to the Town of Beacon Falls at the time of submission of the application. No application shall be considered to be a complete application without payment of fees as required in this Ordinance.

SEP 22 2009
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**AN ORDINANCE ESTABLISHING FEES FOR PROCESSING
LAND USE APPLICATIONS
APPLICATION FEE SCHEDULE ORDINANCE
(Revision)**

- If the Planning and Zoning Commission, Inland Wetlands and Watercourses Commission and Zoning Board of Appeals finds, at the time of acceptance of Application, that the application is of a significant magnitude that it would require extensive review, the Board or Commission may establish an initial payment to cover the costs of expert review. This cost shall be paid at the time of application by the applicant. If the costs of review exceed this initial amount the applicant shall be required to pay additional costs. If the costs of review are less than the initial payment, the remainder shall be returned to the applicant.
- The applicant shall pay all fees imposed by the State of Connecticut imposed by Statute.

Public Hearing held on November 24, 2008

Town Meeting held on December 15, 2008

Notice Published in Republican American: December 22, 2008

Effective Date of Revised Ordinance: January 7, 2009

SEP 22 2009

**AN ORDINANCE ESTABLISHING FEES FOR PROCESSING
LAND USE APPLICATIONS
APPLICATION FEE SCHEDULE ORDINANCE
(Revision)**

- The following shall be the minimum fees required for all applications for Inland Wetlands and Watercourses Commission applications:

a. Permitted and Non Regulated uses as described in Section 4 of the Inland Wetlands and Watercourses Regulations of the Town of Beacon Falls	
Permitted Use as of Right – Farm/ Agricultural; Includes Forestry	No charge.
Non-regulated Uses	\$ 50.00
b. Regulated Activities as defined in Section 2.1 and Section 6 of the Inland Wetlands and Watercourses Regulations of the Town of Beacon Falls	
1. Residential – Single and two-family dwellings	\$ 50.00
Additional fees with wetland and/or watercourse Disturbance	\$ 3.00 per square feet of proposed disturbance of wetlands
2. Commercial/Industrial – Single Lot	\$ 200.00
Additional fees with wetland and/or watercourse disturbance	\$ 3.00 per square feet of proposed disturbance of wetlands
3. Other – Single Lot	\$ 200.00
Additional fees with wetland and/or watercourse Disturbance	\$ 3.00 per square feet of proposed disturbance of wetlands
4a. Residential – Subdivision	\$ 750.00 plus \$150.00 per lot plus \$3.00 per square feet of proposed disturbance of wetlands
4b Residential – Multi-Family	\$ 750.00 plus \$75.00 per unit lot plus \$3.00 per square feet of proposed disturbance of wetlands
5. Commercial/Industrial Subdivision	\$ 750.00 plus \$200.00 per lot plus \$3.00 per square feet of proposed disturbance of wetlands
6. Map Amendment	\$ 200.00 plus \$1.00 per linear foot of the total length of wetlands and/or watercourse boundary subject to the proposed boundary change.

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**AN ORDINANCE ESTABLISHING FEES FOR PROCESSING
LAND USE APPLICATIONS
APPLICATION FEE SCHEDULE ORDINANCE
(Revision)**

- The following shall be the minimum fees required for all applications for all applications to the Planning and Zoning Commission

Subdivision per lot	\$ 400.00; plus <ul style="list-style-type: none"> • \$.50 per linear foot of new road proposed within the subdivision; plus • \$500 for all applications which require a Public Hearing, plus \$200 for each continuance of the Public Hearing
Road Fees, per liner feet of new road	\$ 0.50
Site Plan Review – Residential Uses per Unit	\$ 250.00
Site Plan Review – Non-Residential per square foot	\$ 0.10 of new building, with a minimum of \$500
Flood Plain Review	\$ 500.00
Excavation and Grading	\$ 500.00 plus \$50.00 for every 1000 cubic yards to be excavated
Earth Products Processing	\$ 250.00
Special Exception	\$ 500.00 plus: <ul style="list-style-type: none"> • Cost per site plans as cited above; and; • \$ 200.00 for each continuance of the Public Hearing
Driveways – Single Family	\$ 25.00
Driveways – Other Residential	\$ 100.00
Driveways – Commercial and Industrial	\$ 250.00
Application for Zoning Compliance	\$ 25.00
Additional Certificate of Zoning Compliance	\$ 25.00
Application for Zone Change	\$ 1,000.00; plus <ul style="list-style-type: none"> • \$ 200.00 for each continuance of the Public Hearing
Request for Change of Zoning or Subdivision Regulations	\$ 1,000.00; plus <ul style="list-style-type: none"> • \$ 200.00 for each continuance of the Public Hearing
Request for Non-Conforming use	\$ 1,000.0 <ul style="list-style-type: none"> • \$200.00 for each continuance of the Public Hearing

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**AN ORDINANCE ESTABLISHING FEES FOR PROCESSING
LAND USE APPLICATIONS
APPLICATION FEE SCHEDULE ORDINANCE
(Revision)**

Section 5. Inspections

The Board of Selectmen, upon advice of the relevant Board or Commission, may require that the developer reimburse the Town for all costs associated with the inspection or re-inspection of the property that are required.

Section 6. Waiver of Fees

1. All Boards, Commission, Agencies and /or Departments of the Town of Beacon Falls are exempt from all fee requirements of this Ordinance.
2. The applicant may petition the Board of Selectmen to waive, reduce or permit delayed payment of the fee required by this Ordinance. Such petitions shall be in writing and shall state fully the facts and circumstances that the Board of Selectmen should consider in its determination under this Ordinance. The Board of Selectmen may waive all or part of the application fee if the Board determines that:
 - a. The activity applied for would clearly result in a substantial public benefit to the environment, public health, safety or welfare and the applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee; or

The amount of the application fee is clearly excessive in relation to the cost to the Town for reviewing and processing the application.

Public Hearing held on November 24, 2008

Town Meeting held on December 15, 2008

Notice Published in Republican American: December 22, 2008

Effective Date of Revised Ordinance: January 7, 2009

SEP 22 2009

**AN ORDINANCE ESTABLISHING FEES FOR PROCESSING
LAND USE APPLICATIONS
APPLICATION FEE SCHEDULE ORDINANCE
(Revision)**

WHEREAS, the Boards and Commission that regulate land use and development within the Town of Beacon Falls are required to make decisions that have important impacts upon the quality of life in the Town, and

WHEREAS, many of these decisions are complex, and require objective analysis by experts in the various fields, and

WHEREAS, the costs of review should be paid by the applicant who is requesting review.

Section 1. Authority

This Ordinance is adopted pursuant to Section 8-1c CGS.

Section 2. Title

This Ordinance shall be known as the Application Fee Schedule Ordinance.

Section 3. Purpose and Intent

1. To establish a schedule of reasonable fees for the review and processing of applications by the Town of Beacon Falls Planning and Zoning Commission, Inland Wetlands and Watercourse Commission and Zoning Board of Appeals, and
2. To provide for the adequate review of land use applications in accordance with the size and complexity of the proposed land use development.

Section 4. Fee Schedule

- The following schedule of fees as indicated in Section 4.4 shall be the minimum to cover the cost of processing application to the Planning and Zoning Commission, Inland Wetlands and Watercourses Commission and Zoning Board of Appeals. (please refer to pages 3 and 4 for fees required)
- The Planning and Zoning Commission, Inland Wetlands and Watercourses Commission and Zoning Board of Appeals may, at its discretion hire or engage outside experts to assist in its evaluation of any application. The total costs for all outside expertise shall be borne by the applicant. This payment shall be considered as an integral component of the application, and the failure of the applicant to make this payment shall render the application incomplete. If the applicant fails to pay the fee within thirty (30) days of receiving an invoice, the Board or Commission may revoke all approvals of the application and pursue all necessary action to receive payment.
- All application fees shall be paid to the Town of Beacon Falls at the time of submission of the application. No application shall be considered to be a complete application without payment of fees as required in this Ordinance.

**AN ORDINANCE ESTABLISHING FEES FOR PROCESSING
LAND USE APPLICATIONS
APPLICATION FEE SCHEDULE ORDINANCE
(Revision)**

- If the Planning and Zoning Commission, Inland Wetlands and Watercourses Commission and Zoning Board of Appeals finds, at the time of acceptance of Application, that the application is of a significant magnitude that it would require extensive review, the Board or Commission may establish an initial payment to cover the costs of expert review. This cost shall be paid at the time of application by the applicant. If the costs of review exceed this initial amount the applicant shall be required to pay additional costs. If the costs of review are less than the initial payment, the remainder shall be returned to the applicant.
- The applicant shall pay all fees imposed by the State of Connecticut imposed by Statute.

Public Hearing held on November 24, 2008

Town Meeting held on December 15, 2008

Notice Published in Republican American: December 22, 2008

Effective Date of Revised Ordinance: January 7, 2009

**AN ORDINANCE ESTABLISHING FEES FOR PROCESSING
LAND USE APPLICATIONS
APPLICATION FEE SCHEDULE ORDINANCE
(Revision)**

- The following shall be the minimum fees required for all applications for Inland Wetlands and Watercourses Commission applications:

a. Permitted and Non Regulated uses as described in Section 4 of the Inland Wetlands and Watercourses Regulations of the Town of Beacon Falls	
Permitted Use as of Right – Farm/ Agricultural; Includes Forestry	No charge.
Non-regulated Uses	\$ 50.00
b. Regulated Activities as defined in Section 2.1 and Section 6 of the Inland Wetlands and Watercourses Regulations of the Town of Beacon Falls	
1. Residential – Single and two-family dwellings	\$ 50.00
Additional fees with wetland and/or watercourse Disturbance	\$ 3.00 per square feet of proposed disturbance of wetlands
2. Commercial/Industrial – Single Lot	\$ 200.00
Additional fees with wetland and/or watercourse disturbance	\$ 3.00 per square feet of proposed disturbance of wetlands
3. Other – Single Lot	\$ 200.00
Additional fees with wetland and/or watercourse Disturbance	\$ 3.00 per square feet of proposed disturbance of wetlands
4a. Residential – Subdivision	\$ 750.00 plus \$150.00 per lot plus \$3.00 per square feet of proposed disturbance of wetlands
4b Residential – Multi-Family	\$ 750.00 plus \$75.00 per unit lot plus \$3.00 per square feet of proposed disturbance of wetlands
5. Commercial/Industrial Subdivision	\$ 750.00 plus \$200.00 per lot plus \$3.00 per square feet of proposed disturbance of wetlands
6. Map Amendment	\$ 200.00 plus \$1.00 per linear foot of the total length of wetlands and/or watercourse boundary subject to the proposed boundary change.

**AN ORDINANCE ESTABLISHING FEES FOR PROCESSING
LAND USE APPLICATIONS
APPLICATION FEE SCHEDULE ORDINANCE
(Revision)**

- The following shall be the minimum fees required for all applications for all applications to the Planning and Zoning Commission

Subdivision per lot	\$ 400.00; plus <ul style="list-style-type: none"> • \$.50 per linear foot of new road proposed within the subdivision; plus • \$500 for all applications which require a Public Hearing, plus \$200 for each continuance of the Public Hearing
Road Fees, per liner feet of new road	\$ 0.50
Site Plan Review – Residential Uses per Unit	\$ 250.00
Site Plan Review – Non-Residential per square foot	\$ 0.10 of new building, with a minimum of \$500
Flood Plain Review	\$ 500.00
Excavation and Grading	\$ 500.00 plus \$50.00 for every 1000 cubic yards to be excavated
Earth Products Processing	\$ 250.00
Special Exception	\$ 500.00 plus: <ul style="list-style-type: none"> • Cost per site plans as cited above; and; • \$ 200.00 for each continuance of the Public Hearing
Driveways – Single Family	\$ 25.00
Driveways – Other Residential	\$ 100.00
Driveways – Commercial and Industrial	\$ 250.00
Application for Zoning Compliance	\$ 25.00
Additional Certificate of Zoning Compliance	\$ 25.00
Application for Zone Change	\$ 1,000.00; plus <ul style="list-style-type: none"> • \$ 200.00 for each continuance of the Public Hearing
Request for Change of Zoning or Subdivision Regulations	\$ 1,000.00; plus <ul style="list-style-type: none"> • \$ 200.00 for each continuance of the Public Hearing
Request for Non-Conforming use	\$ 1,000.0 <ul style="list-style-type: none"> • \$200.00 for each continuance of the Public Hearing

**AN ORDINANCE ESTABLISHING FEES FOR PROCESSING
LAND USE APPLICATIONS
APPLICATION FEE SCHEDULE ORDINANCE
(Revision)**

Section 5. Inspections

The Board of Selectmen, upon advice of the relevant Board or Commission, may require that the developer reimburse the Town for all costs associated with the inspection or re-inspection of the property that are required.

Section 6. Waiver of Fees

1. All Boards, Commission, Agencies and /or Departments of the Town of Beacon Falls are exempt from all fee requirements of this Ordinance.
2. The applicant may petition the Board of Selectmen to waive, reduce or permit delayed payment of the fee required by this Ordinance. Such petitions shall be in writing and shall state fully the facts and circumstances that the Board of Selectmen should consider in its determination under this Ordinance. The Board of Selectmen may waive all or part of the application fee if the Board determines that:
 - a. The activity applied for would clearly result in a substantial public benefit to the environment, public health, safety or welfare and the applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee; or

The amount of the application fee is clearly excessive in relation to the cost to the Town for reviewing and processing the application.

Public Hearing held on November 24, 2008

Town Meeting held on December 15, 2008

Notice Published in Republican American: December 22, 2008

Effective Date of Revised Ordinance: January 7, 2009

TOWN ORDINANCE RELATING TO HEAVY TRUCK TRAFFIC AND PROCESSING OF MATERIALS

Pursuant to its powers under Connecticut General Statutes Chapter 7-148(c) (7) (ii) to regulate and to prohibit the carrying on within the Town of any trade, manufacture, business or profession which is carried on so as to become prejudicial to public health, or dangerous to, or constituting an unreasonable annoyance to, those living or owning property in the vicinity and, pursuant to its powers under Connecticut General Statutes Chapter 7-148(c)(7)(h)(xi) to provide for the health of the inhabitants of the Municipality and to do all things necessary or desirable to secure and promote the Public Health, and pursuant to its powers under Connecticut General Statutes Chapter 7-148(c) (7) (h) (xiii) to regulate the use of streets, sidewalks, and highways for public and private purposes, and, pursuant to its powers under Connecticut General Statutes Chapter 7-148(c) (7) (h) (xiii) to make and enforce police, sanitary or other similar regulations and to protect or promote the peace, safety, good government and welfare of the Municipality and its inhabitants, the Town of Beacon Falls enacts the following Ordinance:

Whereas, the washing, screening, crushing and other processing of sand, gravel, stone and other earth products within the Town of Beacon Falls have reached levels detrimental to the health, safety, safety and welfare of the general population, in that obnoxious dust, smoke, noise and vibrations continually emanate from the processing facilities causing unpleasant and unhealthful effects in the Community at large, and deleterious effects upon the environment, and

Whereas, the Town of Beacon Falls is in danger of permanently becoming an earth products processing center for the region because other Municipalities prohibit earth products processing in many instances, so that the Townspeople of Beacon Falls are hindered in the quiet enjoyment of their properties, and so that significant portions of the Town's monetary resources must be dedicated toward repairing damage caused by truck traffic related to the importation of earth products, and toward policing roads and areas surrounding the processing facilities, in order that the gravel needs of other Towns may be met.

Be it enacted that, effective September 1, 1990, all screening, washing, crushing and other processing of stone gravel, sand and other materials excavated from the earth which have not been extracted from within the Town of Beacon Falls or such screening, washing, crushing or other processing, are prohibited; provided, that stockpiles of earth products excavated outside of the Town of Beacon Falls which are in existence at legal processing facilities in industrial or industrial park zones in the Town of Beacon Falls as of September 1, 1990 must be entirely processed as of September 1, 1991.

This Ordinance shall become effective upon passage. Passed at a duly held Annual Town Meeting held on October 24, 1988.

Public Hearing held on: May 7, 2007

Town Meeting held on: June 18, 2007

This Ordinance shall become effective fifteen (15) days after its publication in the most widely circulated newspaper in the Town of Beacon Falls. This Ordinance published on June 25, 2007.

This Ordinance became effective July 11, 2007.

AN ORDINANCE CONCERNING THE REGULATION OF SIGNS WITHIN THE MAIN STREET MEDIAN STRIP – TOWN OF BEACON FALLS

BE IT ORDAINED by the Board of Selectmen of the Town of Beacon Falls that an Ordinance Concerning the Regulation of Signs within the Main Street Median Strip in the Town will consist of the following:

WHEREAS, the center of the Town of Beacon Falls are the properties along Main Street, from the intersection of Route 42 north; and

WHEREAS, the Town of Beacon Falls has determined that the median strip of Main Street is appropriate for providing public information to the community concerning community events and the advertisement of non-profit events; and

WHEREAS, the Town of Beacon Falls has determined that it is appropriate that the area between the north and southbound lanes along Main Street is appropriate and suitable for use to provide information concerning public and community-oriented non profit events, and enacts this Ordinance for the use of this area for informational signs for public and non-profit community oriented events;

Section 1. Authority

This Ordinance is adopted pursuant to S7-148(c) of the General Statutes.

Section 2. Area to be Used

The following areas may be used for the placement of public information signs in accordance with all provisions of this Ordinance.

- 2.1 The landscaped area between the north and southbound lanes of Main Street, north of the intersection of Bethany Road, (Route 42)
- 2.2 Other areas within the public right-of-way of Main Street, north of the intersection of Bethany Road, (Route 42), as may be determined appropriate by the Board of Selectmen

Section 3. Eligibility for Signs

The Board of Selectmen may issue a permit for the installation of a sign for a period not exceed three **(3) weeks** by a governmental, non-profit or charitable entity which announces a charitable or community event, consistent with the requirements of this Ordinance. **Signs must be removed within three (3) days after event.**

Section 4. Standards for Issuance of Permits

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The Board of Selectmen may issue a permit for the installation of a temporary sign provided that it conforms to the following standards:

- 4.1 The sign shall be placed so as not to interfere with the flow of traffic, nor cause any visual obstructions which would reduce vehicular or pedestrian safety. In making their determination, the Board shall request an opinion from the Chief of Police.
- 4.2 No sign may be placed within one hundred (100) feet of another sign.
- 4.3 Such sign shall be made of a durable material, designed to withstand forces of Weather.
- 4.4 All signs shall be properly maintained by the entity granted the permit to install the sign. The sign shall not exceed twelve (12) square feet in area.
- 4.5 The sign shall not exceed a height of five (5) feet.

Section 5. Maintenance

The sign permittee shall properly maintain the sign installation consistent with permit regulations so as not to cause injury to persons or property. The Board of Selectmen shall have the authority to have the sign removed, if in its opinion, it is not properly maintained or represents a blighting influence upon the community.

Section 6. Validity

- 6.1 If any section, subsection, clause or phrase of this Ordinance is for any reason found invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance.

Section 7. Effective Date

- 7.1 This Ordinance shall take effect fifteen (15) days after publication in accordance with the General Statutes.

Public Hearing Held on: November 24, 2008

Town Meeting Held on: December 15, 2008

Ordinance Published: December 22, 2008

Effective Date of Ordinance: January 7, 2009

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AN ORDINANCE RELATING TO THE ZONING BOARD OF APPEALS IN THE TOWN OF BEACON FALLS

Be it ordained by the Town of Beacon Falls;

SECTION 1.

An Ordinance relating to a Zoning Board of Appeals and alternate members, hereinafter referred to as a Panel of Alternates passed in Town Meeting held on February 4, 1960 is hereby repealed and the following is substituted in lie thereof:

SECTION 2.

WHEREAS, pursuant to Chapter 124 of the 1958 Revision of the Connecticut General Statutes as amended, which Chapter has been adopted by the lawfully assembled voters of the Town of Beacon Falls, therefore:

1. There shall be a Zoning Board of Appeals consisting of five (5) members to be elected as cited below and three (3) alternate members to be appointed by the Board of Selectmen as cited below. As above stated, the three (3) alternate members will hereinafter be referred to as a Panel of Alternates.
2. The regular members of the Zoning Board of Appeals shall be electors of said Town, shall hold no office of the Town of Beacon Falls for which remuneration is received and not more than **four (4)** of said members shall be of the same political party. All members of said Board shall be elected as follows: at the biennial election of Town Officers to be held on November 4, 1975, two (2) of said regular members shall be elected and hold office for a term of four (4) years; at the biennial election of Town Officers to be held in November, 1977, three (3) of said regular members shall be elected for a term of four (4) years. At each biennial election thereafter, a regular member shall be elected for a term of four (4) years to succeed each regular member whose term has expired. Each regular member of said Board shall serve for the term for which he is elected and until his successor is elected and qualified. Said regular members shall be nominated in the same manner as other elected officers of said Town.
3. If the number of members to be elected under the provisions of this ordinance shall be even, no person shall vote for more than one-half of the number and if the number to be elected shall be odd, no person may vote for more than a bare majority of the number to be elected.
4. The Panel of Alternates shall be appointed by the Board of Selectmen as follows: one (1) member to be appointed and hold office for a term of two (2) years from the date of the Municipal election to be held in 1975 and two (2) members to be appointed and hold office for a term of four (4) years from the date of the Municipal election to be held in 1975. At each regular Municipal election held thereafter, the newly elected Board of Selectmen shall appoint a member for a term of four (4) years to succeed each alternate member whose term has expired. Each alternate member of such board shall serve for the term for which he is appointed and until his successor is appointed and has qualified.

**AN ORDINANCE RELATING TO THE ZONING BOARD OF APPEALS
IN THE TOWN OF BEACON FALLS**

5. Vacancies other than those caused by the regular expiration of terms are to be filled for the unexpired portion of the term by the Board of Selectmen.
6. Pursuant to the provisions of this ordinance, said Zoning Board of Appeals including the Panel of Alternates, when elected or appointed s the case may be, shall replace and succeed the present Zoning Board of Appeals including the Panel of Alternates established pursuant to an ordinance relating to Zoning Board of Appeals passed at Town Meeting on February 4, 1060. The terms of office of the present members of the Panel of Alternates shall be and are hereby terminated as of the date of the biennial election of Town Officers in November, 1975.
- 7. All members of the Zoning Board of Appeals are required to attend at least one (1) training session per year, specific to the Zoning Board of Appeals. This training will provide useful information needed to make decisions in the best interests of the Town of Beacon Falls. Failure to attend such training and provide documentation of attendance will be cause for removal from the Board by the Board of Selectmen.**

The present regular members of the Zoning Board of Appeals shall continue to hold office until their successors are elected in accordance with the provisions of this ordinance, provided however, that the terms of office of Edward O. Enamait is extended from February 1, 1974 to November 4, 1975; the term of office for which a vacancy presently exists shall be extended from February 1, 1975 to November 4, 1975; the term of office of Joseph J. Oldakowski is extended from February 1, 1976 to November 8, 1977; the term of office of Walter A. Muroff is extended from November 2, 1976 to November 8, 1977; the term of office of Rodney J. Vardon shall remain the same, said term to expire on November 8, 1977.

This Ordinance is to take effect on passage and publication.

The foregoing Ordinance was duly passed at a Town Meeting held in Beacon Falls on August 28, 1973 and published at length in the Naugatuck News, a newspaper having a substantial circulation in the Town of Beacon Falls, edition of September 5, 1973.

Revision to the Ordinance.

Public Hearing held on September 18, 2006.

Town Meeting held on October 2, 2006.

This Ordinance shall become effective fifteen (15) days after publication in the most widely circulated newspaper in the Town of Beacon Falls. Ordinance published October 25, 2006.

This Ordinance became effective November 9, 2006.

AN ORDINANCE ESTABLISHING THE BEACON FALLS INLAND WETLANDS AND WATERCOURSES COMMISSION

The Town of Beacon Falls hereby creates an Inland Wetlands and Watercourses Commission.

1.0 CREATION OF INLAND WETLANDS AND WATERCOURSES COMMISSION.

There shall be an Inland Wetlands and Watercourses Commission established in accordance with an Act Concerning Inland and Watercourses, Section 22a-36 to 22a-45 inclusive of the Connecticut General Statutes, as the same may be amended from time to time.

2.0 RESPONSIBILITIES.

Said Commission shall have all the powers and responsibilities authorized under said General Statutes and Public Act, concerning Inland and Watercourses, Section 22a-36 to 22a-45 inclusive of the Connecticut General Statutes as the same may be amended from time to time.

2.1 RESPONSIBILITIES – Soil Erosion and Sediment Control.

WHEREAS, and in accordance with the provisions of Connecticut General Statutes Sections 8-2 and 22a-329, with respect to the approval of and enforcement of soil erosion and sediment controls, and Whereas the Beacon Falls Planning and Zoning Commission has delegated its authority to the Beacon Falls Inland Wetlands and Watercourses Commission, the latter's agent, and the Town Engineer, shall be the Town agency charged with responsibilities for soil erosion and sediment controls through the Town. This delegation of authority, hereby ratified, due to the experience and expertise of the Beacon Falls Inland Wetlands and Watercourses Commission, the on-going training of IWWC members, and because uncontrolled erosion and sediment negatively effects wetlands and/or watercourses.

The Beacons Falls Inland Wetlands and Watercourses Commission, its agent/s and the Town Engineer, shall have the authority as transferred from the Beacon Falls Planning and Zoning Commission to establish site specific standards and to enforce all sediment and erosion controls measures. In this respect, the Commission shall have the authority to fine offenders as follows:

1. A warning letter to those responsible may be issued for any first occurrence and minor violations. No fine will be assessed.
2. A notice of violation shall be issued for any second occurrence and minor violations and if the agency has reason to believe that the violator intends to remedy the violation and that soil erosion and sedimentation controls are installed and maintained per the Standards set forth in the "2002 or Current

AN ORDINANCE ESTABLISHING THE BEACON FALLS INLAND WETLANDS AND WATERCOURSES COMMISSION

Connecticut Guidelines for Soil Erosion and Sedimentation Control" handbook. A fine of fifty (\$50.00) will be assessed.

3. A notice of a ceases and correct will be issued for any additional violation along with a fine not to exceed one thousand (\$1,000). The amount of the fine will be set by a 2/3's majority vote of the Commission. Based on the circumstance surrounding the violation and input from the Town's Engineer and the Inland Wetlands and Watercourses Commission's Enforcement Officer and the extent that the soil erosion and sedimentation controls were installed and maintained per the Standards as set forth in "2002 or Current Connecticut Guidelines for Soil Erosion and Sedimentation Control" handbook. Also, the Commission may revoke the permit if there was a major impact to the wetlands or watercourses.
4. A notice of a ceases and desist order will be issued for any violation that is considered major and/or fragrant. The letter of surety may be pulled to correct the problem along with a fine not to exceed five thousand (\$5,000.00). The amount of the fine will be set by a 2/3's majority vote of the Commission. Based on the circumstance surrounding the violation and input from the Town's Engineer and the Inland Wetlands and Watercourses Commission's Enforcement Officer and the extent that the soil erosion and sedimentation controls were installed and maintained per the Standards set forth in "2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control" handbook. Also, the Commission may revoke the permit if there was a major impact to the wetlands or watercourses.

2.2 RESPONSIBILITIES – Aquifer Protection

WHEREAS, Section 22a-354o of the Connecticut General Statutes ("Conn. Gen. Stat.") provides that each municipality in which an aquifer protection area is located, shall authorize by ordinance, an existing board or commission to act as an aquifer protection agency; it has been determined that it is in the best interest of the Town of Beacon Falls to designate the Inland Wetlands and Watercourses Commission, IWWC, as the Town's Aquifer Protection Agency.

2.3 RESPONSIBILITIES – Stormwater Management, Post Construction and Illicit Discharge and Connection

WHEREAS, pursuant to Connecticut State Statutes 7-148 (c) (8) (A), 8-2 (b) and 22a-36 to 22q-45 inclusive, and shall apply to all development occurring within the incorporated areas of the Town of Beacon Falls, Connecticut, it has been determined that it is in the best interest of the Town of Beacon Falls to designate the Inland Wetlands and Watercourses Commission, IWWC, as the responsible agency for Stormwater Management.

AN ORDINANCE ESTABLISHING THE BEACON FALLS INLAND WETLANDS AND WATERCOURSES COMMISSION

3.0 MEMBERS.

The Commission shall be composed of seven (7) members appointed by the Board of Selectmen of the Town of Beacon Falls. Not more than five (5) Commissioners shall be members of the same political party as provided by Section 9-167a of the Connecticut General Statutes.

The Commission membership shall contain one (1) member of the Planning and Zoning Commission of the Town of Beacon Falls. Said member from the Planning and Zoning Commission of the Town of Beacon Falls shall be nominated and voted upon by a majority of the membership of the Planning and Zoning Commission of the Town of Beacon Falls and appointed by the Board of Selectmen. The term of said representative member shall run concurrently with the respective term of that member on the Planning and Zoning Commission of the Town of Beacon Falls.

The six (6) remaining members of the Inland Wetlands and Watercourses Commission shall be appointed by the Board of Selectmen, being drawn from the citizens at large of said Town, and may be from other applicable boards or commissions of said Town of Beacon Falls. The term of said appointed members shall be four (4) years each, and said member shall serve until a successor has been appointed and qualified. There shall be no prohibition against successive terms of such appointed members. The Board of Selectmen may remove any member of the Commission, prior to the expiration of his or her term, for cause, provided said member shall be afforded notice and a hearing prior to removal.

A member of the Inland Wetlands and Watercourse Commission shall be nominated and voted upon by a majority of the membership of the Commission shall be nominated and voted upon by a majority of the membership of the Commission and appointed by the Board of Selectmen to represent the Town and Commission to the Council of Governments – Central Naugatuck Valley (COGCNV) or a successor agency should one be designated by the Town. The term of said representative member shall run concurrently with the term of that member on the Inland Wetlands and Watercourses Commission of the Town of Beacon Falls.

The First Selectman shall serve, as ex-officio member of the Inland Wetlands and Watercourses Commission, without any voting rights and the First Selectman's attendance shall not be calculated in determining a quorum.

A majority of the voting members of the Inland Wetlands and Watercourses Commission shall constitute a quorum.

All members are required to attend at least one (1) training session annually pertaining to Inland Wetlands and Watercourses application review, the decision making process. "What is Legally Required" or other such germane subjects offered by the DEP, Council of Governments or other professional and qualified entities. Failure to attend

AN ORDINANCE ESTABLISHING THE BEACON FALLS INLAND WETLANDS AND WATERCOURSES COMMISSION

such annual session and provide documentation of attendance will be cause for removal from Commission

4.0 OFFICERS.

The Commission shall elect from its membership, a Chairperson, a Vice-Chairperson, and a Secretary. Election of said officers shall be held in January of each odd numbered year and shall be for a term of two (2) years. No person shall hold the same office for more than three (3) consecutive terms. The member from the Planning and Zoning Commission of the Town of Beacon Falls shall not be eligible to hold an office on the Inland Wetlands and Watercourses Commission

5.0 VACANCIES.

Any vacancy in the membership that may occur through death, resignation or otherwise, shall be filled for the un-expired portion of said term by the Board of Selectmen in accordance with the requirements of Section 3 above.

In the event that a Commission member shall miss three (3) consecutive regular meetings of the Commission, the Commission shall recommend to the Board of Selectmen that they remove said person and fill the vacancy.

6.0 EFFECTIVE DATE.

This Ordinance becomes effective fourteen (14) days after publication in the most widely circulated newspaper in the Town of Beacon Falls.

Town Meeting held on September 8, 1993.

This Ordinance became effective January 1, 2004.

**AN ORDINANCE EXPANDING THE POWERS AND DUTIES OF THE
BEACON FALLS INLAND WETLANDS AND WATERCOURSES
COMMISSION**

The Town of Beacon Falls hereby creates an Inland Wetlands and Watercourses Commission.

1.0 CREATION OF INLAND WETLANDS AND WATERCOURSES COMMISSION.

There shall be an Inland Wetlands and Watercourses Commission established in accordance with an Act Concerning Inland and Watercourses, Section 22a-36 to 22a-45 inclusive of the Connecticut General Statutes, as the same may be amended from time to time.

2.0 RESPONSIBILITIES.

Said Commission shall have all the powers and responsibilities authorized under said General Statutes and Public Act, concerning Inland and Watercourses, Section 22a-36 to 22a-45 inclusive of the Connecticut General Statutes as the same may be amended from time to time.

2.1 RESPONSIBILITIES – Soil Erosion and Sediment Control.

WHEREAS, and in accordance with the provisions of Connecticut General Statutes Sections 8-2 and 22a-329, with respect to the approval of and enforcement of soil erosion and sediment controls, and Whereas the Beacon Falls Planning and Zoning Commission has delegated its authority to the Beacon Falls Inland Wetlands and Watercourses Commission, the latter's agent, and the Town Engineer, shall be the Town agency charged with responsibilities for soil erosion and sediment controls through the Town. This delegation of authority, hereby ratified, due to the experience and expertise of the Beacon Falls Inland Wetlands and Watercourses Commission, the on-going training of IWWC members, and because uncontrolled erosion and sediment negatively effects wetlands and/or watercourses.

The Beacons Falls Inland Wetlands and Watercourses Commission, its agent/s and the Town Engineer, shall have the authority as transferred from the Beacon Falls Planning and Zoning Commission to establish site specific standards and to enforce all sediment and erosion controls measures. In this respect, the Commission shall have the authority to fine offenders as follows:

1. A warning letter to those responsible may be issued for any first occurrence and minor violations. No fine will be assessed.
2. A notice of violation shall be issued for any second occurrence and minor violations and if the agency has reason to believe that the violator intends to remedy the violation and that soil erosion and sedimentation controls are installed and maintained per the Standards set forth in the "2002 or Current

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Connecticut Guidelines for Soil Erosion and Sedimentation Control" handbook. A fine of fifty (\$50.00) will be assessed.

3. A notice of a ceases and correct will be issued for any additional violation along with a fine not to exceed one thousand (\$1,000). The amount of the fine will be set by a 2/3's majority vote of the Commission. Based on the circumstance surrounding the violation and input from the Town's Engineer and the Inland Wetlands and Watercourses Commission's Enforcement Officer and the extent that the soil erosion and sedimentation controls were installed and maintained per the Standards as set forth in "2002 or Current Connecticut Guidelines for Soil Erosion and Sedimentation Control" handbook. Also, the Commission may revoke the permit if there was a major impact to the wetlands or watercourses.
4. A notice of a ceases and desist order will be issued for any violation that is considered major and/or fragrant. The letter of surety may be pulled to correct the problem along with a fine not to exceed five thousand (\$5,000.00). The amount of the fine will be set by a 2/3's majority vote of the Commission. Based on the circumstance surrounding the violation and input from the Town's Engineer and the Inland Wetlands and Watercourses Commission's Enforcement Officer and the extent that the soil erosion and sedimentation controls were installed and maintained per the Standards set forth in "2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control" handbook. Also, the Commission may revoke the permit if there was a major impact to the wetlands or watercourses.

2.2 RESPONSIBILITIES – Aquifer Protection

WHEREAS, Section 22a-354o of the Connecticut General Statutes ("Conn. Gen. Stat.") provides that each municipality in which an aquifer protection area is located, shall authorize by ordinance, an existing board or commission to act as an aquifer protection agency; it has been determined that it is in the best interest of the Town of Beacon Falls to designate the Inland Wetlands and Watercourses Commission, IWWC, as the Town's Aquifer Protection Agency.

2.3 RESPONSIBILITIES – Stormwater Management, Post Construction and Illicit Discharge and Connection

WHEREAS, pursuant to Connecticut State Statutes 7-148 (c) (8) (A), 8-2 (b) and 22a-36 to 22q-45 inclusive, and shall apply to all development occurring within the incorporated areas of the Town of Beacon Falls, Connecticut, it has been determined that it is in the best interest of the Town of Beacon Falls to designate the Inland Wetlands and Watercourses Commission, IWWC, as the responsible agency for Stormwater Management.

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3.0 MEMBERS.

The Commission shall be composed of seven (7) members appointed by the Board of Selectmen of the Town of Beacon Falls. Not more than five (5) Commissioners shall be members of the same political party as provided by Section 9-167a of the Connecticut General Statutes.

The Commission membership shall contain one (1) member of the Planning and Zoning Commission of the Town of Beacon Falls. Said member from the Planning and Zoning Commission of the Town of Beacon Falls shall be nominated and voted upon by a majority of the membership of the Planning and Zoning Commission of the Town of Beacon Falls and appointed by the Board of Selectmen. The term of said representative member shall run concurrently with the respective term of that member on the Planning and Zoning Commission of the Town of Beacon Falls.

The six (6) remaining members of the Inland Wetlands and Watercourses Commission shall be appointed by the Board of Selectmen, being drawn from the citizens at large of said Town, and may be from other applicable boards or commissions of said Town of Beacon Falls. The term of said appointed members shall be four (4) years each, and said member shall serve until a successor has been appointed and qualified. There shall be no prohibition against successive terms of such appointed members. The Board of Selectmen may remove any member of the Commission, prior to the expiration of his or her term, for cause, provided said member shall be afforded notice and a hearing prior to removal.

A member of the Inland Wetlands and Watercourse Commission shall be nominated and voted upon by a majority of the membership of the Commission shall be nominated and voted upon by a majority of the membership of the Commission and appointed by the Board of Selectmen to represent the Town and Commission to the Council of Governments – Central Naugatuck Valley (COGCNV) or a successor agency should one be designated by the Town. The term of said representative member shall run concurrently with the term of that member on the Inland Wetlands and Watercourses Commission of the Town of Beacon Falls.

The First Selectman shall serve, as ex-officio member of the Inland Wetlands and Watercourses Commission, without any voting rights and the First Selectman's attendance shall not be calculated in determining a quorum.

A majority of the voting members of the Inland Wetlands and Watercourses Commission shall constitute a quorum.

All members are required to attend at least one (1) training session annually pertaining to Inland Wetlands and Watercourses application review, the decision making process. "What is Legally Required" or other such germane subjects offered by the DEP, Council of Governments or other professional and qualified entities. Failure to attend

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such annual session and provide documentation of attendance will be cause for removal from Commission

4.0 OFFICERS.

The Commission shall elect from its membership, a Chairperson, a Vice-Chairperson, and a Secretary. Election of said officers shall be held in January of each odd numbered year and shall be for a term of two (2) years. No person shall hold the same office for more than three (3) consecutive terms. The member from the Planning and Zoning Commission of the Town of Beacon Falls shall not be eligible to hold an office on the Inland Wetlands and Watercourses Commission

5.0 VACANCIES.

Any vacancy in the membership that may occur through death, resignation or otherwise, shall be filled for the un-expired portion of said term by the Board of Selectmen in accordance with the requirements of Section 3 above.

In the event that a Commission member shall miss three (3) consecutive regular meetings of the Commission, the Commission shall recommend to the Board of Selectmen that they remove said person and fill the vacancy.

6.0 EFFECTIVE DATE.

This Ordinance becomes effective fourteen (14) days after publication in the most widely circulated newspaper in the Town of Beacon Falls.

Public Hearing held on January 30, 2006

Town Meeting held on February 21, 2006

Ordinance published March 1, 2006

This Ordinance became effective March 16, 2006

**ORDINANCE CONCERNING THE DESIGNATION OF THE INLAND
WETLANDS AND WATER COURSES COMMISSION AS THE TOWN'S
AQUIFER PROTECTION AGENCY**

1.0 PURPOSE AND AUTHORITY

WHEREAS, Section 221-354o et seq., of the Connecticut General Statutes (CGS) provides that each municipality in which an aquifer protection area is located, shall authorize by ordinance an existing Board or Commission to act as an Aquifer Protection Agency; and

WHEREAS, it has been determined that it is in the best interest of **the Town of Beacon Falls** to designate the **Inland Wetlands and Watercourses Commission**, (IWWC) as the Town's **Aquifer Protection Agency**.

NOW THEREFORE BE IT OBTAINED BY THE TOWN OF Beacon Falls THAT:

2.0 MEMBERSHIP

Designation and Membership.

- a. In accordance with the provisions of Conn. Gen. Stat. 221-345a, et seq., the Members of Inland Wetlands and Watercourses Commission (IWWC) are hereby designated as the Aquifer Protection Agency, (hereinafter the "Agency" of the Town of Beacon Falls.
- b. Members of the IWWC shall serve co-existing terms on the Agency. The membership requirements of the Agency shall be the same as those of the IWWC including, but not limited to the number of members, terms, method of selection and removal of members, and filling of vacancies.
- c. At least one member of the Agency or staff of the Agency shall be a person who has completed the course in technical training formulated by the Commission of Environmental Protection of the State of Connecticut, pursuant to Conn. Gen. Stat. 221-354v et seq. Failure to have a member of the Agency or staff with training shall not affect the validity of any action of the Agency, but shall not be grounds for revocation of the authority of Agency under Section 22a-354t of the CGS.

3.0 REGULATIONS

The Agency shall adopt regulations in accordance with Conn. Gen. Stat. 22a-354p and Regulations of Connecticut State Agencies (RCSA), promulgated pursuant to Section 22a-354i 3 et seq. Said regulations shall provide for:

- a. The manner in which boundaries of aquifer protection areas shall be established and amended or changed.
- b. Procedures for the regulation of activity within the area.

- c. The form for an application to conduct regulated activities within the area.
- d. Notice and publication requirements.
- e. Criteria and procedures for the review of applications.
- f. Administration and enforcement.

4.0 INVENTORY OF LAND USE

In order to carry out the purposes of the Aquifer Protection Program, the Agency will conduct an inventory of land use within the area to assess potential contamination sources.

Not later than three month's after approval by the Commissioner of the Connecticut Department of Environmental Protection of Level B Mapping of aquifers, the Agency will inventory land uses overlying the mapped zone of contribution and recharge areas of such aquifers in accordance with guidelines established by the Commissioner, pursuant to Conn. Gen. Stat. 22a-354f. Such inventory shall be completed not more than one year after authorization of the Agency (Conn. Gen. Stat. 22a-354e).

5.0 EFFECTIVE DATE

The provisions of this Ordinance, if passed at a Town Meeting, shall become effective fifteen (15) days after publication of the Ordinance, or of a summary thereof, in a newspaper having circulation in the Town of Beacon Falls, in accordance with the provisions of CGS Section 7-157.

Public Hearing held on: January 30, 2006

Town Meeting held on: February 21, 2006

Ordinance Published: March 1, 2006

This Ordinance became effective: March 16, 2006

ILLICIT DISCHARGE AND CONNECTION STORMWATER ORDINANCE

1.0 PURPOSE/INTENT AND AUTHORITY.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Beacon Falls, Connecticut through the regulation of **non-stormwater** discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the Municipal Separate Storm Sewer System (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

This stormwater management ordinance provides the minimum content for implementing and enforcing Connecticut's stormwater management program consistent with the Connecticut State Statutes 7-148 (c) (8) (A), 8-2 (a), 8-25, 22a-36 to 22a-45 inclusive.

The objectives of this ordinance are to guide the Inland Wetlands and Watercourses Commission, IWWC, in the enactment of regulations:

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

2.0 DEFINITIONS

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

- 1) "Authorized Enforcement Agency". For the purpose of this ordinance, the Inland Wetlands and Watercourses Commission, IWWC, will be the Authorized Enforcement Agency.
- 2) "IWWC" means the Inlands Wetlands and Watercourses Commission of the Town of Beacon Falls, Connecticut, and shall include its Enforcement Officer, its agents, and the Town Engineer.
- 3) "Best Management Practices (BMPs)" Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- 4) "Clean Water Act". The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

ILLICIT DISCHARGE AND CONNECTION STORMWATER ORDINANCE

2.0 DEFINITIONS (continued)

- 5) "Construction Activity" Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
- 6) "Hazardous Materials" Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- 7) "Illegal Discharge" Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in Section 7 of this ordinance.
- 8) "Illicit Connections" An illicit connection is defined as either of the following.
 - a) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,
 - b) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
- 9) "Industrial Activity" Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).
- 10) "National Pollutant Discharge Elimination System (NPDES)" Stormwater Discharge Permit. Means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.
- 11) "Non-Stormwater Discharge" Any discharge to the storm drain system that is not composed entirely of stormwater.
- 12) "Person" Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

ILLICIT DISCHARGE AND CONNECTION STORMWATER ORDINANCE

2.0 DEFINITIONS (continued)

- 13) "Pollutant" Anything that causes or contributes to pollution of the environment. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
- 14) "Premises" Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- 15) "Storm Drainage System" Publicly-owned premises by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping premises, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
- 16) "Stormwater" Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
- 17) "Stormwater Pollution Prevention Plan" A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.
- 18) "Wastewater" Any water or other liquid, other than uncontaminated stormwater, discharged from premises.

3.0 APPLICABILITY

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

4.0 RESPONSIBILITY FOR ADMINISTRATION

The IWWC shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

ILLICIT DISCHARGE AND CONNECTION STORMWATER ORDINANCE

5.0 SEVERABILITY

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

6.0 ULTIMATE RESPONSIBILITY

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

7.0 DISCHARGE PROHIBITIONS

7.1 Prohibition of Illegal Discharges

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to, pollutants or waters containing any pollutants, that cause or contribute to a violation of applicable Department of Environmental Protection, DEP, water quality standards, other than stormwater.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (1) The following discharges are exempt from discharge prohibitions established by this ordinance providing they contain no pollutants: water line flushing, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space and basement pumps, air conditioning condensation, springs, natural riparian habitat or wetland flows, fire fighting activities, and any other water source not containing Pollutants.
- (2) Discharges specified in writing by the IWWC as being necessary to protect public health and safety.
- (3) Dye testing is an allowable discharge, but requires a verbal notification to IWWC prior to the time of the test.
- (4) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency or the Connecticut Department of Environmental Protection, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

ILLICIT DISCHARGE AND CONNECTION STORMWATER ORDINANCE

7.2 Prohibition of Illegal Connection

- (1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

8.0 SUSPENSION OF MS4 ACCESS.

8.1 Suspension Due To Illicit Discharges In Emergency Situations

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

8.1 Suspension Due To The Detection of Illicit Discharges

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The IWWC will notify a violator of the proposed termination of its MS4 access. The violator may petition the IWWC for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of IWWC.

9.0 INDUSTRIAL, COMMERCIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial, commercial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the IWWC prior to the allowing of discharges to the MS4.

10.0 MONITORING OF DISCHARGES

10.1 Applicability

This section applies to all premises that have stormwater discharges associated with industrial, commercial or construction activity.

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10.2 Access to Premises

- (1) The IWWC shall be permitted to enter and inspect premises subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force that require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
- (2) Premises operators shall allow the IWWC ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
- (3) The IWWC shall have the right to set up on any permitted premises such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the premise's stormwater discharge.
- (4) The IWWC have the right to require the discharger to install monitoring equipment as necessary. The premise's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the premises to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the IWWC and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (6) An unreasonable delay in allowing the access to a permitted premise is a violation of a stormwater discharge permit and of this ordinance. A person who is the operator of a premises with a NPDES permit to discharge stormwater associated with industrial, commercial or construction activity commits a violation subject to the provisions of Section 14 of this ordinance, if the person denies the authorized enforcement agency reasonable access to the permitted premises for the purpose of conducting any activity authorized or required by this ordinance.
- (7) If the IWWC has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

11.0 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES

The IWWC will adopt requirements identifying Best Management Practices for any activity, operation, or premises that may cause or contribute to pollution or contamination of

ILLICIT DISCHARGE AND CONNECTION STORMWATER ORDINANCE

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

12.0 WATERCOURSE PROTECTION

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

13.0 NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a premises or operation, or responsible for emergency response for a premises or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or waters of the state, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the IWWC within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

14.0 ENFORCEMENT

14.1 Notice of Violation

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

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

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

15.0 APPEAL OF NOTICE OF VIOLATION

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within fifteen (15) days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within fifteen (15) days from the date of receipt of the notice of appeal.

16.0 ENFORCEMENT MEASURES AFTER APPEAL

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within ten (10) days of the decision of the municipal authority upholding the decision of the IWWC, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

17.0 COST OF ABATEMENT OF THE VIOLATION

Within sixty (60) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within thirty (30) days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges

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shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the town by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of eighteen (18) percent per annum shall be assessed on the balance beginning on the thirtieth (30) day following discovery of the violation.

18.0 INJUNCTIVE RELIEF

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

19.0 COMPENSATORY ACTION

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

20.0 VIOLATIONS DEEMED A PUBLIC NUISANCE

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

21.0 CRIMINAL PROSECUTION

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of one hundred (\$ 100.00) dollars per violation per day.

The authorized enforcement agency may recover all attorneys' fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

22.0 REMEDIES NOT EXCLUSIVE

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

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23.0 EFFECTIVE DATE

The provisions of this Ordinance, if passed at a Town Meeting, shall become effective fifteen (15) days after publication of the Ordinance, or of a summary thereof, in a newspaper having circulation in the Town of Beacon Falls, in accordance with the provisions of CGS Section 7-157.

Public Hearing held on: January 30, 2006

Town Meeting held on: February 21, 2006

Ordinance published: March 1, 2006

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STORMWATER MANAGEMENT ORDINANCE

1.0 PURPOSE AND AUTHORITY

In accordance with the provisions of Chapters 98, 124, 444, and 446h of the General Statutes of the State of Connecticut, as amended, the Town of Beacon Falls, Connecticut hereby adopts the following Stormwater Management for the following purposes:

To protect, maintain and enhance the public health, safety and general welfare by establishing minimum requirements and procedures to control the adverse impacts associated with post-construction stormwater runoff. Proper management of stormwater runoff will minimize damage to public and private property, reduce the effects of development on land and wetlands, control stream channel erosion, reduce local flooding, improve water quality, and maintain after development, as nearly as possible, the pre-development runoff characteristics.

The provisions of this Ordinance are pursuant to Connecticut State Statutes 7-148 (c) (8) (A), 8-2 (a), 8-25, and 22a – 36 to 22a-45 inclusive, and shall apply to all development occurring within the incorporated areas of the Town of Beacon Falls, Connecticut. The application of this Ordinance and provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by State Statute. The agencies defined in Section 2.0 as the “responsible agency” shall be responsible for the coordination and enforcement of the provisions of this Ordinance.

1.1 INCORPORATION BY REFERENCE

For the purpose of this Ordinance, the Connecticut Stormwater Quality Manual (as amended) is incorporated by reference by the Town of Beacon Falls, Connecticut and shall serve as the official guide for stormwater principles, methods, and practices.

2.0 DEFINITIONS

For the purpose of this Ordinance, the following definitions describe the meaning of the terms used in this Ordinance:

- (1) **IWWC** – means the Inland Wetlands and Watercourses Commission of the Town of Beacon Falls, Connecticut, including its Enforcement Officer, its agents and the Town Engineer.
- (2) **ADVERSE IMPACT** – means any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses, which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity,

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diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

- (3) **AGRICULTURAL LAND MANAGEMENT PRACTICES** – means those methods and procedures used in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.
- (4) **APPLICANT** – means any person, firm or governmental agency who executes the necessary forms to procure official approval of a project or a permit to carry out construction of a project.
- (5) **AQUIFER** – means porous water bearing geologic formation generally restricted to materials capable of yielding an appreciable supply of water.
- (6) **BMP (Best Management Practice)** – means a structural device or nonstructural practice designed to temporarily store or treat stormwater runoff in order to mitigate flooding, reduce pollution, and provide other amenities.
- (7) **CLEARING** – means the removal of trees and brush from the land but shall not include the ordinary mowing of grass.
- (8) **DEP** – means the Connecticut Department of Environmental Protection.
- (9) **DESIGN MANUAL** – means the most current edition of the Connecticut Stormwater Quality Manual that serves as the official guide for the stormwater management principle, methods and practices.
- (10) **DETENTION STRUCTURE** – means a permanent structure for the temporary storage of runoff, which is designed so as not to create a permanent pool of water.
- (11) **DEVELOP LAND** – means to change runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial, Municipal or Institutional construction or alteration.
- (12) **DIRECT DISCHARGE** – means the concentrated release of stormwater to waters or vegetated wetlands from new development or redevelopment projects.
- (13) **DRAINAGE AREA** – means an area that contributes runoff to a single point measured in a horizontal plane, which is enclosed by a ridgeline.
- (14) **EASEMENT** – means a grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.

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- (15) **EXEMPTION** – means those land development activities that are not subject to the stormwater management requirements contained in this Ordinance.
- (16) **EXTENDED DETENTION** means a stormwater design feature that provides gradual release of a volume of water in order to increase settling of pollutants and protect downstream channels from frequent storm events. Methods for designing extended detention BMP's are specified in the Design Manual.
- (17) **EXTREME FLOOD VOLUME** – means the storage volume required to control those infrequent but large storm events in which overbank flows reach or exceed the boundaries of the 100 year floodplain.
- (18) **FLOW ATTENUATION** – means the flow time of runoff to reduce the peak discharge.
- (19) **GRADING** – means any act by which soil is cleared, striped, stockpiled, excavated, scarified, filled or any combination thereof.
- (20) **INFILTRATION** – means the passage or movement of water into the soil surface.
- (21) **OFF-SITE STORMWATER MANAGEMENT** – means the design and construction of a facility necessary to control stormwater from more than one development.
- (22) **ON-SITE STORMWATER MANAGEMENT** – means the design and construction of systems necessary to control stormwater within an immediate development.
- (23) **PEAK RUNOFF ATTENUATION** – means controlling by structural practices the volume to prevent an increase in the frequency of out of bank flooding generated by development.
- (24) **GROUNDWATER RECHARGE VOLUME (GRV)** – means that portion of the water quality volume used to maintain groundwater recharge rates at development sites. Methods for calculating the groundwater recharge volume are specified in the Design Manual.
- (25) **REDEVELOPMENT** – means any construction, alteration, or improvement exceeding 5000 square feet of land disturbance performed on sites where existing land use is commercial, industrial, municipal, institutional or multifamily residential.
- (26) **RESPONSIBLE AGENCY**

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- a. The IWWC for stormwater runoff impacting wetlands and watercourses. (For the purposes of only this paragraph, the definition of “wetlands” and “watercourse” is the definition used in the most current version of the Inland Wetland and Watercourses Regulations of the Town of Beacon Falls.)
 - b. The IWWC for stormwater runoff from roads and sidewalks.
 - c. The IWWC and the Town Engineering for all other stormwater runoff.
- (27) **RESPONSIBLE OFFICIAL** is the IWWC which is designated to deal with stormwater management issues.
- (28) **RETENTION STRUCTURE** – means a permanent structure that provides for the storage of runoff by means of a permanent pool of water.
- (29) **RETROFITTING** – means the construction of a structural BMP in a previously developed area, the modification of an existing structural BMP, or the implementation of a nonstructural practice to improve water quality over current conditions.
- (30) **SEDIMENT** – means soils or other surficial materials transported or deposited by the action of wind, water, ice, or gravity as a product of erosion.
- (31) **SITE** – means:
- a. For “new development” any tract, lot or parcel of land or combination of tracts, lots, or parcels of land, which are in one ownership, or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision or project.
 - b. For “redevelopment” the area of new construction as shown on an approved site plan, or the original parcel. The IWWC shall make final determination of the applicable area.
- (32) **STABILIZATION** – means the prevention of soil movement by any of various vegetative and/or structural means.
- (33) **STORMWATER MANAGEMENT** – means the selective use of various management measures to effectively address the adverse water quality and quantity impacts of urban stormwater runoff.
- (34) **STORMWATER MANAGEMENT PLAN** – means a set of drawings or other documents that describe the potential water quality and quantity impacts

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associated with a development project after construction. A stormwater management plan also identifies selected source controls and treatment practices to address those potential impacts, the engineering design of the treatment practices, and maintenance requirements for proper performance of the selected practices.

- (35) **STREAM CHANNEL PROTECTION** – means restricting peak flows from storm events that result in flow conditions where the stream is flowing to the full extent of its banks so the damaging effects to the channel of increased runoff from urbanization can be reduced. Methods for calculating stream channel protection are specified in the most current edition of the Connecticut Stormwater Quality Manual.
- (36) **STRIPPING** – means any activity that removes the vegetative surface cover including tree removal, clearing, grubbing and storage or removal of topsoil.
- (37) **VARIANCE** – means the modification of the minimum stormwater management requirements for specific circumstances such that strict adherence to the requirements would result in necessary hardship and not fulfill the intent of this Ordinance.
- (38) **WAIVER** – means the relinquishment from stormwater management requirements by the IWWC for a specific development on a case-by-case review basis.
 - a. “Qualitative Stormwater Management Waiver” includes water quality volume and groundwater recharge volume design parameters.
 - b. “Quantitative Stormwater Management Waiver” includes stream channel protection, peak runoff attenuation, and extreme flood volume design parameters. (See note on definition regarding extreme flood volume).
- (39) **WATERCOURSE** – means any natural or artificial stream, river, brook, lake, pond, marsh, swamp, bog, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, wash, and all other bodies of water, natural or artificial, vernal or intermittent, public or private in and including any adjacent area that is subject to inundation from overflow or flood water.
- (40) **WATERSHED** – means the total drainage area contributing runoff to a single point.
- (41) **WATER QUALITY VOLUME** – means the volume of runoff generated by one inch of rainfall on the side.

3.0 APPLICABILITY

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3.1 SCOPE

No person shall develop land for residential, commercial, industrial, municipal or institutional uses without having provided stormwater management measures that control or manage runoff from such development, except as provided within this section. The stormwater management measures must be designed consistent with the Design Manual and constructed according to an approved plan for new development or the policies stated in Section 3.4 for redevelopment.

3.2 EXEMPTIONS

The following development activities are exempt from the provisions of this Ordinance and the requirements of providing stormwater management.

- A. Agricultural land management practices.
- B. Developments that do not disturb over 5,000 square feet of land area over the total project

3.3 WAIVERS / WATERSHED MANAGEMENT PLANS

- A. Stormwater management quantitative control waivers may be granted to projects when the IWWC determines that circumstances exist that prevent the reasonable implementation of quantity control practices.
- B. Stormwater management qualitative control waivers apply only to:
 - 1. In-fill development projects where stormwater management implementation is not feasible.
 - 2. Redevelopment projects if the requirements of Section 3.4 of this Ordinance are satisfied; or
 - 3. Sites where the IWWC determines that circumstances exist that prevent or make unnecessary the reasonable implementation of quality control practices.
- C. Waivers granted must:
 - 1. Be on a case-by-case basis;
 - 2. Consider the cumulative effects of the waiver policy; and
 - 3. Reasonably ensure the development will not adversely impact stream or wetland quality.

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3.4 REDEVELOPMENT

- A. The recharge, stream channel protection, and peak runoff attenuation requirements specified in the Design Manual do not apply to redevelopment projects unless specified by the IWWC.
- B. All redevelopment projects shall reduce existing site impervious areas by at least twenty percent (20%). Where site conditions prevent the reduction of impervious area, then stormwater management practices shall be implemented to provide qualitative control for at least twenty percent (20%) of the site's impervious area. The elements and principles of stormwater qualitative control are noted in the Design Manual. When a combination of impervious area reduction and stormwater practice implementation is used, the combined area shall equal or exceed twenty percent (20%) of the site. (Note: For redevelopment "site" in the definitions section is defined as "...the area of new construction as shown on an approved site plan, or the original parcel. Determination of the applicable area shall be made by the IWWC.)
- C. Where conditions prevent impervious area reduction or on-site stormwater management, the IWWC may impose other practical alternatives.

3.5 VARIANCE

The IWWC may grant a written variance from any requirement of Section 4.0 (Stormwater Management Criteria), of this Ordinance if there are exceptional circumstances applicable to the site such that strict adherence will result in unnecessary hardship and will not fulfill the intent of this Ordinance. A written request for variance shall be provided to the IWWC and shall not grant a variance unless and until the person development / re-developing land provides sufficient justification.

4.0 STORMWATER MANAGEMENT CRITERIA

4.1 MINIMUM CONTROL REQUIREMENTS

- A. The minimum control criteria established in this Section and the Design Manual are as follows:
 - 1. Shall require that the groundwater recharge volume, water quality volume, and peak runoff attenuation for the 2 year frequency storm event is used to design BMPs according to the Design Manual. Control of the 10-year frequency storm event is required according to the Design Manual if the floodplain development and conveyance system design cannot be controlled.
 - 2. Shall require that the groundwater recharge volume, water quality volume, and stream channel protection sizing criteria be used to design BMPs according to the Design Manual.

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3. The IWWC may require more than the minimum control requirements specified in this Ordinance if hydrologic or topographic conditions warrant or if flooding, stream channel erosion, or water quality problems exist downstream from a proposed project
- B. Stormwater management and development plans where applicable, shall be consistent with adopted and approved watershed management plans or flood management plans as approved by the DEP in accordance with (site regulation or statute her if such exists).

4.2 STORMWATER MANAGEMENT MEASURES

The structural and nonstructural stormwater management measures established in this Ordinance shall be used, either alone or in a combination, in developing a stormwater management plan

A. Nonstructural Stormwater Management Measures.

1. The following nonstructural stormwater management practices shall be applied according to the Design Manual to minimize increases in new development runoff:
 - a. Natural area conservation;
 - b. Disconnection of rooftop runoff;
 - c. Disconnection of non-rooftop runoff;
 - d. Sheet flow to buffers;
 - e. Grass channels; and
 - f. Environmentally sensitive development.
2. The use of nonstructural stormwater management practices shall be encouraged to minimize the reliance on structural BMPs.
3. The minimum control requirements listed in Section 4.1 of this Ordinance may be reduced when nonstructural stormwater management practices are incorporated into site designs according to the Design Manual.
4. The use of nonstructural stormwater management practices may not conflict with existing State or local Laws, Ordinances, or Policies.

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5. Nonstructural stormwater management practices used to reduce the minimum control requirements must be recorded in the land records of the Town of Beacon Falls and must remain unaltered by subsequent property owners. Prior from IWWC shall be obtained before nonstructural stormwater practices are altered.

B. Structural Stormwater Management Measures.

1. The following structural stormwater management practices shall be designed according to the Design Manual to satisfy the applicable minimum control requirements established in Section 4.1 of this Ordinance.
 - a. Stormwater ponds;
 - b. Stormwater wetlands;
 - c. Stormwater infiltration practices;
 - d. Stormwater filtering practices; and
 - e. Water quality swales and grass drainage channels.
 2. The performance criteria specified in the Design Manual with regard to general feasibility, conveyance, pretreatment, treatment and geometry, environment and landscaping, and maintenance shall be considered when selecting structural stormwater management practices.
 3. Structural stormwater management practices shall be selected to accommodate the unique hydrologic or geologic regions of the State.
- C. Alternative structural and nonstructural stormwater management practices may be used for new development water quality control if they meet the performance criteria established in the Design Manual. Practices used for redevelopment projects shall be approved by the IWWC.
- D. For the purposes of modifying the minimum control requirements or design criteria, the owner/developer shall submit at the request of the IWWC an analysis of the impacts of stormwater flows downstream in the watershed. This analysis shall include hydrologic and hydraulic calculations necessary to determine the impact of hydrologic and hydraulic calculations necessary to determine the impact of hydrograph timing modifications of the proposed development upon a dam, highway, structure, or natural point of restricted stream flow. The point of investigation is to be established with the concurrence of the IWWC.

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4.3 SPECIFIC DESIGN CRITERIA

The basic design criteria, methodologies, and construction specifications, subject to the approval of the IWWC shall be those of the Design Manual.

5.0 STORMWATER MANAGEMENT PLANS

5.1 REVIEW AND APPROVAL OF STORMWATER MANAGEMENT PLANS

- A. For any proposed development, the developer shall submit a stormwater management plan or waiver application to the IWWC for review and approval, unless otherwise exempted. The stormwater management plan shall contain supporting computations, drawings, and sufficient information describing the manner, location, and type of measures in which stormwater runoff will be managed from the entire development. The IWWC shall review the plan to determine compliance with the requirements of this Ordinance prior to approval. The plan shall serve as the basis for all subsequent construction.
- B. Notification of approval or reasons for disapproval or modification shall be given to the applicant along with the IWWC application approval. If a decision is not made within sixty (60) days the applicant shall be informed of the status of the review process and the anticipated completion date. The stormwater management plan shall not be considered approved without the inclusion of the signature and date of signature of the official on the plan.

5.2 CONTENTS OF THE STORMWATER MANAGEMENT PLAN

- A. The developer is responsible for submitting a stormwater management plan that meets the design requirements of this Ordinance. The plan shall be accompanied by a report that includes sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures proposed for managing stormwater runoff. An engineer licensed in Connecticut shall certify on the drawings that all clearing, grading, drainage, construction, and development shall be conducted in strict accordance with the plan. If a stormwater management plan involves direction of some or all runoff off of the site, it is the responsibility of the developer to obtain from adjacent property owners any easements or necessary property interests concerning flowage of water. Approval of a stormwater management plan does not create or affect any right to direct runoff onto adjacent property without that property owner's permission.

The minimum information submitted for support of a stormwater management plan or application for a waiver shall be as follows:

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- B. Reports submitted for stormwater management plan approval shall include:
 - 1. A brief narrative description of the project;
 - 2. Geotechnical investigations including soil maps, borings, site-specific recommendations, and any additional information necessary for the proposed stormwater management design;
 - 3. Descriptions of all watercourses, impoundments, and wetlands on or adjacent to the site or into which stormwater directly flows;
 - 4. Hydrologic computations, including drainage area maps depicting pre-development and post development runoff flow path segmentation and land use that demonstrate compliance with Section 4.0 of this Ordinance;
 - 5. Hydraulic computations;
 - 6. Structural computations;
 - 7. Unified sizing criteria volume computations according to the Design Manual; and
 - 8. Any other information required by the IWWC.
- C. Construction drawings submitted for stormwater management plan approval shall include the following:
 - 1. A vicinity map;
 - 2. Topography survey showing existing and proposed contours, including the area necessary to determine downstream analysis for proposed stormwater management facilities;
 - 3. Any proposed improvements including location of buildings or other structures, impervious surfaces, storm drainage facilities, and all grading;
 - 4. The location of existing and proposed structures and utilities;
 - 5. Any easements and rights of way;
 - 6. The delineation, if applicable, of the 100 year floodplain and any on-site wetlands;

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7. Structural and construction details for all components of the proposed drainage system or systems, and stormwater management facilities.
8. All necessary construction specifications;
9. A sequence of construction;
10. Data for total site area, disturbed area, new impervious area, and total impervious area;
11. A table showing the unified sizing criteria volumes described in the Design Manual.
12. A table of materials to be used for stormwater management facility planting;
13. All soil boring logs and locations;
14. A maintenance schedule;
15. Certification by a Connecticut Certified Engineer that all stormwater management construction will be done according to this plan;
16. An as-built certification signature block to be executed after project completion; and
17. Any other information required by the IWWC.

5.3 PREPARATION OF THE STORMWATER MANAGEMENT PLAN

- A. A Professional Engineer licensed in the State shall design and prepare a stormwater management plan as necessary to protect the public and the environment.
- B. If a stormwater BMP requires either a dam safety permit from DEP or small pond approval from the IWWC. The IWWC shall require that a professional engineer licensed in the State prepare the design.

6.0 PERMITS

6.1. PERMIT REQUIREMENT

A grading or building permit may not be issued for any parcel or lot unless a stormwater management plan has been approved or waived by the IWWC, as meeting all the

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requirements of this Ordinance. Where appropriate, a building permit may not be issued without:

- A. Recorded easements for the stormwater management facility and easements to provide adequate access for inspection and maintenance from a public right-of-way;
- B. A recorded stormwater management maintenance agreement;
- C. A surety acceptable to the Commission;
- D. Permission from adjacent property owners as necessary.

6.2 PERMIT FEE

A non-refundable permit fee will be collected at the time the stormwater management plan or application for waiver is submitted. The permit fee will be collected at the time the stormwater management plan or application for waiver is submitted. The permit will provide for the cost of plan review, administration, and management of the permitting process, and inspections by the IWWC of all projects subject to this Ordinance. A permit fee schedule shall be established by the IWCC based upon the relative complexity of the project and may be amended from time to time.

6.3 PERMIT SUSPENSION AND REVOCATION

Any grading or building permit issued by the IWWC may be suspended or revoked after written notice is given to the permittee for any of the following reasons:

- A. Any violation (s) of the conditions of the stormwater management plan approval.
- B. Changes in site runoff characteristics upon which an approval or waiver was granted.
- C. Construction is not in accordance with the approved plan.
- D. Noncompliance with correction notice (s) or stop work order (s) issued for the construction of the stormwater management facility.
- E. An immediate danger exists in a downstream area in the opinion of the IWCC.

6.4 PERMIT CONDITIONS

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In granting the plan approval, IWWC may impose such conditions that may be deemed necessary to ensure compliance with the provisions of this Ordinance and the preservation of the Public Health and Safety.

7.0 SURETY

The IWWC shall require from the developer a Surety acceptable to the Commission prior to the issuance of any building and/or grading permit for the construction of a development requiring a stormwater management facility. The amount of the security shall not be less than the total estimated construction cost of the stormwater management facility. The surety required in this Section shall include provisions relative to forfeiture for failure to complete work specified in the approved stormwater management plan, compliance with all of the provisions of this Ordinance, and other applicable laws and regulations, and any time limitations. The surety shall not be fully released without a final inspection of the completed work by the IWWC, submission of "as-built" plans, and Certification of Completion by the IWWC, that the stormwater management facilities comply with the approved plan and the provisions of this Ordinance. A procedure may be used to release parts of the surety held by the IWWC after various stages of construction have been completed and accepted by the IWWC. The procedure used for partially releasing performance surety must be specified by the IWWC. The procedures used for partially releasing performance surety must be specified by the IWWC in writing prior to stormwater management plan approval.

8.0 INSPECTION

8.1 INSPECTION SCHEDULE AND REPORTS

- A. The developer shall notify the engineer responsible for inspections at least forty eight (48) hours before commencing any work in conjunction with the stormwater management plan and upon completion of the project when a final inspection will be conducted.
- B. The developer shall retain a professional engineer licensed in the State to conduct inspections. Written inspection reports shall be made of the periodic inspections necessary during construction of stormwater management systems to ensure compliance with the approved plans.
- C. Written inspection reports shall be provided to the developer and IWWC and shall include:
 - 1. The date and location of the inspection;
 - 2. Whether construction was in compliance with the approved stormwater management plan.
 - 3. Any variations from the approved construction specifications; and

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4. Any violations that exist.
- D. The owner/developer and on-site personnel shall be notified in writing when violations are observed. Written notification shall describe the nature of the violation and the required corrective action.
- E. No work shall proceed until the IWWC approves the work previously completed. The Inspector shall provide the developer and IWWC with the results of the inspection reports as soon as possible after completion of each required inspection.

8.2 INSPECTION REQUIREMENTS DURING CONSTRUCTION

- A. At a minimum, inspections shall be made and documented at the following specified stages of construction:
 1. For Ponds:
 - a. Upon completion of excavation to sub-foundation and when required, installation of structural supports or reinforcement for structures, including but not limited to:
 - (i) Core trenches for structural embankments
 - (ii) Inlet and outlet structures, anti-seep collars or diaphragms, and watertight connectors on pipes; and
 - (iii) Trenches for enclosed storm drainage facilities;
 - b. During placement of structural fill, concrete, and installation of piping and catch basins;
 - c. During backfill of foundations and trenches;
 - d. During embankment construction; and
 - e. Upon completion of final grading and establishment of permanent stabilization.
 2. Wetlands – at the stages specified for pond construction in 8.2 A (1) of this Section, during and after wetland reservoir area planting, and during the second growing season to verify a vegetation survival rate of at least fifty percent (50%).
 3. For infiltration trenches:

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- a. During excavation to sub-grade;
 - b. During placement and backfill of underdrain systems and observation wells;
 - c. During placement of geotextiles and all filter media;
 - d. During construction of appurtenant conveyance systems such as diversion structures, pre-filters and filters, inlets, outlets, and flow distribution structures; and
 - e. Upon completion of final grading and establishment of permanent stabilization;
4. For infiltration basins – at the stages specified for pond conservation in 8.2 A (1) of this Section and during placement and backfill of underdrain systems.
5. For filtering systems:
 - a. During excavation to sub-grade;
 - b. During placement and backfill of underdrain systems;
 - c. During placement of geotextiles and all filter media;
 - d. During construction of appurtenant conveyance systems such as flow diversion structures, pre-filters and filters, inlets, outlets, orifices, and flow distribution structures; and
 - e. Upon completion of final grading and establishment of permanent stabilization.
6. For open channel systems:
 - a. During excavation to sub-grade;
 - b. During placement and backfill of underdrain systems for dry swales;
 - c. During installation of diaphragms, check dams, or weirs; and
 - d. Upon completion of final grading and establishment of permanent stabilization.

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7. For nonstructural practices – upon completion of final grading, the establishment of permanent stabilization, and before issuance of use and occupancy approval.
- B. The IWWC may, for enforcement purposes, use any one or a combination of the following actions:
1. A Notice of Violation shall be issued specifying the need for a violation to be corrected if the stormwater management plan non-compliance is identified;
 2. A stop work order shall be issued for the site by the IWWC if a violation persists;
 3. Securities may be withheld or the case may be referred for legal action if reasonable efforts to correct the violation have not been undertaken; or
 4. In addition to any other sanctions, a civil action or criminal prosecution may be brought against any person in violation of the Stormwater Management subtitle of this Ordinance.
- C. Any step in the enforcement process may be taken at any time, depending on the severity of the violation.
- D. Once construction is complete, as-built plan certification shall be submitted by a professional engineer licensed in the State to ensure that constructed stormwater management practices and conveyance systems comply with the specifications contained in the approved plans. At a minimum, as-built certification shall include a set of drawings comparing the approved stormwater management plan with what was constructed. The IWWC may require additional information.

9.0 MAINTENANCE

9.1 MAINTENANCE INSPECTION

- A. The IWWC shall ensure that all stormwater management systems are inspected for performance of preventative maintenance. Inspection shall occur during the first year of operation and at least once every three (3) years thereafter. In addition, a maintenance agreement between the owner and IWWC shall be executed for privately owned stormwater management systems as described in 9.2 of this Section.
- B. The IWWC shall maintain inspection reports for all stormwater management systems.

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- C. Inspection reports for stormwater management systems shall include the following:
1. The date of inspection;
 2. Name of Inspector
 3. The condition of:
 - a. Vegetation of filter media;
 - b. Fences or other safety devices;
 - c. Spillways, valves, or other control structures;
 - d. Embankments, slopes, and safety benches;
 - e. Reservoir or treatment areas;
 - f. Inlet and outlet channels or structures;
 - g. Underground drainage;
 - h. Sediment and debris accumulation in storage and forebay areas;
 - i. Any nonstructural practices to the extent practicable; and
 - j. Any other item that could affect the proper function of the stormwater management system
 4. Description of needed maintenance.
- D. After notification is provided to the owner of any deficiencies discovered from an inspection of a stormwater management system, the owner shall have thirty (30) days or other time frame mutually agreed to between the IWWC and the owner to correct the deficiencies. The IWWC shall then conduct a subsequent inspection to ensure completion of the repairs.
- E. If repairs are not undertaken or are not done properly, then enforcement procedures following 9.2C of this Section shall be followed by the IWWC.
- F. If, after an inspection by the IWWC, the condition of a stormwater management facility presents an immediate danger to the Public Health or Safety, because of an unsafe condition or improper maintenance, the IWWC shall take such action as may be necessary to protect the public and make

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the facility safe. Any cost incurred by the Town of Beacon Falls shall be assessed against the owner(s), as provided in Section 9.2C.

9.2 MAINTENANCE AGREEMENT

- A. Prior to the issuance of any building permit for which stormwater management is required, the IWWC shall require the applicant or owner to execute an inspection and maintenance agreement binding on all subsequent owners of land served by a private stormwater management facility. Such agreement shall provide for access to the facility at reasonable times for regular inspections by the IWCC or its authorized representative to ensure that the facility is maintained in proper working condition to meet design standards.
- B. The applicant and/or owner shall record the agreement in the Land Records of the Town of Beacon Falls.
- C. The agreement shall also provide that, if after notice by the IWWC its agents/or the Town Engineer to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) within a reasonable period of time (30 days maximum), the IWWC may perform all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the cost of the work and any penalties. This may be accomplished by placing a lien on the property.

9.3 MAINTENANCE RESPONSIBILITY

- A. The owner of the property on which work has been done pursuant to this Ordinance for private stormwater management facilities, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restoration and maintenance shall be in accordance with approved plans.
- B. A maintenance schedule shall be developed for the life of any stormwater management facility and shall state the maintenance to be completed, the time period for completion, and who shall perform the maintenance. This maintenance schedule shall be printed on the approved stormwater management plan.

10.0 APPEALS

Any person aggrieved by the action of any official charged with the enforcement of this Ordinance, as the result of the disapproval of a properly filed application for a permit, issuance of a written notice of violation, or an alleged failure to properly enforce this

STORMWATER MANAGEMENT ORDINANCE

Ordinance in regard to a specific application, shall have the right to appeal in a manner prescribed in the regulations and procedures of the IWWC and the State of Connecticut.

11.0 SEVERABILITY

If a court of competent jurisdiction holds any portion of this Ordinance invalid or unconstitutional, such portion shall not affect the validity of the remaining portions of this Ordinance. It is the intent of the Town of Beacon Falls that this Ordinance shall stand, even if a section, subsection, sentence, clause, phrase, or portion may be found invalid.

12.0 PENALTIES

Any person convicted of violating the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) for each violation. Each day that a violation continues shall be a separate offense. In addition, the IWWC may institute or cause to be instituted, injunctive, mandamus or other appropriate action or proceedings of law to correct violations of this Ordinance. Any court of competent jurisdiction shall have the right to issue temporary or permanent restraining orders, injunctions or mandamus, or other appropriate forms of relief.

13.0 EFFECTIVE DATE

The provisions of this Ordinance, if passed at a Town Meeting, shall become effective fifteen (15) days after publication of the Ordinance, or of a summary thereof, in a newspaper having circulation in the Town of Beacon Falls, in accordance with the provisions of CGS Section 7-157.

Public Hearing Held on: January 30, 2006

Town Meeting Held on: February 21, 2006

Ordinance Published on: March 1, 2006

This Ordinance became effective March 16, 2006

APPLICATION FEE SCHEDULE ORDINANCE

WHEREAS, the Boards and Commission that regulate land use and development within the Town of Beacon Falls are required to make decisions that have important impacts upon the quality of life in the Town, and

WHEREAS, many of these decisions are complex, and require objective analysis by experts in the various fields, and

WHEREAS, the costs of review should be paid by the applicant who is requesting review.

Section 1. Authority

This Ordinance is adopted pursuant to Section 8-1c CGS.

Section 2. Title

This Ordinance shall be known as the Application Fee Schedule Ordinance.

Section 3. Purpose and Intent

1. To establish a schedule of reasonable fees for the review and processing of applications by the Town of Beacon Falls Planning and Zoning Commission, Inland Wetlands and Watercourse Commission and Zoning Board of Appeals, and
2. To provide for the adequate review of land use applications in accordance with the size and complexity of the proposed land use development.

Section 4. Fee Schedule

- The following schedule of fees as indicated in Section 4.4 shall be the minimum to cover the cost of processing application to the Planning and Zoning Commission, Inland Wetlands and Watercourses Commission and Zoning Board of Appeals.
- The Planning and Zoning Commission, Inland Wetlands and Watercourses Commission and Zoning Board of Appeals may, at its discretion hire or engage outside experts to assist in its evaluation of any application. The total costs for all outside expertise shall be borne by the applicant. This payment shall be considered as an integral component of the application, and the failure of the applicant to make this payment shall render the application incomplete. If the applicant fails to pay the fee within thirty (30) days of receiving an invoice, the Board or Commission may revoke all approvals of the application and pursue all necessary action to receive payment.
- All application fees shall be paid to the Town of Beacon Falls at the time of submission of the application. No application shall be considered to be a

complete application without payment of fees as required in this Ordinance.

- If the Planning and Zoning Commission, Inland Wetlands and Watercourses Commission and Zoning Board of Appeals finds, at the time of acceptance of Application, that the application is of a significant magnitude that it would require extensive review, the Board or Commission may establish an initial payment to cover the costs of expert review. This cost shall be paid at the time of application by the applicant. If the costs of review exceed this initial amount the applicant shall be required to pay additional costs. If the costs of review are less than the initial payment, the remainder shall be returned to the applicant.
- The applicant shall pay all fees imposed by the State of Connecticut imposed by Statute.

Public Hearing held on November 24, 2008

Town Meeting held on December 15, 2008

Notice Published in Republican American: December 22, 2008

Effective Date of Revised Ordinance: January 7, 2009

- The following shall be the minimum fees required for all applications for Inland Wetlands and Watercourses Commission applications:

a. Permitted and Non Regulated uses as described in Section 4 of the Inland Wetlands and Watercourses Regulations of the Town of Beacon Falls	
Permitted Use as of Right – Farm/ Agricultural, Includes Forestry	No charge.
Non-regulated Uses	\$ 50.00
b. Regulated Activities as defined in Section 2.1 and Section 6 of the Inland Wetlands and Watercourses Regulations of the Town of Beacon Falls	
1. Residential – Single and two-family dwellings	\$ 50.00
Additional fees with wetland and/or watercourse Disturbance	\$ 3.00 per square feet of proposed disturbance of wetlands
2. Commercial/Industrial – Single Lot	\$ 200.00
Additional fees with wetland and/or watercourse disturbance	\$ 3.00 per square feet of proposed disturbance of wetlands
3. Other – Single Lot	\$ 200.00
Additional fees with wetland and/or watercourse Disturbance	\$ 3.00 per square feet of proposed disturbance of wetlands
4a. Residential – Subdivision	\$ 750.00 plus \$150.00 per lot plus \$3.00 per square feet of proposed disturbance of wetlands
4b Residential – Multi-Family	\$ 750.00 plus \$75.00 per unit lot plus \$3.00 per square feet of proposed disturbance of wetlands
5. Commercial/Industrial Subdivision	\$ 750.00 plus \$200.00 per lot plus \$3.00 per square feet of proposed disturbance of wetlands
6. Map Amendment	\$ 200.00 plus \$1.00 per linear foot of the total length of wetlands and/or watercourse boundary subject to the proposed boundary change.

- The following shall be the minimum fees required for all applications for all applications to the Planning and Zoning Commission

Subdivision per lot	\$ 400.00; plus <ul style="list-style-type: none"> • \$.50 per linear foot of new road proposed within the subdivision; plus • \$500 for all applications which require a Public Hearing, plus \$200 for each continuance of the Public Hearing
Road Fees, per liner feet of new road	\$ 0.50
Site Plan Review – Residential Uses per Unit	\$ 250.00
Site Plan Review – Non-Residential per square foot	\$ 0.10 of new building, with a minimum of \$500
Flood Plain Review	\$ 500.00
Excavation and Grading	\$ 500.00 plus \$50.00 for every 1000 cubic yards to be excavated
Earth Products Processing	\$ 250.00
Special Exception	\$ 500.00 plus: <ul style="list-style-type: none"> • Cost per site plans as cited above; and; • \$ 200.00 for each continuance of the Public Hearing
Driveways – Single Family	\$ 25.00
Driveways – Other Residential	\$ 100.00
Driveways – Commercial and Industrial	\$ 250.00
Application for Zoning Compliance	\$ 25.00
Additional Certificate of Zoning Compliance	\$ 25.00
Application for Zone Change	\$ 1,000.00; plus <ul style="list-style-type: none"> • \$ 200.00 for each continuance of the Public Hearing
Request for Change of Zoning or Subdivision Regulations	\$ 1,000.00; plus <ul style="list-style-type: none"> • \$ 200.00 for each continuance of the Public Hearing
Request for Non-Conforming use	\$ 1,000.0 <ul style="list-style-type: none"> • \$200.00 for each continuance of the Public Hearing

Section 5. Inspections

The Board of Selectmen, upon advice of the relevant Board or Commission, may require that the developer reimburse the Town for all costs associated with the inspection or re-inspection of the property that are required.

Section 6. Waiver of Fees

1. All Boards, Commission, Agencies and /or Departments of the Town of Beacon Falls are exempt from all fee requirements of this Ordinance.
2. The applicant may petition the Board of Selectmen to waive, reduce or permit delayed payment of the fee required by this Ordinance. Such petitions shall be in writing and shall state fully the facts and circumstances that the Board of Selectmen should consider in its determination under this Ordinance. The Board of Selectmen may waive all or part of the application fee if the Board determines that:
 - a. The activity applied for would clearly result in a substantial public benefit to the environment, public health, safety or welfare and the applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee; or
 - b. The amount of the application fee is clearly excessive in relation to the cost to the Town for reviewing and processing the application.

**ORDINANCE ESTABLISHING CITATION PROCEDURES AND FINES FOR
VIOLATIONS OF THE INLAND WETLANDS AND WATERCOURSES
REGULATIONS OF THE TOWN OF BEACON FALLS**

(New Ordinance – June 2013)

A. PURPOSE:

1. The purpose of this Ordinance shall be to ensure compliance with the Beacon Falls Inland Wetlands and Watercourses Regulations and to prevent violators from engaging in continuous violations by increasing the penalties for such violations.
2. This Citation Process is in addition to and not in lieu of enforcement actions authorized by Connecticut General Statutes and the Beacon Falls Inland Wetlands and Watercourses Commission.

B. ISSUANCE OF CITATIONS:

1. Pursuant to the authority vested in Municipalities under Connecticut General Statutes Sections 7-152 c and 22 a-42 g as amended from time to time, any persons authorized by the Board of Selectmen and Inland Wetlands and Watercourses Commission of the Town of Beacon Falls may issue a Citation for any violation of the Beacon Falls Inland Wetlands and Watercourses Regulations in the manner provided by this Ordinance. Any person(s) so authorized shall be designated as an Inland Wetlands and Watercourses Commission Enforcement Officer.
2. The Town shall maintain copies of all Citations issued pursuant to this Ordinance for a period of no less than ten (10) years after the date the correction of the violation. The copies shall be indexed under the names of the persons to whom the Citations were issued. Within ten (10) days after the final disposition of each Citation, by payment of the specified fine or by a final decision of any appeal taken pursuant to the provisions of this Ordinance, documentations shall be placed in the file on, or together with relevant Citation indicating the nature of the final disposition. If no appeal is taken of a Citation issued pursuant to this Ordinance, but the specified fine is not paid, documentation to that effect shall be placed in the file on, or together with the relevant Citation.
3. Any such Citation may be delivered by hand or by Certified Mail, return receipt requested. If the person named in such Citation fails or refuses to accept such mail, the Citation may be sent by regular first class United States Mail.
4. Any person receiving such a Citation shall be allowed a period of thirty (30) days from his or her receipt of the Citation to make an uncontested payment of the fine to the Town in accordance with Section E.3 of this Ordinance. If the Citation has been sent by regular mail pursuant to the provision in Subsection B.3 of the Ordinance, the date of receipt shall be considered three (3) business days after the date of mailing.
5. If a person who has been issued a Citation does not make an uncontested payment of the fine specified in the Citation, the Inland Wetlands

**ORDINANCE ESTABLISHING CITATION PROCEDURES AND FINES FOR
VIOLATIONS OF THE INLAND WETLANDS AND WATERCOURSES
REGULATIONS OF THE TOWN OF BEACON FALLS**

(New Ordinance – June 2013)

Enforcement Officer shall send a notice to the person cited, informing such person anew:

1. of the allegations against him or her and the amount of the fines and;
 2. that the person cited may contest liability before a Hearing Officer appointed by the First Selectman, s provided by Subsection C.1 of this Ordinance, by delivering to the Inland Wetlands and Watercourses Commission, in person or by Certified Mail, return receipt requested, within ten (10) days of the date of the notice, a written demand for such a hearing.
 3. that if the person cited does not demand such a hearing, an assessment of a fine may issue without further preliminary notice.
6. If a person who is sent a notice pursuant to Subsection B.5 of this Ordinance wishes to admit liability for any alleged violation, he or she may, without requesting a hearing, pay the full amount of the fine, either in person or by mail, to the Town in accordance with Section E.3 of the Ordinance. Any person who does not deliver or mail a written demand for a hearing within ten (10) days of the date of the notice described in Subsection B.5 of this Ordinance shall be deemed to have admitted liability and the Inland Wetlands and Watercourses Enforcement Officer shall certify to the Hearing Officer that such person has failed to respond, the Hearing Officer shall thereupon enter and assess the fines provided for by this Ordinance and shall follow the procedures set forth in Subsection E.1 of this Ordinance.

C. CITATION:

1. A person who chooses to appeal a citation and requests a hearing to this effect shall be given written notice of the date, time and place of the hearing by hand or by Certified Mail, return receipt requested. Such hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of the mailing of notice ore the date of hand delivery, provided that the Hearing Officer shall grant, upon good cause shown, any reasonable request by an interested party for postponement or continuance. The presence of a Commission Member or a Designated Agent shall be required at the hearing to present evidence on behalf of the Town. A person wishing to contest liability shall appear at the hearing and ay present evidence on his or her behalf. Alternatively, the Hearing Officer may accept written information (copies of police reports, investigatory and citation reports, and other documents) by mail or in person from the person who received he Citation and may determine thereby that the appearance of such person is not necessary. In the event said persons fails to appear or has not submitted relevant written information as specified above, the Hearing Officer may enter an assessment of default against him or her upon finding of proper notice and liability under the applicable provisions of the Inland Wetlands and

**ORDINANCE ESTABLISHING CITATION PROCEDURES AND FINES FOR
VIOLATIONS OF THE INLAND WETLANDS AND WATERCOURSES
REGULATIONS OF THE TOWN OF BEACON FALLS**

(New Ordinance – June 2013)

Watercourses Regulations, Connecticut General Statutes, and this Ordinance. The contesting party may require the presence at the hearing of the Citation issuing agent.

2. In the event that the Hearing Officer determines that he or she will not have adequate opportunity to review documentation provided by any party to the hearing on the date of the hearing, he or she may order the hearing to be continued to a later date.
3. The Hearing Officer shall conduct the hearing in the order and form with such methods of proof, as he or she deems fair and appropriate. He rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The Hearing Officer shall announce his or her decision at the conclusion of the hearing. If the Hearing Officer determines that the person who receives the Citation is not liable, the Hearing Officer shall dismiss the matter and enter a determination in writing accordingly. If the Hearing Officer determines that the person who receives the Citation is liable for the violation, the Hearing Officer shall forthwith enter and assess the fines against the person as provided by this Ordinance. Payment shall be made within ten (10) calendar days in accordance with Section E.3 of this Ordinance.
4. If the person who receives the Citation does not agree with the Hearing Officer's assessment, he or she may appeal the decision in the Superior Court in accordance with the applicable provisions of the Connecticut General Statutes.
5. If the Hearing Officer's assessment is not paid on the date of its entry, the Hearing Officer shall send by First Class Mail, a notice of assessment to the person found liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a Certified copy of the notice of assessment with the Clerk of the Superior Court for the appropriate Judicial District together with the applicable filing entry fee. Further proceedings may then be held pursuant to the applicable provisions of the Connecticut General Statutes.
6. The Board of Selectmen of the Town of Beacon Falls shall have one (1) or more Citations Hearings Officers, who shall be other than Inland Wetlands and Watercourses Enforcement Officers, Commission members or employees of the Town to conduct hearings as described in Subsection C.1 and C.3 of this Ordinance.

D. EXEMPTIONS

1. Notwithstanding the foregoing, pursuant to Section 221-42g, no fine shall be levied against the State of Connecticut or any employee thereof action within the scope of his or her employment.

E. SCHEDULE OF FINES:

**ORDINANCE ESTABLISHING CITATION PROCEDURES AND FINES FOR
VIOLATIONS OF THE INLAND WETLANDS AND WATERCOURSES
REGULATIONS OF THE TOWN OF BEACON FALLS
(New Ordinance – June 2013)**

1. The amount of the fine specified in any Citation shall be based upon the number of Citations issued to the same party during the ten (10) years immediately prior to the date of the Citation being issued. The amount of the fines shall be as follows:

<u>NUMBER OF PRIOR CITATIONS</u>	<u>AMOUNT OF FINE</u>
First Infraction None (0)	\$ 120.00
One (1)	\$ 250.00
Two (2)	\$ 500.00
Three (3) or more	\$1,000.00

For the purposes of establishing the amount of the fine in accordance with the foregoing schedule, the "Number of Prior Citations" shall include all prior Citations.

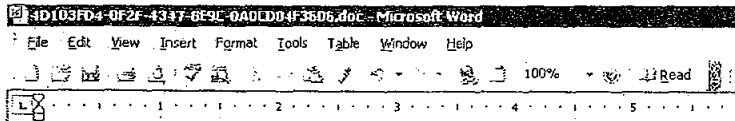
2. The issuance of any Citation under this Ordinance shall not preclude the Inland Wetlands and Watercourses Commission or any other authorized person from seeking or obtaining additional enforcement or remedial measures, including but not limited to declaratory and injunctive relief, civil penalties, attorney's fees and court costs, under any other applicable provisions of Federal, State or Local law.
3. Fines and assessments shall be paid by Certified or Bank Check, payable to the Beacon Falls Inland Wetlands and Watercourses Commission and delivered to the Enforcement Officer.

F. EFFECTIVE DATE

Public Hearing held on: April 8, 2013
Town Meeting held on: May 13, 2013
Ordinance Published on: May 23, 2013
Effective Date of this Ordinance: June 6, 2013

Karen Wilson

From: Regina Zambauskas [rzam@rep-am.com]
Sent: Tuesday, May 21, 2013 3:08 PM
To: Karen Wilson
Subject: SUMMARY OF ORDINANCE 5/23/2013



RepublicanAmerican

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Classified Advertising Proof

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Order Number: RA0573372

LEGAL NOTICE
TOWN OF BEACON FALLS
SUMMARY OF ORDINANCE
PASSED AT A TOWN MEETING
HELD ON MONDAY, MAY 13, 2013

1. Ordinance Establishing Citation Procedures and Fines for Violations of the Inland Wetlands and Watercourses Regulations of the Town of Beacon Falls.

PASSED AT A SPECIAL
TOWN MEETING
HELD ON MAY 13, 2013

This Ordinance shall become effective fifteen (15) days after publication in the most widely circulated newspaper in the Town of Beacon Falls. This Ordinance shall become effective on June 6, 2013.

By the Beacon Falls
Board of Selectmen,
this 23rd day of May 2013.

R-A May 23, 2013

Total Order Price: \$71.92

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5/21/2013

ORDINANCE ESTABLISHING CONSERVATION COMMISSION
PURSUANT TO CONNECTICUT GENERAL STATUTES SECTION 7-131A.
(REVISED)

1.0 CREATION OF CONSERVATION COMMISSION

Pursuant to Connecticut General Statute Section 7-131a, there shall be a Conservation Commission of seven (7) regular members who must be electors of the Town of Beacon Falls.

2.0 RESPONSIBILITIES

2.1 Powers and Duties

The Conservation Commission shall have all the powers and duties set forth in Connecticut General Statutes Section 7-131a, and as may be set forth in other General Statutes relating to municipal Conservation Commissions; and as may be set forth in any special act relating to Conservation Commissions. Its duties and discretionary abilities stem from its purpose: "...the development, conservation, supervision and regulation of natural resources, including water resources within the Town of Beacon Falls."

2.2 Rules and Regulations

The Conservation Commission shall adopt rules and regulations for the conduct of its proceedings. Meetings shall be scheduled monthly and at the call of the chairman and at such other times as the Commission may determine. The chairmen, or in his absence, the vice chairmen, shall have the power to administer oaths and compel the attendance of witnesses. All meetings of the Conservation Commission shall be open to the public. Minutes of all proceedings shall be kept and all examinations and official actions shall be recorded thereon. Minutes shall be open for inspection as a public record.

According to this legislation, The Commission must perform the following:

1. Keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information on the proper use of such areas,
2. Conduct research into the utilization and possible utilization of land areas of the municipality,
3. Administer gifts in the name of the municipality for the commission's purposes subject to the terms of the gift,
4. Approve, prior to submission, state grant-in-aid applications for programs to preserve or restrict the use of open space land to conservation or recreation purposes.
5. Keep records of its meetings and activities and shall make an annual report to the municipality in the manner required of other municipal agencies.
6. Supervise and manage municipally owned open space or park property when the agency normally responsible for such duties delegates that power.

2.3 Intervention and Permitted Activity

The Commission may elect to intervene to protect the public trust of air, water, and other natural resources of the state of Connecticut from unreasonable pollution, impairment, or destruction per the Environmental Protection Act of 1971 (Connecticut General Statutes, Sections 22a-14 to 22a-20). Under this act, the Conservation Commission can bring to

ORDINANCE ESTABLISHING CONSERVATION COMMISSION
PURSUANT TO CONNECTICUT GENERAL STATUTES SECTION 7-131A.
(REVISED)

2.3 Intervention and Permitted Activity (continued)

superior court any subdivision or agency of the state government, any person, partnership, corporation, association, organization or other legal entity which the Commission feels is unreasonably polluting, impairing, or destroying any natural resource, including historic structures and landmarks. The Commission may go to court over the issuance of permits and licenses that may result in such damage. If the court rules in favor of the commission, the court may grant temporary or permanent relief, or may impose such conditions as are required to protect the natural resources. The Commission may also be compensated for its court-related costs, including costs for witnesses and reasonable attorney fees, if the court rules in favor of the Commission and the Commission had requested such compensation.

The Conservation commissions is permitted, but not required, to perform the following:

1. Acquire land and easements in the name of the municipality, with the approval of the Board of Selectmen
2. Make recommendations on proposed land use changes to the Planning and Zoning Commission, Inland Wetlands and Watercourses Commission, Economic Development Commission, Park and Recreation Commission and other municipal agencies;
3. Recommend plans and programs for the development and use of all open areas to the Board of Selectmen, Planning and Zoning Commission, Inland Wetlands and Watercourses Commission, Economic Development Commission, Park and Recreation Commission;
4. Exchange information with the Commissioner of Environmental Protection;
5. Request technical personnel to be assigned to the Commission by the Commissioner of Environmental Protection for assistance in planning its overall program and for coordinating state and local conservation activities;
6. Coordinate the activities of non-government bodies (volunteers, etc.) organized for the purpose of conducting land use research;
7. Advertise, prepare, and distribute books, maps, charts, plans and pamphlets necessary for its purposes;
8. Inventory natural resources and formulate watershed management and drought management plans;
9. Promulgate rules and regulations, such as the establishment of reasonable charges for the use of land and easements, for any of its purposes.

3.0 MEMBERS

The Board of Selectmen shall appoint seven (7) regular members who must be electors of the Town of Beacon Falls. The Board of Selectmen may remove any regular member for cause, provided said member shall be afforded notice and hearing prior to removal. Not more than five (5) Commissioners shall be members of the same political party as provided by Section 9-167a of the Connecticut General Statutes. There shall be no prohibition against successive terms of such appointed members.

ORDINANCE ESTABLISHING CONSERVATION COMMISSION
PURSUANT TO CONNECTICUT GENERAL STATUTES SECTION 7-131A.
(REVISED)

3.0 MEMBERS (continued)

The Terms of office for each regular member of the Conservation Commission shall be six (6) years.

Up to one (1) member of the Conservation Commission may also serve as a member of the Inland Wetland and Watercourses Commission. One (1) member of the Conservation Commission may also serve as a member of the Planning and Zoning Commission. It shall not be the same person representing both the Inland Wetlands and Watercourses Commission and the Planning and Zoning Commission. If so appointed from the Inland Wetlands and Watercourses Commission and/or the Planning and Zoning Commission, the term(s) of these members shall run concurrently with the respective term(s) of that member on such commission.

The First Selectmen shall serve as ex-officio member of Conservation Commission, without any voting rights, and the First Selectmen attendance shall not be calculated in determining a quorum. A majority of the voting members of Conservation Commission shall constitute a quorum.

3.1 Training Requirements

All members are required to attend at least one (1) training session annually pertaining to Conservation Commission and/or other land use boards such as but not limited to subjects concerning "How to conduct public meetings", the decision making process, "What is Legally Required" or other such germane subjects offered by the Council of Governments or other professional and qualified entities. Failure to attend such annual session and provide documentation of attendance will be cause for removal from Commission.

4.0 OFFICERS

The Commission shall elect from its membership, a Chairperson, Vice-Chairperson, and Secretary. Election of said officers shall be held in January of each odd number year and shall be for a term of two (2) years. No person shall hold the same office for more than three (3) consecutive terms. The members, if any appointed, from the Inland Wetlands and Watercourses Commission and/or the Planning and Zoning Commission, shall not be eligible to hold an office on the Conservation Commission.

5.0 VACANCIES

Any vacancy in the membership, which may occur through death, resignation or otherwise, shall be filled for the un-expired portion of said term by the Board of Selectmen in accordance with the requirements of "3. MEMBERS", above.

In the event that a Commission member shall miss three (3) consecutive regular meetings of the Commission, the Commission may, by a vote of the majority of the remaining six (6) members, remove such member and request that the Board of Selectmen fill said vacancy thus created by another person.

ORDINANCE ESTABLISHING CONSERVATION COMMISSION
PURSUANT TO CONNECTICUT GENERAL STATUTES SECTION 7-131A.
(REVISED)

6.0 EFFECTIVE DATE

Passed at a duly scheduled special town meeting held 8/25/97

Effective 9/27/97

A summary of the foregoing ordinance amendment was published on 9/12/97 in The Connecticut Post and the Waterbury Republican, both papers having a substantial circulation in the Town of Beacon Falls.

Public Hearing held on: January 30, 2006

Town Meeting held on: February 21, 2006

Ordinance Published: March 1, 2006

This Ordinance became effective March 16, 2006

**ORDINANCE ESTABLISHING A LAND USE COMMITTEE
(OPEN SPACE, PARKS, NATURAL AREAS, PLAYGROUNDS, TRAILS &
WALKWAYS OR ANY OTHER LAND USE
(Revision June 2013)**

1.0 PURPOSE AND AUTHORITY

The Purpose and Authority of the Land Use Committee, (Open Spaces, Parks, Playgrounds, Natural Areas, Trails & Walkways or any other Land Use) shall be to:

- a. To review all plans for subdivisions and/or re-subdivisions submitted to the Planning and Zoning Commission. The Land Use Committee shall review the plans and make recommendations to the Planning and Zoning Commission, the Board of Selectmen, the Conservation Commission and the Park and Recreation Commission to aide in determining the appropriateness of an area for designation as Open Spaces, Parks, Playgrounds, Natural Areas, Trails & Walkways or any Other Land Use giving other conservation and open space studies, reports and plans, the density of population and the existing public open spaces in the vicinity of the subdivision and/or re-subdivision, as well as the subject tract's characteristics utilizing the guidelines and the criteria set forth in the Planning and Zoning's Subdivision Regulations.
- b. To review and recommend the utilization of any land the Town may acquire or has the opportunity to acquire to be reserved for open spaces, parks, playground or any other land use. The Committee shall review these lands and make recommendations to the Board of Selectmen, Planning and Zoning Commission, Conservation Commission, Park and Recreation Commission and Economic Development Commission to aide in determining the appropriateness of an area for open space, parks, playgrounds, natural areas and trails and walkways or any other land use giving due consideration to the Town's Plan of Conservation and Development and the Town's communal use of property.
- c. To review and make recommendations to the Planning and Zoning Commission for updates and revisions to the Town's Plan of Conservation and Development with regard to open space, parks, playgrounds, natural areas, trails and walkways or any other land use.

2.0 MEMBERSHIP

- 2.1. The Land Use Committee shall consist of **seven (7)** members appointed by the Board of Selectmen, consisting of **one (1) each** representative from the Conservation Commission, Park and Recreation Commission, Planning and Zoning Commission, Inland Wetlands and Watercourses Commission, **Water Pollution Control Authority**, one (1) from the Economic Development Commission and the **Land Steward**. **The term of said members shall run concurrently with the respective term of the members on the various Boards and/or Commissions.**
- 2.2. There shall be no prohibition against successive terms of such appointed members.

**ORDINANCE ESTABLISHING A LAND USE COMMITTEE
(OPEN SPACE, PARKS, NATURAL AREAS, PLAYGROUNDS, TRAILS &
WALKWAYS OR ANY OTHER LAND USE**

(Revision June 2013)

- 2.3. Not more than six (6) Commissioners shall be members of the same political party as provided by Section 9-167a of the Connecticut General Statutes.
- 2.4. The Board of Selectmen may remove any member of the Commission for cause, provided said member shall be afforded notice and a hearing prior to removal.
- 2.5. The First Selectman shall serve as ex-officio member of the Land Use Committee (Parks, Playgrounds, Natural Areas and Trails and Walkways) without any voting rights and the First Selectman's attendance shall not be calculated in determining a quorum.
- 2.6. A majority of the voting members of the Land Use Committee shall constitute a quorum.

3.0 OFFICERS

- 3.1 The Committee shall elect from its membership, a Chairperson, a Vice-Chairperson, and a Secretary. Election of said officers shall be held in January of each odd numbered year and shall be for a term of two (2) years. No person shall hold the same office for more than three (3) consecutive terms.

4.0 VACANCIES

- 4.1 Any vacancy in the membership which may occur through death, resignation or other cause, shall be filled by the Board of Selectmen in accordance with the requirements of Section 2.0 of this ordinance.
- 4.2 In the event that a Committee member misses more than **two (2)** regular meetings annually, the Committee may by a vote of the majority of the remaining **five (5) members**, recommend to the Board of Selectmen removal of the member and request that the Board of Selectmen fill said vacancy.

5.0 CONSIDERATIONS

- 5.1 During the review process, the Committee shall give due consideration to:
 - a. The Town's Plan of Conservation and Development in effect on the date that an application for approval of a subdivision or a re-subdivision has been to the Planning and Zoning Commission.
 - b. Other conservation and land use studies, reports and plans.
 - c. The density of population and the existing public land use in the vicinity of the subdivision and/or re-subdivision.
 - d. Subject tract's characteristics utilizing the guidelines and the criteria set forth in the Planning and Zoning's Subdivision Regulations.
- 5.2 The deed for any parcel to be accepted by the Town shall contain a statement of its intended use, i.e., open space, park and recreation, commercial development, or other Town use.

**ORDINANCE ESTABLISHING A LAND USE COMMITTEE
(OPEN SPACE, PARKS, NATURAL AREAS, PLAYGROUNDS, TRAILS &
WALKWAYS OR ANY OTHER LAND USE**

(Revision June 2013)

**6.0 ADMINISTRATION, IMPROVEMENTS AND MAINTENANCE
OF LAND ACCEPTED BY THE Town.**

6.1 After receipt of a parcel by the Town, the Board of Selectmen may designate the Conservation Commission, Park and Recreation Commission, or other appropriate Town entity as the organization responsible for the administration, improvement and maintenance of the parcel based on the recommendation of this Committee.

6.2 The designated Commission or other Town entity shall abide by the recommendations of this Committee, and the Town's Plan of Conservation and Development objectives. They shall also consider input received from the public at meetings to consider the appropriate use of the parcel.

7.0 EFFECTIVE DATE

7.1 The adoption of this Ordinance shall become effective fifteen (15) days after publication of the Ordinance, or of a summary thereof, in a newspaper having circulation in the Town of Beacon Falls in accordance with the provisions of the Connecticut General Statutes Section 7-175.

Public Hearing Held on January 8, 2007.

Town Meeting Held on January 29, 2007.

Ordinance published February 5, 2007

This Ordinance became effective February 20, 2007

REVISION

Public Hearing Held on: March 20, 2013

Town Meeting Held on: April 8, 2013

REVISION

Public Hearing Held on: June 10, 2013

Town Meeting Held on: June 19, 2013

Ordinance Published in Republican American: July 15, 2013

This Ordinance Becomes Effective: July 31, 2013

AN ORDINANCE CREATING AN OPEN SPACE PRESERVATION FUND

1.0 PURPOSE

1.0 Pursuant to the provisions of the Connecticut General Statutes Section 7-148 (c), (2) (K), the Town of Beacon Falls does hereby create a special fund for the protection and preservation of natural resources and Beacon Falls' small Town character, which fund shall be known as the "Open Space Preservation Fund", and which fund shall not lapse at the end of the Municipal fiscal year.

2.0 SOURCE OF FUNDING, INVESTMENTS AND LIMITATION OF FUND USE.

- 2.1 In addition to such sums as may be appropriated by the Town annually for deposit into said Open Space Preservation Fund, the Town is authorized to and shall deposit all monies received by it, from whatever source, as monetary gifts for the acquisition and preservation of open space and all monies received by it, from whatever source, as grants or loans for open space acquisition and preservation purposes, into said Open Space Preservation Fund.
- 2.2 Fees to the Municipality, collected in lieu of any requirement to provide Open Spaces pursuant to Connecticut General Statutes (CGS) Sections 8-25 and 8-25b, and authorized by the Beacon Falls Planning and Zoning Commission pursuant to Beacon Falls' Subdivision Regulations, shall be deposited in said Open Space Preservation Fund.
- 2.3 Said fund shall be in the custody of the Treasurer or other officer in charge of the funds of the Municipality and all or any part of the monies in said fund may, from time to time, be invested in any securities in which public funds may be lawfully invested. All income derived from such investments shall be placed into the fund and become a part thereof. The monies so invested shall at all times be subject to withdrawal from such investment for use as hereinafter set forth.
- 2.4 No sums contained in said Open Spaces Preservation Fund Account, including interest and dividends earned upon said funds, shall be transferred to any other account within the Budget and no expenditures shall be made from said account except in accordance with the provisions of this Ordinance.

3.0 EXPENDITURES FROM THE FUND

- 3.1 The continuation of the Open Space Preservation Fund shall be perpetual, notwithstanding that from time to time said account may be unfunded. Expenditures shall be made from the Open Space Preservation Fund only in accordance with the following procedures and requirements:
 - a. Said expenditures shall be made exclusively for the acquisition and administration, including but not limited to the appraisal costs, of parcels of land or of easements, interests of rights therein, the use of which shall be limited to retention of the parcel in its natural condition for the protection of natural resources, for passive recreation purposes,

AN ORDINANCE CREATING AN OPEN SPACE PRESERVATION FUND

for agricultural purposes, or for the protection or improvement of Beacon Falls' small Town character as defined by Beacon Falls' heritage and being land designated as an area of open space land in Beacon Falls' Plan of Conservation and Development.

- b. Recommendations for the acquisition of any parcel and/or easements, rights, or interests therein and the sum to be expended therefore shall be reviewed by the Beacon Falls Open Space Committee with a recommendation to the appropriate Boards and Commissions per the Committee's enabling ordinance, and approved by vote of the Beacon Falls Conservation Commission and forwarded to the Beacon Falls Planning & Zoning Commission's report, and any incorporation of any changes approved by vote of the Conservation Commission, any recommendations for acquisition shall be forwarded to the Beacon Falls Board of Selectmen and the Board of Finance for their action.
- c. The expenditure required for parcel acquisition and administration shall be acted on in accordance with Beacon Falls' procedure.

4.0 EXPENDITURE OF FUNDS

4.1 The Beacon Falls Conservation Commission is hereby designated to act on behalf of the Town for the following purposes:

- a. To develop, update and maintain a list of parcels of land that may be appropriate for acquisition and Open Space.
- b. To establish a list of criteria for identifying parcels for acquisition, such list will be subject to a Public Hearing to establish priorities, develop appropriate standards and limitations; final decisions will be subject to a majority vote of the Conservation Commission.
- c. To establish a priority for open space acquisition pursuant to provisions of Open Space Preservation Fund as set forth in Section 1.0 of this ordinance, the criteria pursuant to Section 3.1b of this ordinance, and to provide oversight and review with respect to such other parcels as may be offered to the Town.
- d. To develop appropriate standards and limitations for use of parcels acquired pursuant to the provisions of the Ordinance to assure their continued use as Open Space as set forth in Section 3.1 of this ordinance.

5.0 EFFECTIVE DATE

AN ORDINANCE CREATING AN OPEN SPACE PRESERVATION FUND

- 5.1 The adoption of this Ordinance, if passed at a Town Meeting, shall become effective fifteen (15) days after publication of the Ordinance, or of a summary thereof, in a newspaper having circulation in the Town of Beacon Falls, in accordance with the provisions of CGS Section 7-175.

Public Hearing held on August 9, 2007

Town Meeting held on September 6, 2007

Ordinance Published September 14, 2007

This Ordinance became effective September 29, 2007

AN ORDINANCE RELATING TO THE SEWER AUTHORITY

Be it ordained by the Town of Beacon Falls:

1. There shall be a Sewer Authority in the Town of Beacon Falls consisting of six (6) members who shall be appointed by the Board of Selectmen on or before the 30th day of November, 1950.
2. The terms of the members of the Sewer Authority shall be as follows:
 - Two (2) members to be appointed for a term commencing November 30, 1950, and expiring the first Monday of October, 1951.
 - Two (2) members to be appointed for a term commencing November 30, 1950, and expiring the first Monday of October, 1953.
 - Two (2) members to be appointed for a term commencing November 30, 1950, and expiring the first Monday of October, 1955.
 - Thereafter, two (2) members shall be appointed by the Board of Selectmen on each election day of said Town for the terms which will expire on that Town Election day.
3. Said Sewer Authority shall have all the powers and be subject to all the duties imposed upon such boards by the General Statutes and amendments thereto. The Sewer Authority shall adopt rules and regulations for the conduct of its proceedings. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his/her absence, the Acting Chairman, shall have the power to administer the oaths and compel the attendance of witnesses. All meetings of the Sewer Authority shall be open to the public. Minutes of all proceedings shall be kept, and all examinations and official actions shall be recorded therein. Minutes shall be open for inspection as a public record.
4. The concurring vote of four (4) members of the Sewer Authority shall be necessary to revise any order, requirement, decision or determination of the Sewer Authority, or to decide in favor of the applicant as against the Town on any matter upon which it is required to pass under the terms of this Ordinance.
5. In the event of a tie vote on any matter, said tie may be dissolved by the Board of Selectmen who shall be ex officio members of the Sewer Authority.
6. The members of the Sewer Authority shall receive no compensation for their services.
7. Members of the Sewer Authority may be removed only on the cause of failure to perform the duties of their office.

PASSED in Town Meeting held December 21, 1950.

AS amended in Town Meeting held May 29, 1951.

ORDINANCE ACKNOWLEDGING THE WPCA
OF THE TOWN OF BEACON FALLS

Section 1. There shall be a Water Pollution Control Authority, formerly known as the Sewer Authority, in the Town of Beacon Falls which shall have the power to assess such amounts as it deems necessary, subject to the limitations of the Connecticut General Statutes, in order to defray the cost of installation and maintenance of sewer lines in the Town of Beacon Falls.

Section 2. The Water Pollution Control Authority shall consist of six (6) members who shall be appointed by the Board of Selectmen.

Each expiring term shall be filled by the Board of Selectmen for a term of six (6) years. Said members may be removed for cause by the Board of Selectmen.

Section 3. The Water Pollution Control Authority shall have all the powers and be subject to all duties imposed upon such boards by the General Statutes and amendments thereto. The Water Pollution Control Authority shall adopt rules and regulations, from time to time, which shall apply to all areas of the Town of Beacon Falls which have been initially assessed regardless of the method of assessment, including the assessment of benefits received, as it deems necessary, subject to the approval by a concurring vote of four (4) members of the Water Pollution Control Authority. The Water Pollution Control Authority and the Town Engineer shall review each application submitted to it and shall either accept or reject the application.

The Water Pollution Control Authority shall adopt rules and regulations for the conduct of its proceedings. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his/her absence, the Acting Chairman, shall have the power to administer oaths and compel the attendance of witnesses. All meetings of the Water Pollution Control Authority shall be open to the public. Minutes of all proceedings shall be kept and all examinations and official actions shall be recorded thereon. Minutes shall be open for inspection as public record. Copies of the effective rules and regulations including the rates and categories of assessments shall be available for review at the Town Clerk's Office.

The Water Pollution Control Authority shall also have the power to assess additional charges against users based upon the quality and quantity of the effluent discharged by said user as well as implement a user fee if it is determined to be necessary. Said determination shall be placed on the record with the reasons therefore provided to the applicant/user as the case may be.

Section 4. The concurring vote of four (4) members of the Water Pollution Control Authority shall be necessary to revise any rule or regulation, order, requirement, decision or determination of the Water Pollution Control Authority, or to decide in favor of the applicant as against the Town on any matter upon which it is required to pass under the terms of this Ordinance.

In the event of a tie on any matter, said tie may be resolved by the majority vote of the First Selectman serving in his/her capacity as an ex officio member of the Water Pollution Control Authority.

ORDINANCE ACKNOWLEDGING THE WPCA
OF THE TOWN OF BEACON FALLS

Section 5. The members of the Water Pollution Control Authority shall receive no compensation for their services.

Section 6. Training. **All members of the Water Pollution Control Authority are required to attend at least one (1) training session every other year, specific to the Water Pollution Control Authority This training will provide useful information needed to make decisions in the best interests of the Town of Beacon Falls. Failure to attend such training and provide documentation of the attendance will be cause for removal from the Commission by the Board of Selectmen.**

Section 7. Members of the Water Pollution Control Authority may be removed only on the cause of or failure to perform their duties of their office.

Section 8. Any Ordinance, Regulation, By-Law, or Resolution inconsistent herewith is hereby repealed. Specifically, but not by way of limitation, An Ordinance Relating to the Sewer Authority passed December 21, 1950, amended May 29, 1951 is hereby repealed.

Presented at a Special Town Meeting held on August 25,1997.

Summary published in accordance with Connecticut General Statute Section 7-157 on September 12, 1997.

Effective date of Ordinance September 25, 1997.

Public Hearing held on May 7, 2007

Town Meeting held on June 18, 2007

Ordinance Published June 25, 2007

Effective Date of Ordinance July 11, 2007

AN ORDINANCE RELATING TO THE WATER COMMISSION
TOWN OF BEACON FALLS

Section 1. There shall be a Water Commission in the Town of Beacon Falls consisting of **three (3) members of the Board of Selectmen.**

Section 2. Said Water Commission shall have the power to assess such amounts as it deems necessary, subject to the limitations of the Connecticut General Statutes, in order to defray the cost of installation and maintenance of any water lines constructed by the Town of Beacon Falls.

Section 3. Said Water Commission shall present its completed assessment list to the Tax Collector who shall prepare a rate book, file appropriate liens on the land records, and proceed to collect said assessment as **he/she** would any other tax.

Section 4. Said Water Commission shall have the powers to adopt rules and regulations it deems necessary, subject to approval by majority vote at Town Meeting.

Passed at Town Meeting held May 22, 1981.

Public Hearing Held on September 18, 2006.

Town Meeting held on OCTOBER 2, 2006.

This Ordinance shall become effective fifteen (15) days after publication thereof in a newspaper having a wide circulation in the Town of Beacon Falls. Ordinance Published October 25, 2006.

This Ordinance became effective November 9, 2006.

ANTI-BLIGHT ORDINANCE

WHEREAS, Within the Town of Beacon Falls there exist real properties containing vacant and blighted properties; and

WHEREAS, the existence of such vacant and blighted properties contribute to the decline of the Town of Beacon Falls neighborhoods and adversely affects the economic well being of the Town, as well as the health, safety and welfare of its citizens.

NOW THEREFORE BE IT ORDAINED that the Town of Beacon Falls hereby adopts an ordinance preventing blight.

Declaration of Policy

Section 154.30

This ordinance is to be known as the Anti-Blight Ordinance and is enacted pursuant to the authority granted to the Town of Beacon Falls under Connecticut General Statutes 87-148(c)(7)(H)(xv), 29-253, C.G.S. 7-148(c) (7)(A)(iii).

It is hereby found and declared that there exists within the Town of Beacon Falls a number of real properties, which are vacant and/or in blighted condition, and that the continued existence of such properties contributes to the decline of neighborhoods.

It is further found that the existence of such properties adversely affects the economic well being of the Town and is adverse to the health, safety and welfare of its residents.

It is further found that many of the properties can be rehabilitated, reconstructed, demolished and/or reused so as to provide decent, safe and sanitary housing and ancillary commercial facilities, and that such rehabilitation, reconstruction, demolition and/or reuse would eliminate, remedy and prevent the adverse conditions described above.

Prohibition Against Creating or Maintaining Blighted Properties

Section 154.31

No owner, agent, tenant or person in control of real property located in the Town of Beacon Falls shall allow, create, maintain or cause to be created or maintained, any blighted premises.

Definitions

Section 154.32

For the purposes of this ordinance, the following words, terms and phrases shall have the following meanings, unless the context clearly indicates otherwise.

ANTI-BLIGHT ORDINANCE

Definitions - Personnel

Building Official – Shall mean the Building Official as defined in Connecticut General Statutes § 29-260.

Director of Health – Shall mean the Town Official authorized to administer the provisions of Chapter 368e (Municipal Health Authorities) or any local Housing Code.

Zoning Enforcement Officer – Shall mean the Town Official authorized to enforce the Zoning Regulations of the Town of Beacon Falls.

Definitions – Other

Blighted Premises – Shall mean any building or structure, or any parcel of land in which at least one (1) of the following conditions exist:

- A. It is determined by the Building Official, the Director of Health and the Zoning Enforcement Officer that the building, structure or parcel of land is in a condition that poses a threat to the safety, health and general welfare of the community.
- B. It is attracting illegal activity as documented by Police Department reports.
- C. It is a fire hazard as determined by the Fire Marshal or documented by the Fire Department.
- D. It is not being maintained as evidenced by the existence of one (1) or more of the following conditions: missing or boarded windows or doors; collapsing or missing walls, roof or floor; seriously damaged or missing siding; fire damages; a structurally faulty foundation; physical hazards, rodent harborage and infestation, garbage, trash or abandoned motor vehicles situated on the premises (unless the premises is a junk yard legally licensed in the State of Connecticut); overgrown grass, brush, shrubs or weeds of at least one (1) foot in height or front yards allowed to deteriorate into unattended bare, dirt patches or containing litter, poison ivy, ragweed or other noxious plants.
- E. It is a substantial factor causing serious depreciation of the property values in the neighborhood.
- F. It is becoming dilapidated as documented by the Building Official, the Director of Health and the Zoning Enforcement Officer.
- G. It is a factor creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the building or of other premises within the neighborhood as documented by neighborhood complaints, or cancellation of insurance on proximate properties.

Approved Industrial Business uses are **not** exempt.

ANTI-BLIGHT ORDINANCE

Dilapidated – Shall mean a building or structure or part thereof, that would not qualify for a Certificate of Occupancy if applied for, or which is deemed an unsafe structure as defined by the State Building Code, and any dwelling or unit which is designated as unfit for human habitation as defined in the State Building code and/or the Code of Ordinances of the Town of Beacon Falls

Housing Blight – Shall mean blighted premises as defined above.

Legal Occupancy – Shall mean human habitation which is legal by virtue of compliance with the State Building, State Fire Safety, Local Zoning, Local Housing and all other pertinent codes and which habitation must be demonstrated by proof of occupancy through a bona fide lease agreement, rent receipt or utility statement, or other acceptable proof of ownership or occupancy.

Neighborhood – Shall mean an area of the Town planned as a unit.

Vacant – Shall mean a period of sixty (60) days or longer during which a building or structure or part thereof, or land is not legally occupied.

Vacant Parcel – Shall mean a parcel of land with no structure(s) thereon.

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 its sole use, and is intended to be a single and distinct space.

Elderly Individual – Shall mean an individual over the age of sixty-five (65) who does not have a household member capable of providing the necessary maintenance.

Disabled Individual – Shall mean, in the case of an owner-occupied residence, an individual who has a disability meeting the definitions for the mental or physical disability as defined under the Americans with Disabilities Act of 1990, and does not have other household members capable of providing the necessary maintenance.

Low Income Individual – Shall mean, in the case of an owner occupied residence, an individual, or where more than one person resides on the premises, a family unit, that has an income below the highest level of income established by the State of Connecticut's Elderly Tax Relief Program set forth in the Connecticut General Statutes, S 12-170aa(c). It is immaterial that a person is not elderly with regards to this ordinance because the reference to §12-170aa(c) is only for the purpose of providing an income guideline for this ordinance.

Capable Individual – Shall mean a person that can be reasonably expected to perform maintenance and yard work around a property or premises. This shall include children above sixteen (16) years of age without physical or mental disability as defined herein.

Town – Shall mean the Town of Beacon Falls.

ANTI-BLIGHT ORDINANCE

Enforcement

Section 154.33

The Building Official, the Director of Health and the Zoning Enforcement Officer are charged with the enforcement of this ordinance. It shall be the duty of the said Officers to enforce the provisions of this ordinance and any rules or regulations promulgated under this ordinance. The said Officers shall order any person who violates this ordinance to abate such violation and shall be hereby authorized and empowered to issue citations for violations of this ordinance in accordance with §154.36 of this ordinance.

Special Consideration

Section 154.34

Special Consideration shall be given to individuals who are elderly or disabled if such individual cannot maintain a reasonable level of upkeep of the owner occupied residence because the individual is elderly or disabled and no capable person resides in the residence. In such cases, the Enforcement Officer shall give such elderly or disabled individual adequate time to correct the problem.

Where the owner of a blighted premise is found to be a low income individual under this ordinance, the Enforcement Officer shall give special consideration to the person by providing adequate time to correct the problem. If the items designated as blighted have to do with lawn, brush, weeds and shrub maintenance or keeping the grounds free from rubbish and debris, the Enforcement Officer will not provide additional time to correct the problem.

Procedure for Action by the Town to Correct, Abate or Remove Hazardous Conditions

Section 154.35

- A. This section is enacted pursuant to C.G.S. 7-148(c)(7)(A)(iii).
- B. Action upon Non-compliance: Upon the failure, neglect or refusal of any owner of a blighted premises, or his agent, who has been sent a citation pursuant to the provisions of Section 154.36 herein, to abate any such blight which has been determined by the Building Official, the Director of Health and/or the Zoning Enforcement Officer to be dangerous to the public health, safety or welfare, within ten (10) days from the expiration of the time allowed in the citation, the Town may after said (10) days, elect to abate said blight itself, at the expense of the owner of said premises. The ten (10) days shall begin running on the date that the citation was mailed by the Town to the owner or his agent.

ANTI-BLIGHT ORDINANCE

- C. Conference Granted to Owner or Agent: Any owner or agent who receives a citation issued pursuant to Section 154.35B above shall, upon request, be granted a conference with the official(s) who issued the citation as soon as practicable. A request for a conference shall in no way stay the abatement order. However, a hearing request made pursuant to Section 154.36 herein shall stay an abatement order.

Hearing and Appeal Procedure for Citations

Section 154.36

- A. The Board of Selectmen shall appoint one or more Citation Hearing Officers, who shall not be Police Officers, employees of the Town, or persons who issue citations, to conduct hearings authorized under this section.
- B. **The provisions of C.G.S. 7-152c require that the citation inform the recipient of the amount of the fines, penalties, costs and fees due the Town as of the time the citation is issued,** are hereby adopted as the hearing and appeal procedures applicable to citations issued pursuant to this ordinance. Violations of the provisions of this ordinance shall be punishable by a fine of One Hundred Dollars (\$100.00) for each day a violation exists and continues.

Severability

Section 154.37

If any provision of this ordinance or the application thereof, shall be held invalid or unenforceable, the remainder of this ordinance of the application thereof shall be valid and enforceable to the fullest extent permitted by law.

EFFECTIVE DATE

This Ordinance becomes effective fifteen (15) days after publication in the most widely circulated newspaper in the Town of Beacon Falls.

Public Hearing Held on: December 5, 2005, September 18, 2006

Town Meeting Held on: December 12, 2005, October 2, 2006

Published: October 25, 2006

Effective Date of Ordinance: November 11/9/06

ORDINANCE ON LITTERING AND ILLEGAL DUMPING

SECTION 1. ILLEGAL DUMPING, LITTERING, MIXING OF RECYCLABLES PROHIBITED

- A. No person shall engage in any activity which violates: (1) Subsection 9 of Section 22a-250 of the **Connecticut** General Statutes; (2) An Ordinance adopted pursuant to subsection (f) of Section 22a-220 of the **Connecticut** General Statutes; (3) Subsection (f) of Section 22a-220a of the **Connecticut** General Statutes, or (4) Subsection (i) of Section 22a-220a of the **Connecticut** General Statutes.
- B. Any activity which violates Section (a) is considered to be a nuisance.

SECTION 2. ENFORCEMENT – ENFORCING OFFICIALS

Resident State Trooper and **Local Police Officers** of the Town of Beacon Falls shall issue littering, dumping, and recycling citations and enter orders authorized by this Ordinance. Such the Resident State **Trooper** or **Police Officers** shall not be a person appointed as Hearing Officer pursuant to Section 4.

SECTION 3. CITATION, ABATEMENT, CIVIL PENALTY

- A. The Resident State **Trooper** or **Police Officers** or may issue Citations for any violation of this act. Such Citation shall be on a form as approved by the Chief Elected Official of the Municipality.
- B. The Resident State **Trooper** or **Police Officers** or may order any person who has violated the provisions of this act to abate such violation and may issue a fine in accordance with provisions of subsection (c) of this section.
- C. Any person who engages in an activity which violates subsection (f) of 22a-220 of the Connecticut General Statutes, section (i) of 22a-220a of the Connecticut General Statutes or subsection (a) of 22a-250 of the Connecticut General Statutes shall be assessed a civil penalty for the first offense up to two hundred and fifty dollars **(\$250.00)** and for a second or subsequent offense a civil penalty of up to one thousand dollars **(\$1,000)**. Any person who engages in an activity which violates subsection (f) of 22a-220 of the Connecticut General Statutes shall be assessed a civil penalty of up to one thousand dollars **(\$1,000)**.

SECTION 4. HEARING OFFICERS, APPOINTMENT

The Chief Elected Official of the Municipality shall appoint one or more persons to conduct littering, dumping and recycling violations hearings and enter orders authorized by this act. The Hearing Officer shall be appointed in the same manner as

ORDINANCE ON LITTERING AND ILLEGAL DUMPING

members of Municipal Boards and Commissions. A Hearing Officer shall not be authorized to issue Citations or be employed by the Municipality.

SECTION 5. APPEAL FORM

- A. Any person or persons to whom a Citation is mailed or delivered pursuant to the provisions of this act shall have the right to file an appeal from any such Citation by filing with the Town Clerk, within ten (10) days from the date of receipt thereof, a written and dated appeal containing:
1. A description, or the address of the premises or location involved in Citation.
 2. The name and mailing address of each person participating in the appeal.
 3. A brief statement setting forth the interest of such person in the premises described in the Citation, if any.
 4. A brief statement identifying the specific Ordinance or Statute under which the appeal is being brought, together with any facts supporting the appeal.
 5. A statement of relief sought, and any reasons why the Citation should be reversed, modified, or set aside.
 6. Verification by the person or person participating in the appeal as to the truth of the matters set forth in the appeal.
- B. The Town Clerk shall notify the Chief Elected Official of the Municipality of the receipt of the appeal. The Chief Elected Official shall appoint a Hearing Officer to hear the appeal.

SECTION 6. SETTING HEARING DATE, STAY OF ENFORCEMENT

- A. After receipt of any appeal filed pursuant to Section 5, the Hearing Official shall provide written notice of the date, time and place of the hearing by causing a copy of such notice to be delivered personally to the appellant, or by mailing a copy to the appellant by Certified Mail, postage prepaid, to the address shown on appeal. The hearing date shall be not less than fifteen **(15)** days nor more than thirty **(30)** days from the date of mailing or delivery of such notice, provided the Hearing Officer shall grant, upon good cause shown, any reasonable request by any interested party for cause shown, any reasonable request by any interested party for the postponement or continuance.
- B. Enforcement of any Citation and Abatement Order issued under the authority of this Ordinance shall be stayed during the pendency of a timely and properly filed appeal.

ORDINANCE ON LITTERING AND ILLEGAL DUMPING

SECTION 7. CITATION APPEAL AND PROCEDURE

- A. The rules of evidence for hearings pursuant to Section 6 shall be as follows:
1. Any oral or documentary evidence may be received, but the Hearing Officer shall, as a matter of policy, provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence.
 2. Hearing Officer shall give effect to the rule of privilege recognized by law.
 3. When a hearing will be expedited and in the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.
 4. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available, and upon request, parties and the Hearing Officer conducting the proceeding shall be given an opportunity to compare the copy with the original.
 5. A party and such Hearing Officer may conduct cross-examinations required for a full and true disclosure of facts.
 6. Notice may be taken of judicially recognizable facts and of generally recognized technical or scientific facts within the Hearing Officer's specialized knowledge.
 7. Parties shall be notified in a timely manner of any material noticed and they shall be afforded an opportunity to contest the material so noticed.
 8. The Hearing Officer, by way of mail, may accept from the appellant copies of Police Reports, Investigatory and Citation Reports and other Official Documents.
- B. Each appellant may be represented by an Attorney. The presence of the Resident State **Trooper** or **Police Officers** or who issued the Citation or Abatement Order appealed from, shall be required at the hearing if the appellant so requests. An appellant shall appear at the hearing and may present evidence on his or her behalf. A Resident State **Trooper, Police Officers** or any Municipal Official, other than the Hearing Officer, may present evidence on behalf of the Town. If an appellant fails to appear, the Hearing Officer may enter an assessment by order default.
- C. The Hearing Officer shall render a written decision within ten (10) business days of the completion of the hearing and file such decision with the Town Clerk. The decision of the Hearing Officer shall be final and shall be served upon the appellant, either personally or by Certified Mail, postage prepaid, within seven (7) days of the date when such decision is entered.

SECTION 8. APPEAL DECISION

- A. If it is determined by the Hearing Officer that an appellant is not in violation of the provisions of this act, the matter shall be dismissed as to that appellant and the Hearing Officer shall enter such determination, in writing, and the

ORDINANCE ON LITTERING AND ILLEGAL DUMPING

record of the Citation shall indicate dismissal within ten **(10)** business days of the filing of the decision with the Town Clerk.

- B. If it is determined that one or more appellants are in violation of any of the provisions of this act, and the issuance of the Citation is proper, the Hearing Officer shall order each such appellant to pay the applicable fine and, if appropriate, shall forthwith order each such appellant to abate the described condition within thirty **(30)** days of the date of such order, the Hearing Officer, upon Certification from the Resident State **Trooper** or **Police Officers** that the abatement has not been completed, shall forthwith enter and assess against each such appellant a fine not to exceed one hundred dollars **(\$100.00)** for each offense if such assessment is not paid on the date of its entry, the Hearing Officer shall send by Certified Mail, Return Receipt Requested, a Notice of Assessment to the person or persons found liable and not less than thirty **(30)** days nor more than twelve **(12)** months after mailing, file a Certified Copy of the Notice of Assessment with the Town Clerk.

SECTION 9. ENFORCEMENT OF ORDERS

The Chief Elected Official of each Municipality may take whatever means necessary to enforce the orders of the Hearing Officer.

SECTION 10. FUNDS DEPOSITED IN GENERAL FUND OR SPECIAL FUND.

Any funds collected pursuant to this act shall be placed in the General Fund of the Municipality.

An Ordinance Pertaining to Garbage, Offal and Dumping passed March 16, 1954 is hereby repealed.

This Ordinance passed at a duly scheduled Town Meeting held February 18, 1997.

The effective date of this Ordinance is April 18, 1997.

A summary of the foregoing Ordinance was published April 3, 1997, in the Connecticut Post and the Waterbury Republican, both papers having a substantial circulation in the Town of Beacon Falls.

Public Hearing held on: May 7, 2007

Town Meeting held on: June 18, 2007

Ordinance Published: June 25, 2007

This Ordinance became effective: July 11, 2007

ORDINANCE REGARDING NOISE

(Revision – June 2013 – Add Recreational Vehicle Noise to Noise Ordinance)

SECTION 1: PURPOSE: It is recognized that people within the Town of Beacon Falls have a right to and should be ensured an environment free from excessive sound, vibration and other activities that may jeopardize their health, safety or welfare or degrade the quality of life. This Ordinance is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the residents of the Town of Beacon Falls.

SECTION 2: CONSTRUCTION ACTIVITIES. No person, firm or corporation, other than a homeowner shall engage in the erection (including excavation) demolition, alteration or repair of any building, or the excavation of streets and highways, nor in the operation of trucks, tractors, bulldozers, pay loaders, compressors or other heavy equipment other than between the hours of 7:00 A.M. and 8:00 P.M. Monday through Saturday, with no activity whatsoever allowed on Sundays and legal holidays. Reference Connecticut General Statutes (CGS) – 22a-73(b)(5).

SECTION 3: NOISE LEVELS.

- a. It shall be unlawful for any person to emit or cause to be emitted any noise beyond the boundaries of his/her premises in excess of the noise levels established in these Ordinances as amended from time to time and applies to adjacent residential, commercial or industrial zones.
- b. Noise generated by engine powered or motor-driven lawn care or maintenance equipment shall be exempted between the hours of 7:00 A.M. and 9:00 P.M. provided that noise discharged from exhausts is adequately muffled to prevent and/or explosive noises therefrom.
- c. No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in the decibel levels of this Ordinance.

SECTION 4. NOISE LEVEL MEASUREMENT PROCEDURES

For the purpose of determining noise levels as set forth in this Ordinance, the following guidelines shall apply:

- (1) All personnel conducting sound measurements shall be trained in the current techniques and principles of sound-measuring equipment and instrumentation;
- (2) Instruments used to determine sound-level measurements shall conform to the performance standards as defined in the section captioned "Noise levels" as amended from time to time;
- (3) The general steps listed below shall be followed when preparing to take sound-level measurements;

ORDINANCE REGARDING NOISE

(Revision – June 2013 – Add Recreational Vehicle Noise to Noise Ordinance)

- (i) The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed;
- (ii) The sound-level meter shall be calibrated before and after each set of measurements;
- (iii) When Measurements are taken out of doors, a wind screen shall be placed over the microphone of the sound-level meter as per the manufacturer's instructions;
- (iv) The sound-level meter shall be placed at an angle to the sound source as specified by the manufacturer's instructions, and be at least four (4) feet above the ground. The meter shall be placed as to not be interfered with by individuals conducting the measurements; and
- (v) Measurements shall be taken at a point that is located about one (1) foot beyond the boundary of the emitter's premises and within the receptor's premises. The emitter's premises include his/her individual unit of land, or ground of contiguous parcels under the same ownership as indicated by public land records.

Emitter's Zone:

Residential

Receptor's Zone: Maximum Level:

Industrial..... 62 dBA
Commercial..... 55 dBA
Residential/Day..... 55 dBA
Residential/Night..... 45dBA

- (2) No person in a commercial zone shall emit noise beyond the boundary of his/her premises that exceeds the levels stated herein and applies to adjacent residential, commercial or industrial zones:

Emitter's Zone:

Commercial

Receptor's Zone: Maximum Level:

Industrial.....62 dBA
Commercial.....62 dBA
Residential/Day.....55 dBA
Residential/Night.....45 dBA

- (3) No person in an industrial zone shall emit noise beyond the boundary of his/her premises that exceeds the levels stated herein, and applies to adjacent residential, commercial or industrial zones;

ORDINANCE REGARDING NOISE

(Revision – June 2013 – Add Recreational Vehicle Noise to Noise Ordinance)

Emitter's Zone:

Industrial

Receptor's Zone: Maximum Level:

Industrial..... 70 dBA
Commercial.....66 dBA
Residential/Day.....61 dBA
Residential/Night.....51dBA

- (4) Any non-conforming use shall be deemed to be in the zone which corresponds to the actual use.

High background noise levels and impulse noise.

- (a) If background noise levels caused by sources not subject to these regulations exceed the standards contained herein as amended from time to time, a source shall be considered to cause excessive noise if its emission exceeds the background noise levels by five (5) decibels, provided that no source subject to this article shall emit noise in excess of eighty (80) decibels at any time, and provided that this section does not decrease the permissible levels of other sections of this chapter as amended from time to time.
- (b) No person shall cause or allow the emission of impulse noise in excess of eighty (80) decibels peak sound-pressure during the nighttime to any residential noise zone.
- (c) No person shall cause or allow the emission of impulse noise in excess of one hundred (100) decibels peak sound-pressure level at any time in any zone.

Exclusions.

The above restrictions of sound levels shall not apply to noise emitted by or related to:

- (1) Natural phenomena;
- (2) Any bell or chime from any building clock, school or church;
- (3) Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation; provided, however, that burglar alarms not terminating within fifteen (15) minutes after being activated shall be unlawful. Notwithstanding the foregoing, repetitive activation of any alarm system due to malfunction or lack of proper maintenance shall not be excluded.

ORDINANCE REGARDING NOISE

(Revision – June 2013 – Add Recreational Vehicle Noise to Noise Ordinance)

However, the owner of an alarm mechanism will not be held liable if it is activated without his/her fault or negligence;

- (4) Warning devices required by Occupational Safety and Health Administration or other State or Federal safety regulations; and
- (5) Farming equipment or farming activity.

SECTION 5: ENFORCEMENT: The Chief of Police or his/her designee shall enforce the provisions of this Ordinance. The Police Department or its members may inspect private premises and shall make all reasonable efforts to prevent violations of this Ordinance.

SECTION 6: CIVIL REMEDIES: This Ordinance may be enforced by injunction, action for abatement, or other appropriate civil remedy.

SECTION 7: PENALTIES: Any person who violates the provisions of this Ordinance shall be fined not more than **\$100 per violation**, the maximum dollar amount permitted by the Connecticut General Statutes. Each act of violation and each day a violation occurs or continues constitutes a separate offense.

SECTION 8: DEFINITIONS. As used in this Ordinance, the word **person** includes, without limitation, any individual, corporation, firm, partnership or other business entity.

SECTION 9: SEVERABILITY. Should any provision of this Ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions of this Ordinance as a whole, it being the legislative intent that the provisions of this Ordinance shall be severable and that the remainder of this Ordinance shall remain valid notwithstanding such declaration.

SECTION 10: In the event that any provisions of this Ordinance is inconsistent with any provision of any regulation, resolution or Ordinance previously enacted, the provisions of this Ordinance shall take precedence.

SECTION 11: RECREATIONAL VEHICLE NOISE – TOWN ORDINANCE

No person shall create or cause to be created any unreasonable loud or disturbing noise due to the operation of a recreational vehicle in the Town of Beacon Falls.

Recreational vehicle noise shall be deemed to be loud, disturbing, or excessive and a violation of this Ordinance when the noise so generated

ORDINANCE REGARDING NOISE

(Revision – June 2013 – Add Recreational Vehicle Noise to Noise Ordinance)

the noise levels standards set forth in Connecticut General Statutes § 14-80 (a) and in any circumstances where C. G.S. § 14-80(a) does not apply.

- (a) For the purpose of determining compliance with the provisions of This Ordinance, the Chief of Police or his/her designated representative is hereby authorized to make inspections of all noise to determine the quantity and character of noise as it is experienced at receptor's property. Should any inspection or measurement be required to be taken during the hours of the day or night which cause the Police Department to incur expenses for overtime hours paid to any employee and such measurements of inspections indicate a violation of this Ordinance, the violator shall pay the Town of Beacon Falls for such expenses for overtime hours for said employee or employees in addition to any penalty provided herein.
- (b) No person shall hinder, obstruct, delay, resist, prevent in any way, interfere or attempt to interfere with any authorized person while in the performance of his/her duties under this Ordinance.
- (c) The Police Department under the direction of the Chief of Police shall be responsible for investigating complaints of excessive noise, determining whether violations may have occurred; and making acoustic measurements when necessary to determine that a violation has in fact occurred under the provisions of this Ordinance.

Recreational Vehicles shall also be in violation of this Ordinance if operated within premises within fifty (50) feet of the property line.

Violation and Penalties

- (a) Any person in violation of any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed seventy five dollars (\$75.00).
- (b) In lieu of arrest and issuance of a summons, a Police Officer may serve upon a violator an infraction notice, which shall be known as a noise ticket. Payment of the fine prescribed

ORDINANCE REGARDING NOISE

(Revision – June 2013 – Add Recreational Vehicle Noise to Noise Ordinance)

by such noise ticket within the limit specified thereon shall constitute a plea of nolo contendere and shall save the violator harmless from prosecution for the offense cited. Fines shall be levied in the following amounts:

- (1) Initial Violation: Fifty dollars (\$50.00) fine.
- (2) Second Violation: Seventy five dollars (\$75.00) fine.
- (3) Third Violation: One hundred dollar (\$100.00) Fine.
- (c) Each day on which a violation occurs or continues to occur shall be considered a separate violation of this Ordinance.

Please refer to Section 4 of this Ordinance.

This Ordinance passed at a duly scheduled Town Meeting held February 18, 1997.

A summary of the foregoing Ordinance was published April 3, 1997 in the Connecticut Post and the Waterbury Republican, both papers having a substantial circulation in the Town of Beacon Falls.

The effective date of this Ordinance is April 18, 1997.

Public Hearing held on: May 7, 2007
2nd Public Hearing held on: November 26, 2007
Town Meeting held on: December 10, 2007
This Ordinance becomes effective on : January 20, 2008

REVISION TO ORDINANCE – ADDITION OF RECREATIONAL VEHICLE NOISE - June 2013

Public Hearing Held on: June 10, 2013
Town Meeting Held on: June 19, 2013
Revision to Ordinance Published on: July 15, 2013
This Ordinance Becomes Effective: July 31, 2013

AN ORDINANCE PERTAINING TO
ODORS, FUMES, DUST AND SMOKE

BE IT ORDAINED BY THE TOWN OF BEACON FALLS

SECTION 1. No person shall willfully cause any odor, fumes, dust, smoke or other objectionable use that is dangerous or detrimental to the neighborhood. This Ordinance does not restrict normal farming operations and/or normal industrial operations.

SECTION 2. This Ordinance shall become effective thirty (30) days from the date hereof. Any person who violates this Ordinance shall pay a penalty not to exceed **Fifty Dollars (\$50.00)** for each and every offense. All sums paid as penalties shall be retained by the Town of Beacon Falls.

This Ordinance shall be enforced by the Resident Trooper and the Local Police.

Passed at a Town Meeting held on March 16, 1954.

Revision passed at a Town Meeting held on **OCTOBER 2, 2006.**

Current revision eliminates the word "Noise" from title of Ordinance

This Ordinance shall become effective fifteen (15) days after its publication in a newspaper having a wide circulation in the Town of Beacon Falls.

Public Hearing Held on September 18, 2006

Town Meeting Held on October 2, 2006

Effective Date of Ordinance: November 9, 2006

For Revised Ordinance:

Public Hearing Held on August 9, 2007

Town Meeting Held on September 6, 2007

Ordinance Published September 14, 2007

Effective Date of Ordinance: September 27, 2007

**TOWN OF BEACON FALLS
ORDINANCE RELATING TO RECYCLING**

BE IT ORDAINED BY THE TOWN OF BEACON FALLS

SECTION 1 – DEFINITIONS

As used in this Ordinance, the following terms shall have the meanings herein defined, as well as any additional meanings as set forth in Section 22a-241b – 1 of the Regulations of Connecticut Agencies:

CARDBOARD – Corrugated boxes and similar material and Kraft paper materials that are unwaxed and have a minimum of contamination by food or other material.

COLLECTOR – Any person or entity who holds himself/**herself** out for hire to collect recyclables from residential, commercial or industrial sources, who **have** registered with the Town of Beacon Falls to haul solid waste pursuant to Section 22a-220a of the Connecticut General Statutes.

GLASS FOOD CONTAINER – A glass bottle or jar of any size or shape used to package food products suitable for human or animal consumption with a minimum of contamination by food or other sources.

METAL FOOD CONTAINER – An aluminum, by-metal, tin-plated steel, or other metallic can, plate, or tray of any size used to package food for human or animal consumption which has a minimum of contamination by food or other materials.

MAGAZINES AND NEWSPAPERS – Used or discarded newsprint or magazines (newspaper, advertisements, supplements, comics and newsprint-type enclosures) which has a minimum contamination by food or other material.

OFFICE PAPER – Any used or discarded high grade white paper and manila paper including, but not limited to paper used for file folders, tab cards, writing, typing, printing, computer printing, and photocopying, which is suitable for recycling and which has a minimum of contamination.

RECYCLABLES – Any item designated by the Connecticut Department of Environmental Protection or Connecticut General Statutes which can be separated or diverted as defined below under “Recycle”.

RECYCLE – To separate to divert any item or items from the solid waste stream for the purposes of processing it, causing it to be processed, or storing it for later processing into a material product, in order to provide for disposition of the item or items in a manner other than incineration or landfilling, which will best protect the environment.

RESIDENTIAL PROPERTY – Real estate containing no more than ten (10) dwelling units receiving trash collection from the Town of Beacon Falls, or as may be designated

**TOWN OF BEACON FALLS
ORDINANCE RELATING TO RECYCLING**

by the Board of Selectmen, but shall not include hospitals, hotels, motels, mobile home parks, **condominiums** or nursing homes.

SCRAP METAL — Used or discarded items which consist predominately of ferrous metals, aluminum, brass, lead chromium, iron nickel, or alloys thereof, including but not limited to, white goods and metal food containers.

STORAGE BATTERIES - Lead acid batteries or other batteries used in motor vehicles such as automobiles, airplanes, boats, recreational vehicles, tractors, and like applications.

WASTE OIL — Crankcase oil that has been utilized in internal combustion engines.

SECTION 2 – PROGRAM PURPOSE

There is hereby established a program for the separate collection of residential household recyclables, consisting of cardboard, glass food containers, metal food containers, newspapers, scrap metal, storage batteries, and waste oil (all set forth above) generated from residential properties presently serviced by the Town of Beacon Falls (“Recyclables”) for the purpose of recycling.

SECTION 3 – REGISTERED COLLECTORS

All collectors registered with the Town of Beacon Falls to haul solid waste from residential property, pursuant to Section 22a-220a of the Connecticut General Statutes are permitted to collect recyclables provided that all such recyclables so collected shall be delivered to and processed at such disposal site as may be designated for any particular recyclable item by the Town of Beacon Falls, acting by its Board of Selectmen.

SECTION 4 - RESIDENTIAL SEPARATION AND COLLECTION

Curbside collection of recyclables shall be made by the Town of Beacon Falls by sectors in accordance with a pick-up schedule set by said Town acting by its Board of Selectmen for all residential properties as defined above, as the same may be amended from time to time. All recyclables from residential properties shall be cleaned, separated from other solid waste and deposited at the curb in containers provided by the Town of Beacon Falls, regardless of whether collection is to be performed by the Town of Beacon Falls or a registered collector. The Town of Beacon Falls shall provide the initial recycling container to all households being covered by this Ordinance. This said container shall remain the property of the Town of Beacon Falls, and shall remain at the household site. Should any additional replacement containers be necessary, the replacement shall be the responsibility and at the expense of the individual household. All such recyclables placed at the curb in accordance with this section shall become the property of the Town of

TOWN OF BEACON FALLS
ORDINANCE RELATING TO RECYCLING

Beacon Falls at the time of such placement and it shall be a violation of this Ordinance for any person or legal entity other than the Town of Beacon Falls or its designated collector to collect or pick up any such recyclables. Pursuant to the provisions of the Section 22a-220a of the Connecticut General Statutes, the scavenging of solid waste is expressly prohibited within the Town of Beacon Falls.

SECTION 5 – FEES CHARGED FOR DISPOSAL OF CERTAIN ITEMS

The Town of Beacon Falls shall charge a fee for disposal of the following items: car/truck tires, propane tanks, Freon removal and car batteries.

SECTION 6 – NON-RESIDENTIAL RECYCLABLES

- A. All cardboard, glass food containers, metal food containers, newspapers, office papers, scrap metal, storage batteries and waste oil generated within the Town of Beacon Falls other than from residential property shall be separated from other solid waste for the purpose of recycling. The separation and cleaning of all non-residential recyclables shall be performed by the generator at curbside or by any registered collector prior to disposal of any solid waste that contains any non-residential recyclables.
- B. All such non-residential recyclables shall be delivered by a registered collector to an intermediate processing center or other market in accordance with applicable Connecticut and Federal Statutes and Regulations.
- C. All registered collectors shall submit a report to the Recycling Official of the Town of Beacon Falls setting forth for each item of non-residential recyclables, the amount of such item, measured by weight or other method acceptable to the Recycling Official, which originates within the Town of Beacon Falls, and is delivered to an intermediate processing center or other market as herein provided. Such report shall be made for the calendar quarter commencing July 1st, 1992 and each calendar quarter thereafter and shall be submitted within thirty (30) days of the end of each such calendar quarter.

SECTION 7 – RECYCLING OFFICIAL

The First Selectman of the Town of Beacon Falls or his/~~her~~ designated agent is hereby designated as the Municipal Officer (the "Recycling Official") who shall receive information and who shall respond to inquiries from the Connecticut Environmental Protection concerning recycling and related issues. The Recycling Official shall also receive from registered collectors and from operators of resource recovery facilities and solid waste facilities notices which are required to be forwarded to the Town of Beacon Falls pursuant to Section 22a-220c of the Connecticut General Statutes, as the same may, from time to time, be amended. The Recycling Official shall also implement and coordinate the mandatory Municipal Recycling Programs in accordance with the applicable provisions of the Connecticut General Statutes.

**TOWN OF BEACON FALLS
ORDINANCE RELATING TO RECYCLING**

SECTION 9 – ENFORCEMENT

- A. Any collector found to have violated the separation and collection requirements of this Ordinance, shall be subject to a fine in the amount of One Hundred and 00/100 Dollars (\$100.00) for each such offense. In addition, the Town of Beacon Falls, acting through its Board of Selectmen, reserves the right to suspend or revoke the license of any such collector. Any collector whose license is either suspended or revoked as provided herein, shall be entitled to a Hearing by the Board of Selectmen, concerning such suspension or revocation. Such Hearing must be requested in writing, directed to the Office of the First Selectman, within fifteen (15) days of the receipt of the Notice of Suspension or Revocation, and shall be convened within thirty (30) days of the receipt of such request.
- B. Any registered collector who believes or has reason to believe that any person from whom he collects solid waste has discarded recyclables or non-residential recyclables in violation of Section 22a-241b of the Connecticut General Statutes, as the same may, from time to time, be amended, shall promptly notify the Recycling Official of the alleged violation.
- C. Upon determination by the Recycling Official that a violation has occurred, the Recycling Official shall cause a written warning to be delivered to said violator for his/her first and second offense. Upon a third offense occurring within a period of one (1) year from the date of the original violation, the violator shall be subject to a fine of Fifty and 00/100 Dollars (\$50.00). Upon any subsequent offense occurring within the period of one (1) year from the date of the original offense, the violator shall be subject to fine of One Hundred and 00/100 Dollars (\$100.00), and in addition, shall be refused recycling collection by the Town of Beacon Falls.
- D. In accordance with the authority provided in Section 22a-241i of the Connecticut General Statutes, any commercial establishment which is found to have violated the provisions of Section 22a-241b of the Connecticut General Statutes, as amended, shall be subject to a fine in the amount of Five Hundred 00/100 Dollars (\$500.00) for each such violation.
- E. Any person assessed a fine or other penalty in accordance with the **above paragraphs B,C. and D.** shall be afforded the same appeal process as provided in paragraph A of this Section.**

SECTION 9 – NON-PROFIT COLLECTION

Nothing in this Ordinance shall preclude any residential waste generator from donating recyclables to any non-profit organization, provided however, that no such organization shall pick up any such recyclables left at curbside.

SECTION 10 – SEVERABILITY

TOWN OF BEACON FALLS
ORDINANCE RELATING TO RECYCLING

Should any provision of this Ordinance be declared invalid for any reason, such declaration shall not affect the validity of the other remaining provisions of the Ordinance, as a whole, it being the legislative intent that the provisions of this Ordinance shall be severable and that the balance of this Ordinance shall remain valid notwithstanding such declaration.

SECTION 11 – EFFECTIVE DATE

This Ordinance shall take effect upon passage.

Adopted at a Special Town Meeting held on Wednesday, May 27, 1992 – duly warned and called.

A summary of the foregoing Ordinance was published in the Naugatuck Daily News, August 13, 1993, a paper having a substantial circulation in the Town of Beacon Falls

Public Hearing Held on May 7, 2007

Town Meeting Held on June 18, 2007

Ordinance Published on June 25, 2007

This Ordinance became effective: July 11, 2007

**AN ORDINANCE CREATING A BOARD OF
PARK AND RECREATION COMMISSIONERS FOR THE
TOWN OF BEACON FALLS**

Be it ordained by the Town of Beacon Falls:

SECTION 1.

There is established in the Town of Beacon Falls a Board of Park and Recreation Commissions to be composed of nine (9) members who shall be electors in the Town of Beacon Falls.

SECTION 2.

The members of said Board of Park and Recreation Commissioners shall be appointed by the Board of Selectmen, as follows:

- Three (3) members for two (2) years.
- Three (3) members for four (4) years.
- Three (3) members for six (6) years.

Biannually thereafter, three (3) members shall be appointed for a term of six (6) years to replace those whose term has expired.

No more than four (4) members of the same political party shall serve at the same time.

SECTION 3.

The members of said Board of Park and Recreation Commissioners, shall annually elect a Chairman from among the membership, provided, however, that no member shall serve as Chairman for more than two (2) consecutive years.

SECTION 4.

The members of said Board of Park and Recreation Commissioners shall serve without compensation.

SECTION 5.

The office of any one of said Park and Recreation Commissioners shall be declared vacant if without reasonably satisfactory explanation to said Board, any one of said Commissioners shall fail to attend three (3) successive meetings of said Board, said Commissioners having been duly notified of said meetings. Any such vacancies shall be filled in the manner herein after provided.

SECTION 6.

**AN ORDINANCE CREATING A BOARD OF
PARK AND RECREATION COMMISSIONERS FOR THE
TOWN OF BEACON FALLS**

In the event of a vacancy in said Board for any reason, including disability, resignation, death, removal of residence from the Town of Beacon Falls, disqualification by reason of loss of elector's rights, or removal from office, the Board of Selectmen shall within thirty (30) days after such vacancy, appoint an elector of said Town to serve for the remainder of the unexpired term.

SECTION 7.

The Board of Park and Recreation Commissioners shall administer, maintain and control said parks, playgrounds and other recreational facilities, and shall implement programs concerning parks, playgrounds and other recreational facilities of the Town of Beacon Falls with full privileges to apply to the Board of Selectmen and to the electors for an annual appropriation of funds for such purposes.

SECTION 8.

The Board of Park and Recreation Commissioners shall provide a method by which local organizations and residents will receive preference in use of said facilities.

SECTION 9.

The Board of Park and Recreation Commissioners shall establish policies regarding rentals, deposits, donations and other revenue.

SECTION 10.

The Ordinance creating the Board of Park Commissioners and the Ordinance creating the Recreation Commission and any and all other Ordinances, Special Acts, or Statutory Provisions inconsistent with this Ordinance, and which grant powers and duties to any person or board or commission concerning the administration, maintenance and control of parks, playgrounds and other recreational facilities of the Town of Beacon Falls are herein expressly repealed as of the effective date of this Ordinance. All powers, duties and obligations of said Commissioners or persons are hereinafter vested with the Board of Park and Recreation Commissioners of the Town of Beacon Falls.

SECTION 11.

This Ordinance shall become effective fifteen (15) days after publication thereof in a newspaper having a circulation in the Town of Beacon Falls.

**AN ORDINANCE CREATING A BOARD OF
PARK AND RECREATION COMMISSIONERS FOR THE
TOWN OF BEACON FALLS**

The foregoing Ordinance was published at length in both the Naugatuck Daily News and the Ansonia Sentinel on July 6, 1978. Both newspapers having a substantial circulation in the Town of Beacon Falls.

Public Hearing held on September 18, 2006

Town Meeting held on October 2, 2006

Ordinance Published October 25, 2006

This Ordinance became effective: November 9, 2006

ORDINANCE AMENDING THE MEMBERSHIP REQUIREMENTS
OF THE PARK AND RECREATION COMMISSION

Sections 1 and 2 of the Ordinance Creating a Board of Park and Recreation Commissioners of the Town of Beacon Falls is hereby repealed and the following is substituted in lieu thereof:

SECTION 1.

There is established in the Town of Beacon Falls a Board of Park and Recreation Commissioners to be composed of seven (7) members who shall be electors in the Town of Beacon Falls.

SECTION 2.

The members of said Board of Park and Recreation Commissioners shall be appointed by the Board of Selectmen as follows:

- Two (2) members for six (6) years.
- Two (2) members for two (2) years.
- Three (3) members for four (4) years.

Biannually thereafter, the above membership terms shall be filled by six (6) year appointments replacing those members whose terms have expired. No more than **five** (5) members of the same political party shall serve at the same time. (according to Connecticut General Statutes, Section 9-167a)

This amendment becomes effective on July 9, 1984.

Ordinance Reviewed.

Public Hearing – September 18, 2006.

Town Meeting – October 2, 2006.

This Ordinance shall become effective fifteen (15) days after its publication in a newspaper having the widest circulation in the Town of Beacon Falls. Ordinance published October 25, 2006.

This Ordinance became effective November 9, 2006.

AN ORDINANCE OR BY-LAW
ESTABLISHING
AN ECONOMIC DEVELOPMENT COMMISSION
IN THE TOWN OF BEACON FALLS

The Town of Beacon Falls hereby established an Economic Development Commission.

Section 1.

- a. In accordance with the provisions of the General Statutes of the General Statutes of the State of Connecticut, as set forth under Chapters 97 and 132 Section 7-136 as amended by Public Act 245, Section I of the 1965 General Assembly and
- b. Hereby intending to confer on the Economic Development Commission the powers and duties as currently enumerated in Chapters 97 and 132 of said General Statutes, and all other powers and duties which may thereafter be conferred by the General Statutes of the State of Connecticut and
- c. Hereby intending to promote and develop the economic resources of the Town of Beacon Falls and make appropriations thereafter in acceptance of the provisions of said General Statutes.

The Economic Development Commission is hereby designated as the development agency of the Town of Beacon Falls to exercise the powers granted under Title 8, Chapter 132 of the General Statutes of the Connecticut, Sections 8-186 through 8-200 (b) as amended by supplements thereto.

Section 2. Members.

The Economic Development Commission shall consist of seven (7) residents of voting age, of the Town of Beacon Falls, who shall be appointed to the said Board by the Board of Selectmen.

Upon Adoption of this Ordinance, there shall be appointed two (2) members to serve for a term of one (1) year and until their successors shall be appointed and shall have been qualified; two (2) members to serve for a term of two (2) years and until their successors shall be appointed and shall have been qualified; one (1) member to serve for a term of three (3) years and until his successor shall be appointed and qualified; one (1) member to serve for a term of four (4) years and until **his/her** successor shall be appointed and qualified; one (1) member to serve for a term of five (5) years and until his successor shall be appointed and qualified. Thereafter, upon expiration of each of the said original terms, each member shall be appointed to serve for a term of five (5) years from the date of said expiration and until his successor shall be appointed and qualified. Vacancies, however created, shall be filled by the Board of Selectmen for the unexpired portion of the term of the member creating the vacancy, within sixty (60) days.

The First Selection shall serve as member, ex-officio, of the Economic Development Commission without voting rights and his/her attendance will not be a factor in determining a quorum. A majority of the voting members of the Economic Development Commission shall constitute a quorum, (4). All appointments shall be made consistent with Section 9-167A of the 1963 Supplements to the General Statutes, with terms of office to run from the date of their appointment or until their successors shall be appointed and qualified.

AN ORDINANCE OR BY-LAW
ESTABLISHING
AN ECONOMIC DEVELOPMENT COMMISSION
IN THE TOWN OF BEACON FALLS

Section 3. Chairman and Officers

The Economic Development Commission shall annually elect from its voting membership a Chairman **and other such officers as it may determine.**

Section 4. Removal.

Any member may be removed by the Board of Selectman for cause, and, on request of such, after Public Hearing.

Section 5. Appointing Employees.

The Economic Development Commission may appoint and engage employees, agents and consultants as may be necessary for the discharge of its duties within the limits of **their** appropriations.

Section 6. Duties and Responsibilities.

- a. The Economic Development Commission shall conduct research into the economic conditions and trends in the Town of Beacon Falls, shall make recommendations to appropriate officials and agencies of said Town regarding action to improve its economic conditions and development, shall seek to coordinate the activities of and cooperate with unofficial bodies organized to promote such economic development and may advertise and may prepare, print and distribute books, maps, charts and pamphlets which in its judgment will further its official purposes.
- b. The Economic Development Commission shall annually prepare and submit to the Town of Beacon Falls a report of its activities and of its recommendations for improving such economic conditions and development.

Section 7. State and Federal Grants.

The Economic Development Commission shall have the authority to apply for and receive State and Federal Grants from State and Federal Agencies and other sources on behalf of the Town of Beacon Falls.

Section 8. Budget.

The Economic Development Commission shall submit each year a budget, at a time in accordance with the Finance Act, for the forth-coming year, for approval of the Board of Finance and Board of Selectmen.

Section 9. Meetings and Reports.

Meetings of the Economic Development Commission shall be held at least six (6) times annually and at such other times as the Chairman shall deem necessary. The Economic Development Commission shall make a written report of its activities to the Board of Selectmen annually, on or before the first day of October, and such other special reports as the Board of Selectmen may require from time to time.

Section 10. Repeal.

**AN ORDINANCE OR BY-LAW
ESTABLISHING
AN ECONOMIC DEVELOPMENT COMMISSION
IN THE TOWN OF BEACON FALLS**

All other acts or ordinances, or any parts hereof, inconsistent with the provisions of this Ordinance are repealed.

Section 11.

It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Ordinances of the Town of Beacon Falls, Connecticut and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 12. Effectivity

Approved, adopted and ordered published by the Board of Selectmen, to be effective fifteen (15) days after its publication in a newspaper having a circulation in the Town of Beacon Falls, dated May 14, 1979.

The above Ordinance was duly passed at a Town Meeting held on April 19, 1979.

**AN ORDINANCE RELATING TO THE INTER-MUNICIPAL AGREEMENT TO
BECOME PART OF THE VALLEY ENTERPRISE CORRIDOR ZONE**

WHEREAS, The Public Act 94-241 enables three (3) or more contiguous Municipalities each of which is a public investment community and has a population of not more than thirty thousand (30,000) and at least fifty percent (50%) of which Municipalities are located along the same Interstate Highway, limited access State Highway or Intersecting Interstate or limited access State Highway to designate, with the approval of the Commissioner of Economic Development, industrial districts in such Municipalities as an Enterprise Corridor Zone; and;

WHEREAS, The Cities and Towns of Ansonia, Derby, Seymour and Beacon Falls wish to join together to establish the **VALLEY ENTERPRISE CORRIDOR ZONE** and have by actions of their respective legislative bodies designated districts within their Municipalities, and;

WHEREAS, The Cities and Towns of Ansonia, Derby, Seymour and Beacon Falls seek the approval of the Commissioner of Economic Development for the creation of the **VALLEY ENTERPRISE CORRIDOR ZONE**.

NOW THEREFORE, THE CITIES AND TOWNS OF ANSONIA, DERBY, SEYMOUR AND BEACON FALLS mutually agree to cooperatively share in the marketing, promotion and development of the districts which will comprise the **VALLEY ENTERPRISE CORRIDOR ZONE** and specifically agree to the following:

1. All participating Towns shall each designate an Enterprise Corridor Coordinator to coordinate the marketing, promotion and development of districts within such Town.
2. All participating Towns shall utilize a standard logo for the marketing and promotion of the **VALLEY ENTERPRISE CORRIDOR ZONE** on any promotional literature including brochures, correspondence and other marketing materials.
3. All participating Towns shall, within available appropriations, advertise and promote the benefits of the **VALLEY ENTERPRISE CORRIDOR ZONE**.
4. All participating Towns shall prepare and make available promotional materials that contain easy to read maps, which accurately describe the boundaries of districts within the respective Towns.
5. All participating Towns shall seek opportunities to improve and expand major infrastructure including water and sewer facilities, roadways, bridges, and intersections, etc. in order to enhance the development potential of the districts and so that access to the districts may be improved.
6. All participating Towns shall coordinate their marketing efforts of the Department of Economic Development, the Valley Chamber of Commerce, the Regional Economic Development Committee and the Valley Regional Planning Agency.
7. All participating Towns shall agree to assure the creation of a comprehensive marketing strategy to attract business and industry to the **VALLEY ENTERPRISE CORRIDOR ZONE**, recognizing that once clients have been attracted to the Valley, each Municipality may market its individual Town.

**AN ORDINANCE RELATING TO THE INTER-MUNICIPAL AGREEMENT TO
BECOME PART OF THE VALLEY ENTERPRISE CORRIDOR ZONE**

8. In the event that an economic opportunity reaches an unsuccessful conclusion or it is not consistent with the Plan of Development for a particular Town, the participating Towns agree to advocate the benefit of locating business and industry in one of the VALLEY ENTERPRISE CORRIDOR ZONE Towns and will refer said opportunity to any and all such Municipalities.

Duly acted upon the 25th day of October, 1995 at a duly called and noticed Town Meeting of the Town of Beacon Falls/

This **Ordinance** takes effect fifteen (15) days after publication in a newspaper circulated in the Town of Beacon Falls.

**AN ORDINANCE ESTABLISHING MEMBERSHIP OF THE TOWN OF
BEACON FALLS IN THE
CENTRAL NAUGATUCK VALLEY REGIONAL PLANNING AGENCY**

SECTION 1. ADOPTION OF ORDINANCE. Pursuant to the provisions of Section 8-31a of the 1959 Supplement to the General Statutes, the Town of Beacon Falls hereby adopts Chapter 127 of the 1959 Supplement to the General Statutes and joins in the creation of the Regional Planning Agency for the Central Naugatuck Region as defined by the Connecticut Development Commission under the provisions of Section 32-7 of the 1959 Supplement to the General Statutes.

SECTION 2. LOCAL REPRESENTATION. The Town of Beacon Falls, having a population of 2,886, according to the Federal Census of 1960, shall have two (2) representatives on the agency.

The Planning Commission of the Town of Beacon Falls is hereby authorized to appoint to the Regional Planning Agency, two (2) electors of the Town of Beacon Falls in the following manner:

- One (1) representative to serve one (1) year and
- One (1) representative to serve two (2) years.

Thereafter, all appointments shall be made for a period of two (2) years. Appointees under this section shall continue to serve after expiration of their terms until their successors are appointed and take office. Appointees may be re-appointed for successive terms. Terms of office of initial appointees shall commence upon establishment of said Regional Planning Agency.

SECTION 3. RESIGNATION OF MEMBER. Any representative who is absent from three (3) consecutive regular meetings of the Regional Planning Agency and any intervening duly called special Meetings thereof, shall be considered to have resigned from said Regional Planning Agency and the vacancy shall be filled by the appointing body until the term expires except that the requirements of this section may be waived where illness or other extenuating circumstances make it impossible for a representative to meet the attendance requirements of this section.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective fifteen (15) days after publication thereof in a newspaper having a circulation in the Town of Beacon Falls.

(The foregoing ordinance was published in the November 15, 1961 edition of the Naugatuck Daily News, a newspaper having a substantial circulation in the Town of Beacon Falls)

**AN ORDINANCE RELATING TO FREE PUBLIC LIBRARY
TOWN OF BEACON FALLS**

SECTION 1.

The Town of Beacon Falls shall maintain a Public Library with a reading room connected therewith, with such kindred and incidental conveniences as it may deem proper, the use of which, under proper regulations, shall be free to its inhabitants.

SECTION 2.

There shall be in said Town a Department of the Public Library, which shall be under the management and control of a board of six (6) Library **Trustees**, who shall serve without pay. Said Board of **Trustees** shall have charge of all property of said Town, used for the purpose of said library, and shall direct the expenditures of all money placed at its disposal by the Town, from whatever source derived, and of all money and property which may be donated by private individuals to said library.

SECTION 3.

Said Board of Library **Trustees** shall make and enforce such by-laws, rules and regulations as it may deem proper for the management, protection, and preservation of the property of said library and the management and use of rooms thereof, and shall have all the rights and powers and be liable to the performance of all the duties and obligations belonging by statute law to directors of Public Libraries in cities in the State of Connecticut, and not inconsistent with this act. Said Board of Library **Trustees** shall annually report in writing to the Board of Selectmen of the Town of Beacon Falls, the condition of said library, the circulation of books, and generally the operation of said library for the preceding year.

SECTION 4.

There shall be six (6) members of the Board of Library **Trustees** who shall serve until the first biennial Town election. Then at the first biennial election, one-third shall be elected for a term of two (2) years, one-third shall be elected for a term of four (4) years and one-third shall be elected for a term of six (6) years; and at each biennial Town election thereafter, one-third shall be elected for a term of six (6) years. Such Board may make by-laws for its government and shall have exclusive right to expend all money appropriated by such municipality for any such library. This board shall be a bi-partisan board.

PASSED at a Town Meeting held on April 10, 1957.

Public Hearing held on: September 18, 2006

Town Meeting held on: October 2, 2006

Ordinance Published: October 25, 2006.

This Ordinance became effective: November 9, 2006.

Revision to Ordinance: Town Meeting held on: February 25, 2008

Revision to Ordinance Published: March 1, 2008

Revision to Ordinance became effective: March 16, 2008

ORDINANCE RELATING TO THE APPOINTMENT OF A
MUNICIPAL HISTORIAN FOR THE TOWN OF BEACON FALLS

Be it ordained by the Town of Beacon Falls:

Section 1.

Pursuant to Section 7-148(a) (5) (D) of the Connecticut General Statutes, the Board of Selectmen of the Town of Beacon Falls may appoint a qualified resident of said Town as Municipal Historian for said Town. The term of this appointment shall be for a two (2) year period, with the appointee serving until his/her successor has been qualified.

The role of the Town Historian shall be to promote the educational, cultural, and historical welfare of the Town of Beacon Falls.

Public Hearing held on September 18, 2006.

This Ordinance was duly passed at a Town Meeting held on October 2, 2006.

This Ordinance shall become effective fifteen (15) days after its publication in a newspaper having a wide circulation in the Town of Beacon Falls. Ordinance published October 25, 2006.

This Ordinance became effective November 9, 2006.

ORDINANCE RELATING TO PRESERVATION OF HISTORIC BUILDINGS OR STRUCTURES

Be it enacted, that any building or structure within the Town/city limits of the Town of Beacon Falls that is documented to be over one hundred (100) years of age, be it in the public or private domain of ownership, be protected with a defined "waiting period" of ninety (90) calendar days from the period of filing of approved plans for demolition or relocation of said building.

Said Ordinance does not prohibit the renovation of a building or structure that is documented to be over one hundred (100) years in age, be it in the public or private domain of ownership, providing said structure is not listed as an Historic Property or building and must therefore meet other State and/or Federal guidelines related to renovation.

In the event there is a situation of public safety related to the demolition of such building, the waiting period can be waived by a majority vote of the Board of Selectmen in conjunction with a written statement from the Building Inspector and the Fire Marshal of the Town of Beacon Falls requesting and supporting that such demolition as being in the best interest of public safety; providing such demolition meets all State and Federal regulations for historic property and buildings if applicable.

Public Hearing held on September 18, 2006

Town Meeting held on October 2, 2006

This Ordinance shall become effective fifteen (15) days after its publication in a newspaper having a wide circulation in the Town of Beacon Falls. Ordinance published on October 25, 2006.

This Ordinance became effective November 9, 2006

ORDINANCE ON THE EXECUTION OF DOCUMENTS BY THE FIRST SELECTMAN OF THE TOWN OF BEACON FALLS

Be it resolved that the First Selectman, having been designated as the Chief Executive Officer of the Town of Beacon Falls, Connecticut, under Section 7-12a of the Connecticut General Statutes, be and is hereby authorized to execute and sign all documents, contracts, agreements and instruments on behalf of said Town of Beacon Falls, Connecticut as may be required in the course of his/her duties as First Selectman; this authorization is in no way being in derogation of any necessity for any of the aforesaid instruments being approved by either the Board of Selectmen or Town Meeting of the Town of Beacon Falls, Connecticut as may be required by applicable statute, ordinance or regulation.

Public Hearing held on September 18, 2006

Town Meeting held on October 2, 2006

This Ordinance shall become effective fifteen (15) days after its publication in a newspaper having a wide circulation in the Town of Beacon Falls. Ordinance published on October 25, 2006.

This Ordinance became effective November 9, 2006.

ORDINANCE RELATIVE TO WAIVER OF PERMIT FEES

To the extend permitted by law, any fees collected by or on behalf of the Town of Beacon Falls may be waived by a simple majority vote of the Board of Selectmen for work performed under contract by, for, or on behalf of, the Town of Beacon Falls or any Regional or Local Commission, District or Authority, including, but not limited to Sewer Authority, School Districts, Water Authorities and Economic Development Commissions, of which the Town of Beacon Falls is a member.

Approved at a Town Meeting held on January 5, 2000.

Published in the Republican American, a paper having a substantial circulation in the Town of Beacon Falls.

Effective Date of Ordinance: December 24, 2001

ALARM SYSTEM ORDINANCE

- A. Intent and Purpose. It is the intent and purpose of this Ordinance to provide minimum standards and regulations applicable to users and installers of burglar, fire, hold-up, and automatic telephone dialer alarms within the Town of Beacon Falls, to provide penalties for non-compliance, and to encourage the installation of protective alarm systems in all dwellings and commercial structures.
- B. Definitions. The following definitions shall apply to this Ordinance:
1. **ALARM SYSTEM** means an assembly of equipment and devices (or a single device, such as a solid state unit, which may operate from a 110-volt AC line) arranged to signal the presence of a hazard requiring urgent attention and to which the police or fire personnel are expected to respond. This includes all burglar alarms, fire alarms, hold-up alarms and automatic telephone dialer alarms, except this does not include smoke detectors which do not signal outside an alarmed premises or alarm systems on motor vehicles.
 2. **ALARM USER** means any person, firm, or corporation on whose premises any alarm system is maintained within the Town.
 3. **AUTOMATIC TELEPHONE DIALING DEVICE** refers to an alarm system which automatically sends to the Police Department, Fire Department, or any other Municipal emergency response facility over regular telephone lines by direct connection or otherwise, a prerecorded voice message indicating the existence of an emergency situation that the alarm system is designed to detect.
 4. **FALSE ALARM** means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or of his employees or agents. Such terminology does not include, for example, alarms caused by hurricanes, tornadoes, lightening, earthquakes, or other normal infrequent violent conditions or acts of God. Excluded from this section are false alarms that are transmitted with a criminal, malicious, or mischievous intent. Such violations will be prosecuted under the applicable General Statutes of the State of Connecticut.
- C. Requirements
1. Any person, firm or corporation having an alarm system installed within the Town, shall register with the Office of the Resident State Trooper at the time of installation. All existing alarm systems shall be registered with the Beacon Falls Resident Trooper within sixty (60) days of the effective date of this section.

ALARM SYSTEM ORDINANCE

2. Every alarm system installed shall meet the requirements set forth in the building and electrical codes of the State of Connecticut, including any requirements with respect to the licensing of the persons installing such systems. An alarm system requiring an electrical permit to install shall be obtained from the Town Building Official, or his designated representative, as is required by the Building and Electrical Codes of the State of Connecticut.
3. Alarm users having existing automatic telephone dialing devices shall comply with Section 7-282b of the General Statutes of the State of Connecticut.
4. All alarm systems, as defined by this section, which sound an audible signal which may be heard outside the protected premises, shall be equipped with a device which shall limit the duration of such audible signal not more than thirty (30) minutes in accordance with Section 22a-69-5 of the Administrative Regulations of the Department of Environmental Protection of the State of Connecticut.

5. FALSE ALARM PENALTIES:

5.1. After issuing a warning for the first (1st) false alarm, upon receipt of the second false alarm from any protected property, the Town of Beacon Falls shall levy a penalty of \$25.00 each for said second and third false alarm in one (1) calendar year. False alarms for the first month after installation or major upgrading of a system shall be waived.

5.2. The penalty for the 4th and 5th false alarm shall be \$50.00 each.

5.3. Any false alarm after the 5th shall result in a \$100.00 fine.

- D. Violations and penalties. Any person, firm, or corporation who shall fail to pay the penalty, which has been assessed and provided in Subsection (5) of this Ordinance, within thirty (30) days shall be fined one hundred dollars (\$100.00). Each delinquent user fee shall be a separate offense.

Each fine levied in accordance with this section shall be paid to the Beacon Falls Police Department or the Beacon Falls Fire Marshal within sixty (60) days of notification of the fine. Fines not paid within said sixty (60) day period shall automatically be doubled.

ALARM SYSTEM ORDINANCE

Any person, firm or corporation aggrieved by assessment of a fine, fee or levy under any provisions of this Ordinance may file a written appeal of the assessment with the Office of the First Selectman no later than fifteen (15) days after the official notice of violation is mailed by the Beacon Falls Police Department or the Beacon Falls Fire Marshal. Within thirty (30) days of the filing of said appeal, a Hearing Officer shall be appointed by the First Selectman and the matter shall be heard and ruled upon. The decision of the Hearing Officer may be appealed to the Superior Court.

Any person, firm, or corporation found to be in violation of any other provision of this Ordinance shall be fined twenty-five dollars (\$25.00).

- E. The funds collected shall be placed in the General Fund.
- F. If any section or part of this Ordinance shall be held invalid by a Court of competent jurisdiction, such holdings shall not effect the remainder of this Ordinance, except to the extent that an entire section or part of a section which such holdings shall directly apply.

Ordinance Relating to Burglar, Fire, Hold-Up and Automatic Telephone Dialer Alarms passed October 8, 1995 is repealed.

This Ordinance passed at a duly scheduled Town Meeting held on February 18, 1997.

The effective date of this Ordinance is April 18, 1997.

A summary of the foregoing Ordinance was published on April 3, 1997 in the Connecticut Post and the Waterbury Republican, both papers having a substantial circulation in the Town of Beacon Falls.

Public Hearing held on August 9, 2007

Town Meeting held on September 6, 2007

Ordinance published on September 14, 2007

This Ordinance became effective September 29, 2007

ORDINANCE RELATING TO APPOINTMENT OF CONSTABLES FOR THE TOWN OF BEACON FALLS

Be it ordained by the Town of Beacon Falls, that,

SECTION 1.

Pursuant to the provisions of the Connecticut General Statutes, Revision of 1958, as amended, Section 9-185, the Office of Constable within said Town of Beacon Falls shall cease to be an elected position as provided:

SECTION 2.

The Board of Selectmen of said Town shall appoint as Constables for the said Town, a sufficient number as may be deemed necessary by said Board to provide adequate police service in accordance with the provisions of Section 7-148 of the Connecticut General Statutes, Revision of 1958, as amended; such appointment shall not be restricted to residents of Beacon Falls;

SECTION 3.

Any Constable who is presently serving and is complying with the State mandated police training or any future appointment shall serve for an indefinite term unless said Constable shall resign, die, or be removed for cause by the Board of Selectmen; any Constable so appointed, may be removed from office for cause shown, by a vote of the majority of the Board of Selectmen, and upon recommendation of the Resident Trooper;

SECTION 4.

Prior to assuming the duties of a Town Constable each person so appointed shall agree to be bound by the rules and regulations of the Beacon Falls Police Department as adopted by the Board of Selectmen;

SECTION 5.

Upon assuming the Office of Constable, any person so appointed shall be required to successfully complete training for peace officers as required by the Connecticut General Statutes, Section 7-294d; and shall file Certification of said training with the Office of the First Selectman.

SECTION 6.

The Board of Selectmen shall annually review standards and requirements for the Office of Constable, which standards and requirements shall be implemented prior to any such appointment. Said standards and requirements shall include factors concerning the prior history of each prospective Constable, including but not limited to any prior criminal and/or motor vehicle arrests, psychological testing, and physical determinations.

**ORDINANCE RELATING TO APPOINTMENT OF CONSTABLES FOR THE
TOWN OF BEACON FALLS**

SECTION 7.

Constables appointed under this Ordinance shall be in addition to and not in derogation of any Special Constables as may be appointed from time to time by the First Selectman pursuant to (the applicable) Connecticut General Statutes, Section 7-92;

SECTION 8.

Upon passage, this Ordinance will void that portion of Public Act 159 House Bill 1244, Section 2, that relates only to the election of seven (7) Constables;

SECTION 9.

This Ordinance shall be effective on date of passage at Town Meeting.

Revised and PASSED at a Town Meeting held on October 8, 1985.

ORDINANCE RELATING TO THE BLACKOUT

SECTION 1:

In order to further Local and National Defense, and safeguard and protect life and property within the Town of Beacon Falls in case of enemy air raids or attacks or threatened air raids or attacks or for the purpose of trial blackouts or other trials or tests to prepare to meet such air raids or attacks, all persons with the Town are required to comply with the rules, regulations and orders pertaining thereto promulgated by the **State Department of Homeland Security and the Emergency Management Agency**, or either of them, provided, however, that warnings of the beginning and termination of the period of any such eventuality shall be given throughout the Town by audible signals.

SECTION 2:

All police and fireman and all members of the auxiliary police and fire forces of the Town are hereby authorized and directed to enforce blackout plans and defense measures and the said rules, regulations and orders pertaining thereto during such periods and summarily to compel compliance therewith. In cases of immediate threat of enemy action, they may abate conditions dangerous to the public safety.

SECTION 3:

The Board of Selectmen is authorized to establish, promulgate and enforce such State and Local rules, regulations and orders with respect to such periods not inconsistent with the rules, regulations and orders referred to in Section 1 hereof, as they shall deem necessary or appropriate to effect the spirit and intent of this ordinance.

SECTION 4:

Any person violating any of the provisions of this Ordinance or, during any period of blackout and defense, any of said rules, regulations and orders pertaining thereto or who shall fail or refuse during any such period to comply with any instructions lawfully given by and police or fireman or any member of the auxiliary police or fire forces of the Town, or who shall obstruct or interfere with any such officer in the performance of his duties, shall be fined not exceeding **\$100 (100 dollars)** or imprisoned not more than six (6) months or both.

Public Hearing held on: September 18, 2006

Town Meeting held on: October 2, 2006

This Ordinance becomes effective fifteen (15) days after publication in the most widely circulated newspaper in the Town of Beacon Falls. Ordinance published October 25, 2006.

This Ordinance became effective: November 9, 2006.

**AN ORDINANCE RELATING TO
HAWKERS, PEDDLERS AND VENDORS
IN THE TOWN OF BEACON FALLS**

SECTION 1. The term "hawker" or "peddler" as used in this ordinance shall mean any person, whether principal or agent who shall go 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, wares or merchandise, either on foot or from any animal or vehicle.

SECTION 2. No hawker, peddler or vendor shall hawk, sell, peddle or vend, at any house or upon any street or in any park or place in the Town of Beacon Falls, any goods, wares or other merchandise without a license therefor, which shall be issued by the First Selectman upon written application, which application shall contain the name and residence of the applicant, and shall include a general description of the goods, wares, or other merchandise proposed to be sold and the length of the term for which such is desired.

SECTION 3. Such license shall expire on the last day of May next after its issuance, provided any license issued for any term less than one (1) year may be issued so as to expire upon any day prior to the last of May. The fee for such license shall be **Two Hundred Dollars (\$200.00)** a year, and when such period is less than one (1) year, the fee shall be **Twenty-five Dollars (\$25.00)** a day. If teams or vehicles are used in connection with such vending, hawking, or peddling, an additional license fee of **Two Hundred Dollars (\$200.00)** a year, of **Twenty-five Dollars (\$25.00)** a day when such period is less than one (1) year, shall be charged for every team or vehicle used in excess of one (1). If any person desires a license for a year, the First Selectman may prorate the annual license fee for the remaining period of such license year, expiring the last day of May. Said fees shall be paid to the First Selectman when such license is issued, and shall be paid by him/her to the Town Treasurer on or before the fifteenth (15th) day of the following month.

SECTION 4. No License shall be required in connection with the sale by farmers and gardeners of the produce of their farms and gardens; the sale, distribution and delivery of milk, teas, coffees, spices, groceries, meats and bakery goods; sales and approval; conditional sales; and sale of goods, wares and merchandise of any person, firm or corporation having a regular established bona fide place of business in which such person, firm or corporation sells or offers the same for sale, either at wholesale or retail; the sale of goods, wares and merchandise manufactured or produced within the Town of Beacon Falls, the selling or delivering of any goods, wares or merchandise to retail dealers only; nor of any person, firm or corporation or any agent or employee thereof to whom a permit or license may have been granted to give or exhibit any circus or show, during the time such permit or license to give or exhibit such circus or show is in force. Any war veteran complying with the provisions of Section 2962 of the General Statutes and amendments thereto shall be given such license without fee.

SECTION 5. Where a license is obtained for less than one (1) year or where no team or vehicle is used, the First Selectman shall furnish the licensee with a written permit for the period for which the required fee has been paid, which permit shall be carried on the

**AN ORDINANCE RELATING TO
HAWKERS, PEDDLERS AND VENDORS
IN THE TOWN OF BEACON FALLS**

person of such licensee at all times while engaged in hawking, peddling or vending, and shall not be assigned. The First Selectman shall keep a record of each license issued under the provisions hereof.

SECTION 6. No team or vehicle shall remain stationary on any public highway of the Town of Beacon Falls for the purpose of hawking, peddling or vending for a longer period than fifteen (15) minutes.

SECTION 7. Any person who shall engage in the business of a hawker, peddler or vendor without complying with the provisions of this ordinance relating thereto shall be fined not more than Twenty-five Dollars (\$25.00).

THIS ORDINANCE TAKES EFFECT UPON PASSAGE.

PASSED at a Town Meeting held on October 3, 1960.

Revision to the Ordinance.

Public Hearing held on: September 18, 2006.

Town Meeting held on: October 2, 2006.

This Ordinance becomes fifteen (15) days after publication in the most widely circulated newspaper in the Town of Beacon Falls. Ordinance Published: October 25, 2006.

This Ordinance became effective: November 9, 2006.

MOTOR VEHICLES AND TRAFFIC ORDINANCE

SECTION 1. General Authority and Provisions.

- a. Authority to adopt rules, regulations and restrictions. The Traffic Authority is hereby authorized and empowered to adopt such rules, regulations, and restrictions relative to the routing of traffic and the parking of vehicles not inconsistent with the Statutes of the State of Connecticut or this section, which in its judgment may be deemed necessary for the proper regulation and control of vehicular traffic upon the highways and on Town-owned property within the Town and for the safety and convenience of the public.
- b. Erection and maintenance of signs. The Traffic Authority is further authorized and empowered to erect and maintain signs in each highway and on Town-owned or operated property designating the time or terms of such regulations or restrictions on any highway of Town-owned or operated property coming under the jurisdiction of the Town and the Traffic Authority.
- c. Authority to remove abandoned vehicles. The Traffic Authority is further authorized and empowered to cause the removal from any highway or Town-owned or operated property coming under the jurisdiction of the Town or from State highways, except limited access highways, within the territorial limits of the Town, any abandoned or unregistered motor vehicles and motor vehicles which are a menace to traffic or public health or safety: In doing so, the procedure for such removal is as set forth in Section 14-145 or Section 14-150 of the Connecticut General Statutes, as applicable.
- d. Authority to adopt and amend schedule of fines. The Traffic Authority is further authorized and empowered to adopt and amend, as necessary, a schedule of fines for violation of the provisions of this section and/or the rules, regulations, or restrictions adopted by the Traffic Authority pursuant to this section; in adopting said schedule of fines, the Traffic Authority shall give due consideration to the gravity of the violation and the danger posed thereby to public safety. No fine shall be less than **twenty-five dollars (\$25.00)** nor more than **one hundred dollars (\$100.00)** for any single violation.
- e. Filing and publishing schedule of fines, rules, regulations and restrictions. The Traffic Authority shall file with the Town Clerk any schedule of fines, rules, regulations and restrictions adopted or amended pursuant to this section and shall publish same in a newspaper having a substantial circulation in the Town. Said fines, rules, regulations and restrictions shall become effective on the date they are filed with the Town Clerk.

SECTION 2. Definitions. Unless the context clearly indicates a different meaning, the following words and phrases, as used in this **Ordinance** shall have the following meanings:

MOTOR VEHICLES AND TRAFFIC ORDINANCE

Commercial Motor Vehicle: Includes any vehicle designed or used for the transportation of merchandise or freight in excess of twelve thousand (12,000) pounds.

Crosswalk: That portion of a highway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections, or any portion of a highway distinctly indicated as a crossing for pedestrians by lines or other markings on the surface, except such prolonged or connecting lines from an alley across the street.

Curb: The boundary of the traveled portion of any highway, whether marked by a curbstone or not so marked.

Highway: Any State Public Highway, Road, Street, Avenue, Alley, Driveway, Parkway, or place (and the attendant sidewalks or walkways) under the control of the State or the Town of Beacon Falls dedicated, appropriated or opened to public travel or other use, including parking lots and areas open for public parking which are owned or are under the authority, control, or operation of the Town and any of its various departments or agencies.

Intersection: The area embraced within the prolongation of the lateral curb lines of two (2) or more highways that join one another at an angle, whether or not one such highway crosses the other.

Motor Vehicle: Any device for conveyance, drawing, or other transportation of any person or property, including any automobile, truck or motorcycle powered by gasoline or diesel engine or electric battery.

Owner: Any person, firm, corporation or association holding title to a motor vehicle, or having legal right to register the same, including purchases under conditional bills of sale.

Parked Vehicle: A motor vehicle, occupied or not, in a stationary position within the limits of a highway or Town-owned or operated property, other than those vehicles stopped temporarily for the purposes of, and while actually engaged in, receiving or discharging passengers or loading or unloading merchandise or stopped for any traffic regulations, traffic signs or signals.

Registration Number: The number assigned by the State to a motor vehicle whether or not such number includes a letter or letters.

Shoulder: That portion of a highway adjacent and contiguous to the travel lanes or main traveled portion of the roadway.

Town-owned or operated property: All Municipal buildings and facilities and parking areas adjacent thereto or serving those buildings and facilities; all Municipal

MOTOR VEHICLES AND TRAFFIC ORDINANCE

recreation areas, and all school and related buildings, facilities, parking lots and parking areas, playing fields and recreation areas.

Traffic Authority: The full-time Resident Trooper and Board of Selectmen headed by the First Selectman in his/her capacity as the Chief of Police of the Town of Beacon Falls.

SECTION 3. Parking Prohibited. No vehicle shall be permitted to remain stationary on any highway or Town-owned or operated property within the Town of Beacon Falls in any of the following places.

- (1) Within ten (10) feet of any fire hydrant.
- (2) Upon the traveled portion of any highway except upon the right hand side of such highway in the direction in which such vehicle is headed.
- (3) Within an intersection.
- (4) Within twenty-five (25) feet of **a corner.**
- (5) Within twenty-five (25) **feet** of a marked crosswalk **or intersection.**
- (6) Within twenty-five (25) feet of a stop sign caused to be erected by the Traffic Authority in accordance with the provisions of Section 14-301 of the Connecticut General Statutes.
- (7) On the wrong side of the street.
- (8) Double-parked.
- (9) In front of or so as to obstruct or interfere with the ingress or egress from any private driveway or alleyway. (Such parking or stationary position of any vehicle with such permission shall be subject to existing parking regulations.)
- (10) Upon any public sidewalk except to cross such sidewalk or walkway to enter or leave adjacent areas or to perform necessary sidewalk construction, maintenance, maintenance or snow removal.
- (11) Within the limits of a public highway or on Town-owned or operated property in such a manner as to constitute a menace to traffic or public health or safety or to obstruct free movement of traffic thereon or otherwise interfere with the use and enjoyment of such highway or Town-owned or operated property; however, a vehicle that becomes disabled to such an extent that it is impossible or impractical to remove it may be permitted to remain for a

MOTOR VEHICLES AND TRAFFIC ORDINANCE

reasonable time for the purpose of making repairs thereto or of obtaining sufficient assistance to remove it.

- (12) In a marked bus stop.
- (13) In a marked handicapped parking space without a proper identification card or license plate.
- (14) In a marked loading zone.
- (15) In a fire lane.
- (16) In any zone which is posted "No Parking" or in any highway or Town-owned or operated property where parking is not permitted.
- (17) If such highway is curbed, farther away than twelve (12) inches from the curb, unless safety requires otherwise.
- (18) If it is a commercial vehicle and/or truck, and except for the purpose of delivery, service and/or service calls, in a residential zone.
- (19) In any area where the Traffic Authority has determined by regulation that the keeping of a vehicle stationary is dangerous to the public safety and a sign has been posted.
- (20) In violation of any **pavement** marking or parking restrictions or reservations posted and applicable to a given highway or Town-owned or operated property or the parking spaces located there.
- (21) In temporary snow removal areas.
- (22) In other than highway or other Town-owned or operated property where parking is permitted.
- (23) In any matter that is dangerous to the public safety.

SECTION 4. Penalties.

- (1) The penalty for any violation of this Ordinance shall be:

Group 1: \$ 5.00 Penalties

- Parking Meter Violation
- Prohibited Parking
- Winter Parking
- Parking More than Twelve (12) Inches from a Curb

MOTOR VEHICLES AND TRAFFIC ORDINANCE

- Occupying More than One (1) Space
- Blocking a Mail Drop
- Facing Wrong Way
- Parking at Loading Zone

Group 2: \$ 10.00 Penalties

- Obstructing Crosswalk
- Obstructing Driveway
- Obstructing Entrance to Public Building
- Parking on Sidewalk
- Double Parking
- Parking Within Intersection
- Parking Within twenty-five (25) Feet of a Corner
- Parking Within twenty-five (25) Feet of a Crosswalk or Intersection
- Parking Within twenty-five (25) Feet of a Stop Sign
- Mayor's Proclamation
- Violation of Zoning Ordinances
- Park by Trespassing
- Wrong Side of Street

Group 3: \$ 15.00 Penalties

- Obstructing Traffic Fire Safety Zone

Group 4: \$ 25.00 Penalties

- Parking Within ten (10) Feet of a Fire Hydrant
- **Parking in Handicapped Parking Without Permit**

- (2) Whenever any vehicle shall be found parked in violation of this article or the regulations made pursuant to this article, any person authorized to **issue** tickets, summons or infractions under the authority of the Connecticut General Statutes or by the Town of Beacon Falls may issue such ticket, summons, or infractions for such violation.
- (3) A fine (noted on the ticket) shall be payable to the Town of Beacon Falls and remitted to the Beacon Falls Police Department within seven (7) calendar days of the ticket date. If any fine is not paid within seven (7) calendar days, a penalty in **an** amount equal to the fine shall immediately become due and

MOTOR VEHICLES AND TRAFFIC ORDINANCE

payable in addition to the original fine and a warrant may be issued for the arrest of the violator.

- (4) The registered owner of any vehicle parked in violation of this article shall be presumed to be its operator at the time of the issuance of a ticket.
- (5) The adoption of this article shall not preclude the enforcement by properly authorized officials, of the like provisions of the Connecticut General Statutes.

- (a) Towing and impoundment. The Town may cause the removal and impoundment of any vehicle from any highway or Town-owned or operated property when such vehicle is parked in violation of any regulation of the State Traffic Commission or any Town Rule, Regulations, Order or Ordinance. The expense and cost of such removal and impoundment shall be borne by the owner of the vehicle and shall be a lien upon the vehicle, payment of which will not release the owner of liability for the underlying violation.

- (b) Hearing Procedure. The hearing procedure for parking violations, as set forth in Section 7-152b of the Connecticut General Statutes, is hereby adopted by the Town as its hearing procedure. The **Traffic Authority** is hereby directed to implement and follow said procedure in the enforcement of this section herein.

- (6) All funds collected pursuant to this Act shall be placed in the General Fund of the Municipality.

This Ordinance passed at a duly scheduled Town Meeting held on February 18, 1997.

The effective date of this Ordinance is April 18, 1997.

A summary of the foregoing Ordinance was published April 3, 1997 in the Connecticut Post and the Waterbury Republican, both papers having a substantial circulation in the Town of Beacon Falls.

Public Hearing Held on May 7, 2007.

Town Meeting Held on June 18, 2007.

Ordinance published June 25, 2007.

Effective Date of Ordinance: July 11, 2007.

ORDINANCE PERTAINING TO ROAMING DOGS

1. No person owning, keeping, possessing, harboring or maintaining a dog shall permit the dog to roam within the Town at any time. Each owner of a dog is required to keep the dog confined within the limits of that person's property, or the property of another with that other person's prior permission. No person shall allow a dog to roam on public property, including, but not limited to, streets, sidewalks, parks and recreation facilities and school properties
2. A dog shall not be considered roaming if:
 - a. It is confined by a suitable leash, no more than ten (10) feet in length, held continuously in the hands of a responsible person capable of controlling the dog.
 - b. It is being used for hunting purposes by a person possessing a valid hunting license on his or her person during an open hunting season where the use of hunting dogs is permissible.
 - c. It is being exhibited at a show.
 - d. It is a specially trained dog being employed by Public Safety Officials, including a Police Department, a Fire Department, or a search and rescue squad, in the course of their official duties, including demonstrations and training.
3. Any dog found roaming within the Town of **Beacon Falls** whether licensed or unlicensed, may be impounded at the owner's expense.
4. If any dog defecates on public property, property open to the public or the private property of a person other than that of the person in control of the dog, the owner, keeper or person in control of the dog shall immediately remove, or cause to be removed, all feces deposited by the dog.
5. Each violation of this Ordinance shall be punishable by a fine of fifty dollars (\$50.00).
6. This **Ordinance** in no way limits the ability of Town Officials, with the authority to do so, from utilizing available State Law remedies when the actions of a dog owner violates State Law in lieu of this Ordinance.

Presented and passed at a Town Meeting on August 25, 1997.

Summary published in accordance with Connecticut General Statutes Section 7-157 on September 12, 1997.

This Ordinance effective September 27, 1997.

Public Hearing held on: May 7, 2007

Town Meeting held on: June 18, 2007.

This Ordinance published on: June 25, 2007.

This Ordinance became effective: July 11, 2007.

**AN ORDINANCE PROHIBITING CONSUMPTION OF
ALCOHOLIC BEVERAGES ON STREETS, SIDEWALKS, SCHOOL GROUNDS,
AND OTHER PUBLIC PLACES**

WHEREAS, the consumption of alcoholic beverages on the street, sidewalks, school grounds, and other public places of the Town of Beacon Falls has created situations which are hereby declared to be public nuisances; and

WHEREAS, it is in the best interest of the Town of Beacon Falls to enact an Ordinance to prohibit the continuance of said nuisances.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town of Beacon Falls as follows:

SECTION 1.

No person shall consume any alcoholic beverages or have in his or her possession or control an open container containing any alcoholic beverage while he or she is within the bounds of any Town owned park, green, recreation area, or any highway or sidewalk adjacent thereto, or while he or she is upon any public school property, or upon any quasi-public property which for the purposes of this Ordinance shall mean any area adjacent to a place of business, which area is customarily open to and used by the public.

SECTION 2.

The Board of Selectmen may, upon application, authorize the possession and consumption of alcoholic beverages on Town owned property or quasi-public property under such terms and conditions s they shall deem appropriate for the protection of the public or under such terms and conditions, as they shall set.

SECTION 3.

Any person violating the provisions of this Ordinance shall be subject to a fine of not more than One Hundred Dollars (\$100.00) for each offense; and a separate offense shall be deemed committed on each day which a violation occurs or continues.

SECTION 4.

This Ordinance shall become effective on November 1, 1986.

ORDINANCE RELATING TO REMOVAL OF ICE OR SNOW FROM SIDEWALKS

Be it ordained by the Town of Beacon Falls.

Section 1.

The owner, tenant or any person having the care of any land or buildings fronting on any street or public place where there is any paved sidewalks, shall after the cessation of any storm or snow, ice or sleet, within twelve (12) hours after 7:00 a.m. if said snow, ice or sleet has not ceased falling before that hour, or if said snow ice or sleet has not ceased falling before 7:00 a.m., within twelve (12) daylight hours after said snow, ice or sleet has ceased to fall, cause the same to be removed from such paved sidewalk, and if the same cannot be removed, shall sprinkle thereon sand or other proper substance, so that such paved sidewalk shall be safe for travel by the general public at large.

Section 2.

Should the necessary party as set forth in Section 1 above default in the performance of the duties as therein set forth, the Police (Resident State Trooper/Beacon Falls Police **Officers**) shall issue a written warning for the first such offense within any twelve (12) month period. In the event said necessary party shall default in said duties as set forth subsequent to the issuance of said written warning, then in that event, he/she shall be fined \$25.00 for each subsequent violation. The provisions of this section and the foregoing Section 1 shall apply to the falling of snow from any building.

Section 3.

In the event, the owner, tenant or other party shall fail to clean said snow, ice or sleet from the sidewalk within twenty-four (24) hours after a written warning or a \$25.00 fine has been issued/levied under Section 2 above, the Superintendent of the Public Works Department of said Town of Beacon Falls shall proceed to clean or sand said sidewalks at the expense of the owner, tenant or other party, charging them the prevailing Town Street Department hourly labor and equipment employed in cleaning or sanding the same, but nothing in this subsection shall relieve the owner, tenant or other party from the penalty or duties imposed by Section 1 and 2 above.

Section 4.

No person shall throw or put, or cause to be thrown or put, any snow or ice from any private premises or from any area in the rear or outside of the sidewalk into any street in the Town in such manner or to such an extent as to unreasonably impede or cause inconvenience to public travel. **This includes all private contractors.**

Section 5.

In the event snow or ice should be thrown or put from any private premises or sidewalk onto any street in said Town as set forth in Section 4 above, then in that event, the owner, tenant or person having the care of such premises or sidewalk shall be fined \$25.00 for each instance of such throwing or putting, after a written warning has been issued by the Police as referred to above for a first offense within any twelve (12) month period.

ORDINANCE RELATING TO REMOVAL OF ICE OR SNOW FROM SIDEWALKS

Section 6.

- A. The provisions of Section 7-163a of the Connecticut General Statutes are hereby adopted, and are set forth in paragraphs (b) and (c) hereof.
- B. Notwithstanding the provisions of Section 13a-149 of the General Statutes or any other General Statute of Special Act, the Town of Beacon Falls shall not be liable to any person injured in person or property caused by the presence of ice or snow on a public sidewalk unless the Town of Beacon Falls is the owner or person in possession and control of land abutting such a sidewalk, other than land used as a highway or street, provided the Town of Beacon Falls shall be liable for its affirmative acts with respect to such sidewalk.
- C. The owner or person in possession and control of land abutting a public sidewalk shall have the same duty of care with respect to the presence of ice or snow on such sidewalk toward the portion of the sidewalk abutting his property as the Municipality had prior to the effective date of this section adopted pursuant to the provisions of Section 7-136a of the Connecticut General Statutes and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of said injury.
- D. No action to recover damages for injury to the person or to property caused by the presence of ice or snow on a public sidewalk against a person who owns or is in possession and control of land abutting a public sidewalk shall be brought but within two (2) years from the date when the injury is first sustained.

This Ordinance became effective on passage. Originally passed at a duly called Town Meeting held on May 25, 1989.

Public Hearing held on January 8, 2007.

Town Meeting held on January 29, 2007.

This revised Ordinance shall become effective fifteen (15) days after its publication in the most widely circulated newspaper in the Town of Beacon Falls. Ordinance published on February 5, 2007.

This Ordinance became effective February 20, 2007.

ORDINANCE RELATING TO VEHICULAR PARKING DURING WINTER MONTHS

Be it ordained by the Town of Beacon Falls:

SECTION 1. DEFINITIONS

As used in this Ordinance, the following terms shall have the meanings indicated:

VEHICLES – Any combustion engine vehicle or device or trailer used for the conveyance, drawing or other transportation of persons or property on a public highway.

PARKING – The standing of a vehicle, whether occupied or not, upon a highway otherwise than temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers or loading or unloading merchandise (other than from vehicle to vehicle) or in obedience to traffic regulations or traffic signs or signals.

PUBLIC HIGHWAYS – Public Highways includes any State or other public highway, road, street, avenue, alley driveway, parkway of place, under the control of the State of Connecticut or the Town of Beacon Falls, dedicated, appropriated or opened to public travel or other use.

SECTION 2. PARKING RESTRICTED DURING WINTER MONTHS

No vehicle may park on any highway of the Town of Beacon Falls between the hours of midnight and 6:00 A.M. from December 1st through April 1st of the following year.

No vehicle may park on any highway of the Town of Beacon Falls at any other times so as to interfere with operations from the removal of snow and the sanding of highways for a period of time of more than one (1) hour during the time of falling snow, sleet or freezing rain and thereafter until the highway has been cleared of snow or sanded.

SECTION 3. REMOVAL BY TOWN

- A. Whenever any vehicle shall be found parked in violation of Section 2 of this Ordinance as provided, the vehicle may be removed or conveyed, by or under direction of the Police Department, by means of towing the same or otherwise, to a public garage or its premises in the Town, and such removal shall be at the risk and expense of the owner.
- B. Redemption – before the owner or person in charge of the vehicle shall be permitted to remove the same from the custody of the Police, he/she shall furnish evidence of his identity and ownership or right of possession and shall sign a receipt for the vehicle. All cost of the towing and any subsequent storage charges shall be the liability of the registered owner of the vehicle, and shall be paid to the owner of the public garage to which the vehicle shall have been removed. However, a Police Officer or Constable may in lieu of towing the vehicle to the public garage or its premises serve upon the owner or operator of the vehicle or attach to the vehicle a notice directing the owner or operator thereof to appear at

**ORDINANCE RELATING TO VEHICULAR PARKING
DURING WINTER MONTHS**

the Office of Police Headquarters of the Town before the time specified in the notice.

SECTION 4. VIOLATION AND PENALTIES: PAYMENT IN LIEU OF PROSECUTION

Any person who shall violate any of the provisions of this Ordinance shall be guilty of a violation and upon conviction shall be punished by a fine of not more than fifty dollars (\$50.00)

This Ordinance shall take effect November 1, 1986.

**AN ORDINANCE CONCERNING POLICE PROTECTION
AT PLACES OF PUBLIC AMUSEMENT OR EXHIBITION**

BE IT RESOLVED BY THE TOWN OF BEACON FALLS:

1. That pursuant to Section 29-143a of the Connecticut General Statutes, as the same be amended, from time to time, to meet the needs concerning Police Protection. The Resident Trooper of the Town of Beacon Falls shall determine whether Police Protection shall be necessary or required at any place of public amusement, sport contest or any other exhibition or contest which may be conducted within the geographical boundaries of the Town of Beacon Falls. This Ordinance shall also apply to all Public Schools in the Town of Beacon Falls.
2. That accordingly, the Beacon Falls Resident State Trooper shall determine the requirements for such Police Protection and shall promulgate, from time to time, regulations and policies with regard to such protection, including, but not limited to, personnel required, hours to be employed, and duties of such personnel so employed. These duties will be assigned as an overtime project.
3. That any person, organization, or sponsoring entity including the Board of Education conducting such public amusement, contest or exhibition shall notify the Beacon Falls Resident State Trooper's Office no later than fourteen (14) days prior to the commencement of such event in order to arrange Police Protection. Such Police Protection shall be paid for by the person or persons operating, conducting or promoting such amusement, game, exhibition or contest.

The provision of this Ordinance shall become effective upon its passage at a duly called Town Meeting and fifteen (15) days after its publication or the publication of a summary of the said Ordinance in a newspaper having general circulation within the Town of Beacon Falls, in accordance with Section 7-157 of the Connecticut General Statutes.

Public Hearing held on : February 11, 2002
Town Meeting held on: February 25, 2002
Effective Date of Ordinance: February 26, 2005

Section 29-143a. Fire protection at places of public amusement or exhibition. When fire protection is necessary or required at any place of public amusement, sport contest, or any other exhibition or contest, which is being held or is to be held in any Municipality, the amount of such protection shall be determined by the Fire Marshal of such Municipality and shall be furnished by the Chief of the Fire Department, who may utilize paid or volunteer firemen or both paid and volunteer firemen for such purposes, and such protection shall be paid for by the person or persons operating, conducting or promoting such game, exhibition or contest.

AN ORDINANCE CONCERNING POLICE PROTECTION
AT ALL CONSTRUCTION PROJECTS

BE IT RESOLVED BY THE TOWN OF BEACON FALLS:

For any of the following described activities resulting in blockage, fully or partially, of Public Highways or where a Public Highway is being excavated or obstructed, sworn Police Personnel shall be hired by the person (s) and/or entity (ies) causing such excavation or obstruction through the Town of Beacon Falls in order to insure Public Safety in the area of the work being performed. This shall apply to all Public Highways in the Town of Beacon Falls.

1. Construction / Excavation Permits
2. Power Line Installation / Repair
3. Telephone Line Installation / Repair
4. Cable Television Installation / Repair
5. Any other activity in which a Public Highway is being excavated or obstructed

The above mentioned construction projects will be assigned as an overtime project. Town of Beacon Falls Police Officers will be given first right of refusal to work any of these overtime projects. In the event that the Beacon Falls Resident State Trooper's Office cannot provide a Town Police Officer, the overtime project will be assigned to a sworn member of the Connecticut State Police.

The provision of this Ordinance shall become effective upon its passage at a duly called Town Meeting and fifteen (15) days after its publication or the publication of a summary of the said Ordinance in a newspaper having general circulation within the Town of Beacon Falls, in accordance with Section 7-157 of the Connecticut General Statutes.

Public Hearing held on : February 11, 2002
Town Meeting held on: February 25, 2002
Effective Date of Ordinance: February 26, 2005

**AN ORDINANCE REGARDING THE REMOVAL OR IMMOBILIZATION
OF MOTOR VEHICLES BEARING OUTSTANDING TICKETS**

- A. Whenever there is found any motor vehicle parked upon the Streets or Public Grounds of the Town of Beacon Falls which has received two (2) or more parking tickets issued for any violation by the Town of Beacon Falls which are delinquent, unpaid or otherwise unsettled and uncontested twenty (20) days after the issuance*, such vehicle may, by towing or otherwise, upon approval of the Beacon Falls Resident Trooper's Office/Police Department or its designee, be removed for safekeeping by or under the direction of a Police Officer or other individual empowered by the Resident Trooper's Office/Police Department, to a garage or other location, or such vehicle may be immobilized in such a manner as to prevent its removal or operation except by persons as shall be authorized to do so by the Police Department.

(* Under current Town of Beacon Falls policy, fines for parking tickets double after ten (10) days, this Ordinance allows registered owners an additional ten (10) days after that period, within which to pay the fine before being subject to removal or immobilization).

- B. It shall be the duty of any Police Officer removing or immobilizing a motor vehicle or under whose direction such a vehicle is removed or immobilized to inform as soon as practicable, within one (1) business day, the owner of the removed or immobilized vehicle. The Resident Trooper's Office/Police Department shall send notice of the removal or immobilization to the registered owner by certified mail, within one (1) business day, of said action. The notice shall apprise the owner of the prior unsettled parking violations for which said vehicle was removed or immobilized. In any case involving immobilization of a vehicle pursuant to this section, there shall be placed on such vehicle, in a conspicuous manner, a notice of warning that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage thereto.

- C. Release of Vehicle.

(1) Before the owner or duly authorized person shall be allowed to repossess or to secure the release of said vehicle, he or she shall pay the following:

- a. The cost of towing and/or booting fee, whichever applies and;
- b. The cost of storage for each day or portion of a day that such vehicle is stored; and,
- c. All sums legally due for any Town parking citations issued and outstanding against such vehicle; or,**
- d. A bond with a surety company, authorized to do business in this State, in an amount sufficient to cover the charges specified above.

**AN ORDINANCE REGARDING THE REMOVAL OR IMMOBILIZATION
OF MOTOR VEHICLES BEARING OUTSTANDING TICKETS**

- (2) No such vehicle shall be released until the owner or a duly authorized person has established his or her identity and right to possession and has signed a proper receipt therefore.
- D. The owner or keeper of any garage or other place where such motor vehicle is stored shall have a lien put upon said vehicle for such owner's or keepers towing and/or storage charges. Any such vehicles that remain unclaimed may be disposed of pursuant to the provisions of C.G.S. Section 14-150, including by auction or sale.
- E. Any person who, after having had his or her vehicle towed or immobilized; removes such vehicle without complying with Section (c) shall, in addition to the charge provided for in said subsection, be liable for any damage done to the immobilization device or mechanism and be subject to a fine of not more than Ninety (\$90.00) Dollars.
- F. Prior to scheduling any vehicle on a list for impoundment or immobilization, the Beacon Falls Resident Trooper's Office/Police Department shall cause to be mailed to the registered owner a list of all delinquent charges and a statement warning that such vehicle shall be impounded or immobilized if found and giving notice of appeal rights pursuant to Section (B) of this Ordinance. The registered owner will have ten (10) business days to respond to such letter.

This Ordinance shall become effective fifteen (15) days after its publication in a newspaper having a wide circulation in the Town of Beacon Falls.

Public Hearing held on: November 26, 2007

Town Meeting held on: December 10, 2007

Ordinance became effective: January 20, 2008



Beacon Falls Resident Trooper's Office
119 North Main Street
Beacon Falls, CT 06403
(203) 729-3313/FAX (203) 723-8768



Vehicle Description: Plate: _____

Make: _____

Year/Model: _____

Ticket # _____ Issued on: _____ Violation: _____

Registered Owner: _____

Address: _____

Date: _____

Dear Registered Owner:

_____ Please be advised that in accordance with Ordinance _____ of the Town of Beacon Falls, your motor vehicle described above is subject to towing and/or immobilization. There have been at least two parking tickets issued to this vehicle that have not been paid or contested. Please call or come in to the Beacon Falls Resident Trooper's Office within Ten (10) days of the date of this notice to pay all amounts due to the Town of Beacon Falls or your vehicle will be towed and/or immobilized.

Date: _____

_____ Please be advised that due to your failure to respond to the above notice your vehicle has been towed / immobilized. Please contact the Beacon Falls Resident Trooper's Office as soon as possible to make arrangements to have your vehicle released. Prior to release you must make full payment of any parking tickets issued by Beacon Falls, as well as the "Booting Fee" in the amount of \$ _____. If your vehicle was towed you are financially responsible for the cost of the tow as well as any storage fees. In the event that you have caused damage to the "Boot" you will be charged for the full replacement value.

Enclosure: Copy of Town of Beacon Falls Ordinance # _____

TOWN OF BEACON FALLS

AN ORDINANCE RELATING TO KNOX BOX

Definition: The word **Shall** indicates a mandatory requirement.

Section 1:

This Ordinance shall apply to all commercial buildings, manufacturing facilities and apartment buildings containing three (3) or more units. The Beacon Hose Company # 1 and the Fire Chief, or his designee, deems that all existing buildings and facilities shall be upgraded to comply. **Failure to comply could lead to excessive damage to the property because of restricted access.**

Section 2:

A building covered under Section 1 shall have a Knox Box when access to an area of such building is unduly difficult because of secured openings and any of the following conditions exist:

- A. Immediate access is necessary for life saving or fire fighting purposes.
- B. Building is protected by an automatic alarm and/or sprinkler system.
- C. Any property protected with a security gate must have a Knox padlock installed on every entrance and exit.

Section 3:

Buildings with twenty-four (24) security or a maintenance employee on the premises seven (7) days a week, three hundred and sixty-five (365) days a year, shall be required to comply with this Ordinance.

Section 4:

Prior to installation, the Knox Box designs and locations shall be approved by the Fire Chief or his designee. The purchase and installation of this equipment shall be the sole responsibility of the property owner.

Section 5:

The Knox Box shall contain appropriately labeled keys as follows:

- a. Keys to all locked points of ingress either on the exterior or interior of such buildings.
- b. Keys to locked mechanical equipment rooms.
- c. Keys to locked electrical rooms.
- d. Keys to elevator controls.
- e. Keys to other areas as directed by the Fire Chief or his designee.
- f. Information Card with:
 - Emergency contact and phone number
 - Secondary contact and phone number
 - Alarm Company and phone number
 - Alarm code to silence

TOWN OF BEACON FALLS
AN ORDINANCE RELATING TO KNOX BOX

Section 6:

Information regarding the Knox Box can be obtained through Beacon Hose Company # 1 at 203-729-1470. Beacon Hose Company must be notified immediately with any change of information within fifteen (15) days.

The adoption of this Ordinance shall become effective fifteen (15) days after publication of the Ordinance or of a summary thereof, in a newspaper having the widest circulation in the Town of Beacon Falls with the provisions of the Connecticut General Statutes Section 7-175.

Public Hearing Held on May 7, 2007

Town Meeting Held on June 18, 2007

Ordinance published on June 25, 2007

This Ordinance became effective July 11, 2007.

**ORDINANCE ESTABLISHING A SERVICE AWARD PLAN
FOR BEACON HOSE COMPANY NO. 1
VOLUNTEER FIRE AND AMBULANCE**

ORIGIN:

At a Special Town Meeting of the Town of Beacon Falls, on May 4, 1995, an Ordinance relating to the creation of a Service Award Plan for Beacon Hose Company No. 1 Volunteer Fire and Ambulance was discussed, amended as presented and approved by the qualified voters present. The following represents a summary of said Ordinance pursuant to applicable Connecticut General Statutes:

This Ordinance **provides** definitions of the various terms employed in the plan, i.e., accrued benefit, actuarial equivalent, age, beneficiary, Service Award Board, effective date, participant, Service Award Plan, Plan Year, point, entitlement benefits, terminated participant, Town, trust agreement trustee, trust fund valuation date, volunteer firefighter/ambulance personnel and non-line officers.

Eligibility for participation is set forth, pursuant to the earning of sufficient points in accordance with the plan; individuals who join the Fire Department/ambulance after the age of fifty (50) are ineligible to participate; a break in service as set forth by any participant acts to terminate participation until sufficient service is earned. Service and credit for years of service are set forth, with an entitlement date coincident of next following the 65th anniversary date of the date of birth of each participant. Benefits are set forth on a monthly basis equivalent to the participant's years of credited service multiplied by \$5.00 with a minimum and maximum amount set, with an additional incentive benefit for service as an officer. Manner of payment is set forth to the participant on a ten (10) year certain annuity, payable to the entitled participant, his/her surviving spouse, and surviving dependent children.

Vesting in the plan occurs upon the completion of more than seven (7) years of credited service. A provision is made for the payment of an entitlement to any participant who is totally and permanently disabled. The Town is required to establish a trust fund/agreement specifically for implementing said plan, with regular funding to be made by the Town in accordance with actuarial estimates furnished by a qualified actuary to the Service Award Board, with a reservation to the Town to change the method of funding at its own election at any time. The fiduciaries of the established as the Service Award Board and the Trustee appointed by the Board of Selectmen and are charged with the administration of the plan.

The Town reserves the right to amend and/or terminate the plan at any time with provision made for the procedure to follow upon the discontinuance of the Service Award Board is set forth with its duties and obligations.

The effective date of this Ordinance shall be June 7, 1995.

ORDINANCE ESTABLISHING A SERVICE AWARD PLAN
FOR BEACON HOSE COMPANY NO. 1
VOLUNTEER FIRE AND AMBULANCE

Dated at Beacon Falls, Connecticut, this 15th day of May, 1995.

A summary of the foregoing Ordinance was published in the Naugatuck Daily New and the Waterbury Republican on May 22, 1995. Both newspapers having a substantial circulation in the Town of Beacon Falls.

Public Hearing held on May 7, 2007

Town Meeting held on June 18, 2007

Ordinance Published on June 25, 2007

This Ordinance became effective on July 11, 2007.

ORDINANCE CONCERNING OPEN BURNING

SECTION 1. Definitions. As used in this **Ordinance**, the following terms shall have meanings indicated:

BRUSH – Shrubs, vegetation or prunings, the diameter of which is not greater than three (3) inches at the widest point.

COMMISSISONER – Commissioner of the State of Connecticut Department of Environmental Protection.

FIREFIGHTER – Any firefighter who engages in fire fighting under the supervision of the Fire Chief or his designee.

OPEN BURNING OFFICIAL – Any person appointed by the Board of Selectmen and Certified by the Commissioner.

RESIDENT – An individual seeking to burn on the property where he/**she** resides.

SECTION 2. Open Burning Certificates Required.

- A. Except as specified in Section 3A, no person shall set, cause, or permit an open fire without obtaining an Open Burning Certificate from the Commissioner or the Open Burning Official.
- B. An application for a Burning Certificate for any fire described in Section 3B shall be made by the applicant on forms furnished by the Open Burning Official, and each applicant shall describe the purpose of the fire, the nature and quantity of the material to be burned and such other information as the Commissioner and/or the Open Burning Official may require.
- C. A Certificate issued under this section shall be applicable only for the occasions of the purpose for which it has been obtained.

SECTION 3. Exceptions and Applications.

- A. Certificates under this **Ordinance** shall not be required for the following fires:
 - 1. Barbecues or other outdoor open fires for the cooking of food for human consumption.
 - 2. Fires to abate an immediate fire hazard, provided that the abatement fire is supervised by a responsible Fire Official.
- B. The Open Burning Official may issue, subject to the provisions of Section 5, a Certificate for the following fires:

ORDINANCE CONCERNING OPEN BURNING

1. Fires for the prevention, control or destruction of diseases and pests, and agricultural burning for vegetation management.
2. Bonfires and other fires for ceremonial or recreational purposes.

C. Applications for other Open Burning Certificates must be addressed to the Commissioner.

SECTION 4. Restriction on Issuance of Certificates. The Open Burning Official shall not issue a Certificate under Section 5-3B when he/she determines that:

- A. A hazardous health condition will be created by such burning.
- B. The fire constitutes a salvage operation by open burning.
- C. A practical and alternate method for the disposal of the material to be burned exists, including but not limited to the following techniques: chipping, cutting for forest products, land filling, piling for protective cover for wildlife and stockpiling.
- D. Such open burning would interfere with or prevent the attainment or maintenance of a relevant ambient air quality standard.
- E. The forest fire danger, as determined by the State Forest Fire Warden, is high or extreme and the area is within one hundred (100) feet of a woodland or grassland.
- F. The Commissioner has issued an advisory of an air pollution emergency episode stage.
- G. Garbage, paper, grass, metals, plastics, leaves, brush, rubber, painted materials or demolition waste is to be burned.

SECTION 5. Conditions and Regulations; Revocation of Certificate.

- A. Certificates approved under Section 3B shall be subject to such reasonable conditions as are necessary to avoid a nuisance or to protect the health, safety or comfort of the public, including, but not limited to the following:
 1. Only materials and quantities specified on the Certificate shall be burned.
 2. The Open Burning Official shall specify on any permit the hours and days during which the open burning is allowed.
 3. Except for fire-training exercises, burning shall only be permitted on sunny days when wind speed is five (5) to fifteen (15) miles per hour.

ORDINANCE CONCERNING OPEN BURNING

- B. A copy of the Certificate shall be kept in the possession of the applicant at the burning site at all times during the burning.
- C. The Commissioner or his designee or the Open Burning Official may revoke in writing any Certificate or add any reasonable, specifically identified conditions if circumstances indicate that air pollution standards will be violated.

SECTION 6. Penalties for Offenses.

A violation of any provision of this **Ordinance** shall be an infraction as provided for in Connecticut General Statutes Sections 51-164m through 51-164p. Pursuant to Connecticut General Statutes Section 51-164p, any violation of any provision of this **Ordinance** shall be punishable by a fine of not more than ninety (\$90) dollars for each offense payable to the Town of Beacon Falls General Fund.

SECTION 7. No Liability.

The Town of Beacon Falls, the Beacon Falls Fire Department and Fire Marshal shall not be held responsible for any damage by any outdoor fire for which permission has been granted.

This Ordinance was passed at a duly scheduled Town Meeting held on February 18, 1997.

The effective date of this Ordinance is April 18, 1997.

A summary of the foregoing Ordinance was published April 3, 1997 in the Connecticut Post and the Waterbury Republican, both papers having a substantial circulation in the Town of Beacon Falls.

Public Hearing held on May 7, 2007

Town Meeting held on June 18, 2007

Ordinance Published on June 25, 2007

This Ordinance became effective on July 11, 2007

ORDINANCE RELATING TO NUMBERING OF BUILDINGS
WITHIN THE TOWN OF BEACON FALLS

Be it ordained by the Town of Beacon Falls.

- A. The owner of any building or part of a building used for dwelling or business purposes within the limits of the Town of Beacon Falls shall cause all buildings or parts of buildings to be plainly numbered with figures three (3) inches or more in height, which shall be so placed as to be plainly seen from the highway, street or public way, and shall obliterate any different number previously placed hereon.
- B. No person shall affix to any building or retain thereon more than one (1) day any number not designated by the E-911 Committee of the House Numbering Committee.
- C. The numbers for buildings shall be designated by the E-911 Committee or the House Numbering Committee. **Any violation shall be enforced by the said Committee.**
- D. Any person offending against any provision of this section shall pay a penalty not to exceed \$25.00 for each and every offense.

This Ordinance shall take effect on November 1, 1986.

AN ORDINANCE RELATING TO EGRESS FROM
WORKSHOPS AND MANUFACTURES

Be it ordained by the Town of Beacon Falls:

That in accordance with Section 29-390 of the Connecticut General Statutes, the Fire Marshal or his authorized deputies, may initiate additional inspections of workshop and/or manufacturing areas as set forth in said statute, in addition to those inspections required by the State of Connecticut Commissioner of Labor in order to ensure the reasonable safety of persons occupying or utilizing said premises within the Town of Beacon Falls, as determined by the Office of said Fire Marshal.

Passed at a Special Town Meeting held on September 17, 1987.

AN ORDINANCE ESTABLISHING FIRE LANES IN THE TOWN OF BEACON FALLS

SECTION 1.

A Fire Zone 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.

SECTION 2.

The Fire Marshal shall establish such Fire Zone by written order and shall file one (1) copy with the Town Clerk, one (1) copy with the Board of Selectmen and one (1) copy shall be sent by Certified Mail to the owner or owners or agents thereof, of any private land on which such Fire Zone is established.

SECTION 3.

Any private property owner aggrieved by the designation of a Fire Zone on his property may file with the Town Clerk, within thirty (30) days after he received notice of the Fire Marshal's order, written notice of appeal, setting forth therein reasons of aggrievement. After hearing, the Board of Selectmen may affirm, modify or rescind such order.

SECTION 4.

Upon establishment of a Fire Zone, the Board of Selectmen shall cause to be erected or installed, adequate signs, markings and other devices to delineate said Fire Zone. Signs, markings and other devices erected or installed on privately owned premises shall be at the cost of the owner and may be billed for and collected in the same manner as Taxes, provided the Board of Selectmen causes a Notice of Lien to be filed on the land records within sixty (60) days after such erection or installation.

SECTION 5.

No person shall park, or permit to stand, a motor vehicle in a Fire Zone which has been established in accordance with this Ordinance, except when actually picking up or discharging passengers. Any person violating this section shall be guilty of a misdemeanor and fined not more than One Hundred Dollars (\$100.00) and/or imprisoned for a term not exceeding thirty (30) days. The registered owner of a Motor Vehicle shall be presumed to be the operator of such vehicle.

SECTION 6.

**AN ORDINANCE ESTABLISHING FIRE LANES
IN THE TOWN OF BEACON FALLS**

Any Motor Vehicle found standing in a Fire Zone which has been established in accordance with this Ordinance, MAY BE TOWED, upon the direction of a Police Officer, to a public or private parking facility, and all expenses of such towing and any subsequent storage, shall be borne by the registered owner of such vehicle.

SECTION 7.

Whenever a vehicle is found standing in violation of Section 5, a Police Officer shall serve upon the owner or operator of such vehicle, or place upon such vehicle, a notice (tag) directing the owner or operator thereof to either appear in person and \$6.00 or mail a check or money order for said sum to the Town of Beacon Falls, within forty-eight (48) hours. When the appropriated payment is made, it shall act as a bar to prosecution for violation of Section 6.

SECTION 8.

The provisions of this Ordinance shall become effective after its passage and immediately after its second publication in a local newspaper and in accordance with Section 29-40 to 29-42 inclusive of the Connecticut General Statutes (Fire Safety Code).

Adopted at a Special Town Meeting duly held on September 17, 1987. Second publication appeared in the Naugatuck Daily News on September 25, 1987.

AN ORDINANCE CONCERNING FIRE PROTECTION
AT PLACES OF AMUSEMENT OR EXHIBITION

BE IT RESOLVED BY THE TOWN OF BEACON FALLS:

1. That pursuant to Section 29-143a of the Connecticut General Statutes, as the same be amended, from time to time, the Fire Marshal of the Town of Beacon Falls shall determine whether Fire Protection shall be necessary or required at any place of public amusement, sport contest or any other exhibition or contest which may be conducted within the geographical boundaries of the Town of Beacon Falls. This Ordinance shall also apply to all Public Schools in the Town of Beacon Falls.
2. That accordingly, said Fire Marshal shall determine the requirement for such Fire Protection and shall promulgate, from time to time, Regulations and Policies with regard to such protection, including, but not limited to, personnel required, hours to be employed, fees assessed, and duties of such personnel so employed.
3. That any person, organization, or sponsoring entity including the Board of Education conducting such public amusement, contest or exhibition shall notify the Office of the Fire Marshal of the Town of Beacon Falls no later than fourteen (14) days prior to the commencement of such event in order to arrange for said protection shall be paid for by the person or persons operating, conducting or promoting such amusement, game, exhibition or contest.

The provision of this Ordinance shall become effective upon its passage at a duly called Town Meeting and fifteen (15) days after its publication or the publication of a summary of the said Ordinance in a newspaper having general circulation within the Town of Beacon Falls, in accordance with Section 7-157 of the Connecticut General Statutes.

Public Hearing held on : February 11, 2002
Town Meeting held on: February 25, 2002
Effective Date of Ordinance: February 26, 2005

Section 29-143a. Fire protection at places of public amusement or exhibition. When fire protection is necessary or required at any place of public amusement, sport contest, or any other exhibition or contest, which is being held or is to be held in any Municipality, the amount of such protection shall be determined by the Fire Marshal of such Municipality and shall be furnished by the Chief of the Fire Department, who may utilize paid or volunteer firemen or both paid and volunteer firemen for such purposes, and such protection shall be paid for by the person or persons operating, conducting or promoting such game, exhibition or contest.

**ORDINANCE REGARDING DECLARATION OF
LOCAL DISASTER EMERGENCY**

DECLARATION OF LOCAL DISASTER EMERGENCY

AUTHORITY: The Chief Executive Officer of the Municipality is authorized to declare a local disaster emergency in accordance with the terms of Connecticut General Statutes, Section 28-8a(a) and Section 28-1(8).

NOTE: **Section 28-8a(a)** contains a very broad provision that allows the Chief Executive Officer in which a major disaster or emergency occurs, or his/her designee, to, among other things, take such action as he or she deems necessary to mitigate the major disaster or emergency.

Section 28-1(8) defines a local civil preparedness emergency or disaster emergency as 'an emergency declared by the Chief Executive Officer of any Town or City in the event of a serious disaster affecting such Town or City.'

EFFECT: Upon the declaration of a local disaster emergency by the Chief Executive Officer of the Municipality, then the Chief Executive Officer and the local Emergency Management Director shall exercise all powers and authority granted to the Municipality and/or its Chief Executive Officer under Title 28 of the Connecticut General Statutes.

ACTIVATION OF EMERGENCY OPERATIONS CENTER; DETERMINATION OF NEED FOR DECLARATION OF LOCAL DISASTER EMERGENCY.

In times of serious disaster or civil emergency, the Chief Executive Officer of the Municipality is authorized to activate the Municipal Emergency Operations Center. The Chief of the Municipal Police, the Chief of the Municipal Fire Department, the Municipal Health Officer, the Emergency Management Director, or their designated representatives, shall assist the Chief Executive Officer in evaluating the need for the Declaration of a Local Disaster Emergency.

COORDINATION WITH AREA COORDINATOR.

In times of serious disaster or civil emergency, the Chief Executive Officer of the Municipality will coordinate his or her response activities with the appropriate Area Coordinator from the Connecticut Department of Emergency Management and Homeland Security.

Public Hearing held on: August 9, 2007

Town Meeting held on: September 6, 2007

Ordinance Published: September 14, 2007

Effective Date of Ordinance: September 29, 2007

ORDINANCE – THE TOWN OF BEACON FALLS
ENERGY IMPROVEMENT DISTRICT
AND
ENERGY IMPROVEMENT DISTRICT BOARD

In accordance with House Bill 7432 (effective 6/4/07) the Town of Beacon Falls hereby establishes the Town of Beacon Falls Energy Improvement District within and for the area more particularly defined as the Municipal Boundaries of the Town of Beacon Falls to be created and operated according to the procedures set forth in House Bill 7432.

The Purpose of this Ordinance is to promote the planning, development, funding, acquisition, purchase, construction, reconstruction, improvement, extension or operation of one or more energy improvement districts with a view to the increased efficiency, reliability and the furtherance of commerce and industry in the energy improvement district. It is further to coordinate district activities with regard to such resources with relevant State, Regional and Federal Agencies.

Section 2-149 – Definitions.

In the interpretation hereof the following words and terms shall be taken to include the following meanings when context shall require or permit:

- a. The term “**Board**” shall mean the Energy Improvement District Board created by this Ordinance and as more particularly defined in House Bill 7432.
- b. The term “**District**” shall mean the Energy Improvement District, which shall be the Municipal boundaries of the Town of Beacon Falls.
- c. The term “**Energy Improvement District Distributed Resources**” shall mean one or more of the following:
 - (A) Customer-side distributed resources, s defined in Section 16-1 of the 2006 Supplement of the Connecticut General Statutes:
 - (B) Grid-side distributed resources, as defined in said Section 16-1;
 - (C) Combined heat and power systems, as defined in said Section 16-1;
 - (D) Class III renewable energy sources, as defined in Section 16-1 and;
 - (E) Microgrids, as defined in (h) below.
- d) The term “**Connecticut General Statutes**” shall mean the revision of 1958, as revised and amended;
- e) The term “**Ex-Officio**” shall mean non-voting member;

ORDINANCE – THE TOWN OF BEACON FALLS
ENERGY IMPROVEMENT DISTRICT
AND
ENERGY IMPROVEMENT DISTRICT BOARD

- f) The term “**State Agency**” shall mean the State of Connecticut, any Department of, or corporation agency, or instrumentality thereof, heretofore, of or hereafter created, designated, or established by the State of Connecticut.
- g) The term “**Federal Agency**” shall mean the United States of America and any Department of or a corporation, agency, or instrumentality hereof, or hereafter created, designated or established by the United States of America.
- h) The term “**Microgrid**” shall mean small, locally controlled electric systems interconnected with electric distribution company facilities;
- i) The term “**Project**” shall mean the acquisition, purchase construction, reconstruction, improvement or extension of one or more energy improvement district distributed resources.

Section 2-150. Board

- a) The Board of the District shall consist of five (5) voting members. The voting members shall be electors or representatives of businesses located in the District, who shall be nominated by the First Selectman and approved by the Board of Selectmen. The terms of two (2) designated members shall expire on December 31, 2008. The terms of the three (3) remaining designated members shall expire on December 31, 2009. Thereafter, upon the expiration of these original terms, all the terms shall be for a period of five (5) years. Any vacancy shall be filled in the same manner as the original appointment. The First Selectman shall be ex-officio member of the Board. The Board members shall serve without compensation, except for reasonable and necessary expenses.

Section 2-151. Powers and Duties of the Board.

The Energy Improvement District and Energy Improvement District Board shall have the power to issue and secure Bonds as more particularly set forth in House Bill 7432.

Section 2-152. Bonding.

The Board in addition to the powers set forth in Section 2-151 above shall have the power to issue and secure Bonds as more particularly set forth in House Bill 7432.

**ORDINANCE – THE TOWN OF BEACON FALLS
ENERGY IMPROVEMENT DISTRICT
AND
ENERGY IMPROVEMENT DISTRICT BOARD**

Section 2-153. District Properties.

The properties included in the District shall be bounded by the Municipal boundaries of the Town of Beacon Falls.

Section 1-154. Regulations by the Board.

The Board may make and enforce any reasonable regulation which it may determine to be necessary relating to the facilities owned or leased by any individual or corporation, limited liability company, partnership, etc. within the District consistent with the laws of the State of Connecticut and the Ordinances of the Town of Beacon Falls.

This Ordinance shall become effective fifteen (15) days after its publication in a newspaper having a wide circulation in the Town of Beacon Falls.

Public Hearing held on: November 26, 2007

Town Meeting held on: December 10, 2007

Ordinance Published: January 5, 2008

Effective Date of Ordinance: January 20, 2008

TOWN LANDS MANAGEMENT ORDINANCE (New Ordinance)
TOWN OF BEACON FALLS, CT

1. **Authority:** This Ordinance is adopted under the authority of the Town of Beacon Falls as provided by Connecticut General Statutes Section 7-148.

2. **Purpose:** This Ordinance is designed to protect and enhance citizen use and enjoyment of publicly owned recreational land and open space in Beacon Falls and to limit the Town's liability for citizen use of said land and open space whether or not it is under the active management of the Town or its designated agent which includes the Beacon Falls Conservation Commission, Park & Recreation Commission and any other related Board or Commission.

3. **Administration:** The Board of Selectmen, with the advice of the Conservation Commission, may adopt regulations to carry out the provisions of this Ordinance, and may appoint or designate an agent or agents to ensure that the requirements of this Ordinance are enforced.

4. **Town Land Management:** It is recognized that pursuant to Sections 2.2(6) and 2.3(2) of the Code of Ordinances of the Town of Beacon Falls, the Beacon Falls Conservation Commission is the recognized Municipal body entrusted with the duty of:

- A. Recommending to the Board of Selectmen those Town properties with particular value for public recreation, forest management or other public uses.
- B. Manage those parcels of Town owned property assigned to it for management by the Board of Selectmen.
- C. Develop regulations for the management of the assigned Town owned lands.
- D. Prepare a budget for consideration by the Board of Selectmen to be considered for inclusion as part of the Town budget, and
- E. Submit a report for the Annual Town Report.

5. **Regulations for all Assigned Town Owned Lands:** The following rules and regulations apply to all Town owned lands:

- A. Except where prohibited by Federal, State or Local regulations, all assigned lands shall be open for fishing where available, walking, sight seeing and other low impact public recreation activities.
- B. Trails shall be constructed only after their location and construction has been reviewed and approved by the Conservation Commission.
- C. Hiking and other trails shall be constructed so as to minimize soil erosion.
- D. Federal and State Game Laws shall be observed.
- E. Town lands will be open from daylight to dark.

F. Overnight camping will be allowed where approved by the Conservation Commission.

6. **Concurrent Authority with Other Town Agencies:** It is recognized that Town owned lands are often managed by other Town Agencies, such as the Parks & Recreation Department for the Town of Beacon Falls. It is further recognized that such Town Agencies may want to adopt rules and regulations to guide the management and use of Town owned lands which are assigned to them for management. Nothing in this Ordinance should be interpreted as denying the authority of a Town Agency to adopt rules and regulations for Town owned land assigned to it for management. However, such rules and regulations should be referred to the Beacon Falls Conservation Commission so as to insure that their rules and regulations are not in conflict with the rules and regulations adopted by the Conservation Commission.

7. **Responsibility and Liability:** Any person(s) going in, on, upon, over or across any Town owned recreational land or open space shall, by virtue of said act, assume all risk, responsibility and liability for injuries to his or her person, or for death, resulting from any cause whatsoever. Furthermore, the exercise of the license, permit or privilege of being on such Town owned recreational land or open space by any person(s) shall constitute and operate as a release and discharge of the Town from any responsibility, obligation or liability for any personal injuries, for death, or for any and all losses, claims or damages arising or resulting from or in consequence of such injuries or death.

Any person(s) going in, on, upon, over or across any Town owned recreational land or open space shall, by virtue of said act, assume all risk, responsibility and liability for any loss or damage to personal property resulting from any cause whatsoever. Furthermore, the exercise of the license, permit or privilege of being on such Town owned recreational land or open space by any person(s) shall constitute and operate as a release and discharge of the Town from any responsibility, obligation or liability for any loss or damage to personal property.

8. **Effective Date:** This Ordinance shall become effective after its adoption at the February 7, 2011, Town Meeting and will stay in effect until repealed or replaced.

9. **Separability:** If any section, subsection, sentence or part of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining portions of this Ordinance.

Public Hearing held on: September 13, 2010

Town Meeting held on: October 12, 2010, February 7, 2011

Ordinance published on:

This Ordinance became effective:

JAN 25 2011

**ELIMINATED ORDINANCES
BY ORDINANCE REVIEW COMMITTEE**

NAME OF ORDINANCE/ ETC.	REASONS / OTHER COMMENTS FOR ELIMINATION
Ordinance Relating to the Sewer Authority	Replaced by 1998 Supplement
Regulations Providing for the Assessment of Excess Land and/or New Expanded Buildings or Structures in all areas of the Town of Beacon Falls	Eliminated 2/14/06 Is now included in the WPCA Regulations
An Ordinance Concerning the Public Health and Sewers	Eliminated 2/14/06 Now included in the WPCA Regulations
Ordinance Relating to Appointment of Sanitary Inspector	Eliminated 4/25/06 Valley Health Department
Secretary of First Selectman – General Statement of Duties	Eliminated 4/25/06 Now included in Job Descriptions – Union Position
Highway Maintainer – General Statement of Duties	Eliminated 4/25/06 Now included in Job Descriptions – Union Position
Public Works Foreman – General Statement of Duties	Eliminated 4/25/06 Now included in Job Descriptions – Union Position
Ordinance Pertaining to Membership and Quorum of Board of Admissions of Electors	Eliminated 4/25/06 Board of Admissions is no longer in existence
Ordinance Pertaining to Garbage, Offal and Dumping	Eliminated 4/25/06 Included in Planning and Zoning Regulations
Ordinance Relating to the Beacon Falls Committee on Aging	Eliminated 3/27/06 Done on a Regional Level Town now has a Town Nurse
Ordinance Creating a Four Year Term for Town Clerk and Registrars of Voters in Town of Beacon Falls	Eliminated 3/27/07 Included in new revised Biennial Election Ordinance
Ordinance Creating a Health Service	Eliminated 3/27/07 Town is part of Naugatuck Valley Health District
Driveway Regulations	Eliminated 7/10/06 Part of the Planning and Zoning Regulations
Ordinance Concerning Membership in the Valley Council of Elected Officials	Eliminated Organization is no longer in existence
Ordinance Concerning Membership in Valley Transit District	Eliminated Town is not part of Valley Transit District
Regulation Concerning the Reimbursement for Extension of Water Main	Eliminated
Historic Commission	Eliminated 11/9/06

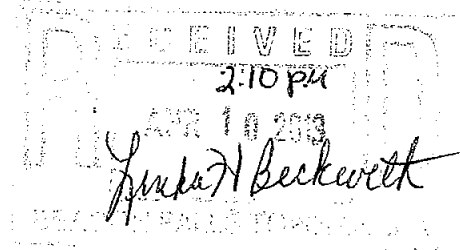


Town of BEACON FALLS *Connecticut*

BOARD OF SELECTMEN

April 10, 2013

Town Clerk, Leonard C. Greene
C/o Town Hall
10 Maple Avenue
Beacon Falls, CT 06403



Dear Mr. Greene:

Please be advised of the following:

LEGAL NOTICE TOWN OF BEACON FALLS REVISIONS TO EXISTING TOWN ORDINANCE

REVISION TO AN ORDINANCE CONCERNING LOCAL OPTION TAX RELIEF FOR VOLUNTEER FIREFIGHTERS, EMERGENCY MEDICAL TECHNICIANS, PARAMEDICS OR AMBULANCE DRIVERS

Complete text of this Ordinance is available in the Office of the Town Clerk, Town Hall,
10 Maple Avenue, Beacon Falls, CT.

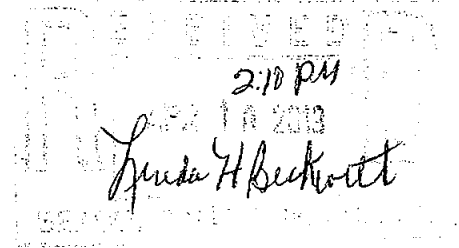
Passed at a Special Town Meeting on April 8, 2013.

This Ordinance shall become effective fifteen (15) days after publication of this
Ordinance in the most widely circulated newspaper in the Town of Beacon Falls.



Town of BEACON FALLS *Connecticut*

BOARD OF SELECTMEN



April 10, 2013

Please publish the following Legal Notice one (1) time on Thursday, April 11, 2013.
Thank you.

LEGAL NOTICE
TOWN OF BEACON FALLS
REVISIONS TO EXISTING TOWN ORDINANCE

**REVISION TO AN ORDINANCE CONCERNING LOCAL OPTION TAX
RELIEF FOR VOLUNTEER FIREFIGHTERS, EMERGENCY MEDICAL
TECHNICIANS,
PARAMEDICS OR AMBULANCE DRIVERS**

Complete text of this Ordinance is available in the Office of the Town Clerk, Town Hall,
10 Maple Avenue, Beacon Falls, CT.

Passed at a Special Town Meeting on April 8, 2013.

This Ordinance shall be come effective fifteen (15) days after publication of this
Ordinance in the most widely circulated newspaper in the Town of Beacon Falls.

REVISION TO TOWN OF BEACON FALLS ROAD ORDINANCE

Complete text of this Ordinance is available in the Office of the Town Clerk, Town Hall,
10 Maple Avenue, Beacon Falls, CT.

Passed at a Special Town Meeting on April 8, 2013.

This Ordinance shall be come effective fifteen (15) days after publication of this
Ordinance in the most widely circulated newspaper in the Town of Beacon Falls.

**AN ORDINANCE CONCERNING LOCAL OPTION TAX RELIEF
FOR VOLUNTEER FIREFIGHTERS, EMERGENCY MEDICAL TECHNICIANS,
PARAMEDICS OR AMBULANCE DRIVERS**

1. **PURPOSE:** In recognition of the valuable service provided to the Town of Beacon Falls and sacrifices made by those individuals who volunteer their time, and place themselves at risk to assist their fellow citizens, the Town of Beacon Falls desires to implement a program of Property Tax Relief for individuals who volunteer their services as a firefighter, emergency medical technician, paramedic or ambulance driver in conformity with the Connecticut Public Act 00-120.
2. **DEFINITIONS:**
 - A. **Qualifying Organization:** A Volunteer Fire Department serving the Town of Beacon Falls and/or a Volunteer Ambulance Corp serving the Town of Beacon Falls. The Board of Selectmen shall determine by a simple majority if a particular volunteer fire fighting or ambulance association shall be a qualifying organization.
 - B. **Member in Good Standing:** For the purpose of this ordinance, to be considered a member in good standing an individual must regularly make him or herself available to serve as a volunteer in the qualifying organization and maintain required levels of training. Such standards shall include all state and federally mandated training. Each year, by August 31st, the Chief Executive Officer of each qualifying organization shall review such training and attendance criteria and may make and changes required for the following 12 months. Such criteria shall be available in writing to any member of the organization or any member of the public desiring to review them.

A volunteer member must participate in a minimum of twenty-five (25%) of Department activities, from October 1 of the preceding year, in order to be eligible for the next succeeding October 1 Grand List. The Chief Executive Officer of the organization will be responsible for tracking volunteer hours. The Chief Executive Officer of the organization must provide a list of eligible members, **to the Service Award Committee for its review before it is submitted** to the Office of the Assessor, on or before October 1 to be considered for property tax relief.

3. **ELIGIBILITY:** Individuals who serve in a qualifying organization and maintain their status, as a member in good standing shall be eligible for a Property Tax Relief as set forth in this ordinance.

Any individual serving as the local director of Civil Preparedness without salary shall qualify for relief as set forth in this ordinance.

4. **AMOUNT OF ABATEMENT (flat grant)**

- Any volunteer with less than three years of service is not eligible.

AN ORDINANCE CONCERNING LOCAL OPTION TAX RELIEF
FOR VOLUNTEER FIREFIGHTERS, EMERGENCY MEDICAL TECHNICIANS,
PARAMEDICS OR AMBULANCE DRIVERS

FLAT GRANT

3 years completed service	\$300.00
4 years completed service	\$400.00
5 years completed service	\$500.00
6 years completed service	\$600.00
7 years completed service	\$700.00
8 years completed service	\$800.00
9 years completed service	\$900.00
10 years completed service and maximum benefit	\$1,000.00

5. **PROCEDURE FOR DETERMINING CREDIT:** The Chief Executive Officer of each qualifying organization shall provide to the Assessor, by October 1, each year, a list of members in good standing in their organizations. Such list shall include the members full name, address and the number of years the individual has served with the organization for the 12 months prior to October 1, and dates that individuals who served less than the full 12 months began and ended service.

Individual members of a qualifying organization requesting exemption or relief shall notify the Assessor of Beacon Falls of their name, address, the name of the organization of which they are a member, and the item of real or personal property to which they wish to have their exemption or tax relief applied. Such request must be received by the Assessor, in writing, on or before October 1, to be applied towards the Grand List.

- A. **Appeals:** Any member of a qualifying organization who feels that they have been unjustly deprived of a tax relief may file a written request with the Board of Selectmen requesting a review of their status. The Board of Selectmen shall hold a public hearing on such request at which time the aggrieved party shall be offered an opportunity to present written and oral testimony and other evidence. The Board of Selectmen shall determine by simple majority if such person shall qualify for a tax relief. Such appeals shall be limited to situations where the Chief Executive Officer of a qualifying organization refuses to certify that an individual is a member in good standing. The Board of Selectmen may, on their own, hold a public hearing to determine the eligibility of any individual certified by the Chief Executive Officer of the qualifying organization as a member in good standing. The individual shall be served not less than 21 days notice by first class mail return receipt requested, sent to the address appearing on the list of members in good standing prepared by the qualifying organization's Chief Executive Officer, and shall be offered an opportunity to present written and oral testimony, and other evidence. The

**AN ORDINANCE CONCERNING LOCAL OPTION TAX RELIEF
FOR VOLUNTEER FIREFIGHTERS, EMERGENCY MEDICAL TECHNICIANS,
PARAMEDICS OR AMBULANCE DRIVERS**

Board of Selectmen shall determine by a simple majority if such person shall qualify for a tax relief.

- B. **Termination of Membership in a qualifying organization:** Any individual who qualifies for a tax relief under the terms of this ordinance and discontinues service with a qualifying organization for any reason shall not qualify for a tax relief in the terminal year unless they qualify as a member in good standing for more than six (6) months in that terminal year.
 - C. **Breaks in Membership:** A break in membership of less than six (6) months shall be considered continual membership providing that the individual has been a member in good standing for no less than 24 months prior to the break in membership. For example, a member who leaves in March of a given year, and return in July shall not be penalized for that period in determining the amount of the relief as long as that person served as a member in good standing for the 24 months preceding the March separation. An individual who has a break in membership for more than six (6) months for any reason, and then rejoins a qualifying organization, after completing one (1) year continual service shall receive credit for prior qualifying years. For example, if a member who has qualified for three (3) years of service for membership in 1998, 1999 and 2000 leaves on April 1, 2001, then rejoins December 15, 2001, the individual would not receive a relief for the year 2001 because he or she did not serve six (6) months in the terminal year, but at the end of the 2002, he or she would receive credit for the three (3) prior years service and for the full year of 2002, for a total of four (4) years credit.
 - D. **Dual Membership:** An individual can receive credits for service in any qualifying organization in any combination, but cannot receive double credit for serving in two qualifying organizations at the same time. For example, an individual who served in a qualifying volunteer fire department from January 1st through July 15th, and in a qualifying volunteer ambulance company from August 1st through December 31st, would receive credit for the entire year.
 - E. **Initial Year:** Members who begin service in a qualifying organization after April 1st, shall not receive relief for that year.
6. **APPLICABILITY:** Any tax relief is limited to an individual's real or personal property tax payable to the town of Beacon Falls. Such relief may be applied to any property held either completely or partially in the individual's name. No relief may be carried over from one twelve month period to another. No relief may be transferred from one person to another.

**AN ORDINANCE CONCERNING LOCAL OPTION TAX RELIEF
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7. **SEVERABILITY:** If any section, sentence, clause or phrase of this ordinance shall for any reason, be held to be invalid or unconstitutional, such decision shall not effect the validity of the remaining sections, sentences, clauses and phrases of this ordinance, which shall remain in effect.
8. **STATE AND FEDERAL TAXES:** Any individual who receives a Tax Relief shall be solely responsible for determining what State and/or Federal Taxes are due because of such relief, if any, and the individual shall be solely responsible for paying such taxes, if any.
9. **Any Volunteer Firefighter, Emergency Medical Technician, Paramedic or Ambulance Drivers serving in the active military service shall be eligible for the Optional Tax Relief Program for Volunteer Firefighters, Emergency Medical Technicians, Paramedics or Ambulance Drivers.**

EFFECTIVE DATE

This Ordinance becomes effective fourteen (14) days after publication in the most widely circulated newspaper in the Town of Beacon Falls.

Public Hearing held on December 5, 2005.

Town Meeting held on December 12, 2005.

Ordinance published on December 21, 2005.

This Ordinance became effective January 6, 2006.

AN ORDINANCE CONCERNING LOCAL OPTION TAX RELIEF
FOR VOLUNTEER FIREFIGHTERS, EMERGENCY MEDICAL TECHNICIANS,
PARAMEDICS OR AMBULANCE DRIVERS
(REVISION TO ORDINANCE PASSED AT TOWN MEETING HELD ON JULY 25, 2011)

New Revision

Public Hearing Held on: July 6, 2011

Town Meeting Held on:: July 25, 2011

Ordinance Published on:: August 8, 2011

This Revised Ordinance Became Effective: August 23, 2011

REVISION TO TOWN OF BEACON FALLS ROAD ORDINANCE

Complete text of this Ordinance is available in the Office of the Town Clerk, Town Hall, 10 Maple Avenue, Beacon Falls, CT.

Passed at a Special Town Meeting on April 8, 2013.

This Ordinance shall be come effective fifteen (15) days after publication of this Ordinance in the most widely circulated newspaper in the Town of Beacon Falls.

Thank you.



Karen A. Wilson

Clerk for the Board of Selectmen

RECEIVED
APR 10 2013
BEACON FALLS TOWN CLERK

TOWN OF BEACON FALLS ROAD ORDINANCE

This Ordinance shall be known and may be cited as the “**Beacon Falls Road Ordinance**”.

The purpose of this Ordinance is to set standard specifications for all types of roads in the Town of Beacon Falls.

SECTION 1. DEFINITION OF TERMS

- 1.01 “**Highways**” shall mean streets or vice versa and shall be that portion between street lines.
- 1.02 “**Streets**” or “**Street**” shall mean and include Streets, Avenues, Boulevards, Roads, Lanes, Alleys, Drives, Terraces and other ways.
- 1.03 “**Roadway**” shall mean the traveled way, that distance between curbs or gutters.
- 1.04 “**Street Line**” shall mean the limits of that portion dedicated for highway purposes.
- 1.05 “**Town**” shall mean the Town of Beacon Falls, Connecticut.
- 1.06 “**Right of Way**” shall be the land included between street lines, dedicated for highway purposes.
- 1.07 “**Selectman**” shall mean the First Selectman of the Town of Beacon Falls.
- 1.08 “**Selectman’s Agent**” shall mean a qualified Inspector as appointed by the First Selectman.
- 1.09 “**Engineer**” shall mean the Town Engineer of the Town of Beacon Falls.
- 1.10 “**Sub grade**” shall mean existing ground surface prepared as specified and brought to grades indicated to receive gravel sub-base course.
- 1.11 “**Watershed**” shall mean that portion of land surrounding a watercourse or paved road which sheds its ground and/or surface water into or on said watercourse or paved road. Final decisions to limits of any given watershed shall rest with the Engineer or the First Selectman’s Agent.
- 1.12 “**Roller**” shall mean self-powered mechanical roller, weighing a minimum of ten (10) tons, having two (2) wheels.

SECTION 2. GENERAL REGULATIONS

- 2.01 This Ordinance shall govern the construction of all roads, drainage structures, appurtenances and bridges, presented or designed to be presented for acceptance and maintenance by the Town of Beacon Falls.
- 2.02 All Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed.
- 2.03 Roads shall have a maximum grade of ten percent (10%) and a minimum grade of 1.0 percent.
- 2.04 Roads shall have a cross pitch of two and one half (2 ½) inches each side except on curves where the design bank shall be as required by the Engineer.
- 2.05 Except where the terms of this Ordinance may alter them, the State of Connecticut State Highway Department’s Standard Specifications for Roads, Bridges and Incidental Construction ***(Form 810)**, dated 1969, or any future revision thereof shall apply and govern, and are hereby made a part of this Ordinance.

TOWN OF BEACON FALLS ROAD ORDINANCE

- 2.06 All thicknesses required by this Ordinance are finished or compacted thicknesses.
- 2.07 Curbs shall be installed on both sides of all roads in all Industrial and Business Zones and major collector streets. In other zones, curbing installation shall be as outlined in the Design Standards of this Ordinance or as required by the Engineer.
- 2.08 Horizontal and vertical sight distances, horizontal and vertical rates of curvature shall satisfy the requirements of the Connecticut Highway Department geometric standards, and applicable standards of this Ordinance.
- 2.09 Street Classification. All proposed streets shall be designated into one of the following classifications by the Planning and Zoning Commission prior to approval of the Final Subdivision Plan:
- 209.1 Major Collector Streets
 - 209.2 Commercial or Industrial Streets
 - 209.3 Local Residential Streets
 - 209.4 Determining Criteria
- 2.10 Sidewalks shall be constructed on both sides of all streets where specified by the Engineer and/or the Planning and Zoning Commission.
- 2.11 All roads shall be properly drained and sufficient culverts, manholes and catch basins installed as approved. No portion of any road shall drain in one direction more than **300** feet without catch basins on both sides of the road. In cases of extremely steep or flat grades or excessively large drainage areas, the Engineer may require installation of catch basins at lesser intervals. Culverts shall be of sufficient size to handle a maximum amount of water from the area drained. Drainage easements through lots shall be at least 20 feet wide. All drainage structures shall be indicated as to size and location on plan profile sheets. In addition, drawings and calculations showing size of watershed area and quantity of water drained by each culvert that either crosses, or is a part of the roadway drainage system or subdivision drainage system shall be submitted.
- 2.12 Plan-profile drawings of all proposed roads shall be submitted. Plan-profiles shall be at a scale of 1" equal 40' in plan. 1" equal 40' horizontal and 1" equal 4' vertical in profile. Elevations shall refer to USGS datum. Drawings shall include the following:
- Layout of proposed streets in both plan and profile indicating right-of-way dimensions as shown on the Final Subdivision Plan, width of right-of-way and paving. Existing and proposed centerline grade lines with stations every 50 feet, vertical curve data and percent of grade.
 - Typical cross-section of the streets with paving, shoulders, curbs and sidewalks in detail.
 - Plan-profile drawings shall also show all utility lines, encroachment lines, and all easements for utilities, drainage, and other rights-of-way, with location, size and inverts of existing and new culverts, and the entire drainage system.
 - Drainage analysis map shall show the tributary watershed area and downstream area affected by run-off. Drainage computations shall consider the entire watershed area; criteria and computations used in determining pipe sizes shall be submitted on 8 ½ x 11 inch sheets and certified by a Professional Engineer.

TOWN OF BEACON FALLS ROAD ORDINANCE

- If considered advisable by the Planning and Zoning Commission, due to the terrain as determined from contours and the proposed profile showing original and final grades, cross sections of the proposed road shall be furnished by the Holder of the Road Permit at intervals of every fifty (50) feet, showing the original ground, top and toe of slopes, culverts or bridges. These sections shall extend at least forty (40) feet left and right of center line.
 - Where required in the judgement of the Engineer, street intersections shall be developed at a larger scale, showing catch basins, gutter, road center line, curb and sidewalk elevations.
 - All of the above documents shall bear the appropriate seal as recommended by the Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut.
 - The above information shall be submitted for approval to the Beacon Falls Planning and Zoning Commission in accord with the Beacon Falls Subdivision Regulations and Planning and Zoning Commission Ordinance.
 - Upon final approval of the above listed submissions for any proposed roadway and auxiliary structures, three (3) copies of said documents will be required for filing by the Town.
- 2.13 Where drainage is tributary to a portion of a Connecticut Highway Department drainage system, such drainage shall be approved by the Connecticut Highway Department and such approval shall be submitted to the Planning and Zoning Commission along with other required documents.
- 2.14 Easements. Permanent easements, of a nature acceptable to the Town Counsel, shall be provided in all cases where drainage pipes or ditches cross or abut lands other than street Right-of-way or where drainage waters are discharged onto adjacent lands. A minimum width of twenty (20) feet shall be required and said easements shall be clearly defined on the Final Subdivision Plan placed on file in the land records. **Monuments shall mark the easements.**
- 2.15 House and Foundation Drains. House and foundation drains in no case shall be permitted to discharge onto the highway. Such drains shall be connected to storm drains wherever possible. All such drainage connections shall be made prior to construction of the bituminous concrete wearing surface. **Plans must show location of drains and where they terminate.**
- 2.16 Driveways. No person or persons in the Town of Beacon Falls shall construct a driveway, of any type, which enters upon a Town highway, or a proposed Town highway which has been approved by the Planning and Zoning Commission, until such person shall have obtained a permit from the Town Road Foreman and shall have filed a bond with the Board of Selectmen. Said bond shall be in an amount sufficient to secure the proper control of storm water, including piping, if necessary, proper sight line and entrance grades at the highway. The work to be carried out by the permittee shall be spelled out on the permit and bond. Said permit shall cost the permittee **\$25.00** and is payable to the Town Treasurer, Town of Beacon Falls.

TOWN OF BEACON FALLS ROAD ORDINANCE

SECTION 3. MAJOR COLLECTOR STREETS

- 3.01 The proposed street is a direct and logical continuation that carries or can be expected to carry a heavy volume of traffic.
- 3.02 The proposed street creates a shorter or more convenient through traffic artery, so that it can be reasonably expected to collect traffic diverted from other streets.
- 3.03 The proposed street is the particular collector of vehicles from one hundred and fifty (150) or more potential or existing homes in the area.
- 3.04 The proposed street could logically be expected to become a major street because of said construction or other foreseeable circumstances.

SECTION 4. COMMERCIAL OR INDUSTRIAL STREETS

- 4.01 The proposed street is in an area zoned for business or industry.
- 4.02 The proposed street is on or close to the dividing line between a residential and a business or industrial area that it may reasonably be expected to carry a substantial volume of commercial or industrial traffic.
- 4.03 The proposed street creates a shorter or more convenient route between a commercial or industrial area and a major traffic artery.
- 4.04 The proposed street for any reason may be expected to carry a substantial volume of commercial or industrial traffic.

SECTION 5. LOCAL RESIDENTIAL STREETS

(This classification is intended to cover the majority of subdivision streets)

- 5.01 The proposed street will serve residential subdivisions in districts designated (R-1), (R-2), (R-3), (R-4).
- 5.02 The proposed street shall not be reasonably expected to become through commercial or industrial street.
- 5.03 The proposed street shall be a dead end or other minor street within in a development, as distinguished from Major Collector Streets

SECTION 6. MATERIALS

- 6.01 Bank run Gravel: Section M.02.02.3 **Form 810**.
- 6.02 Broken Stone: The product resulting from the artificial crushing of quarried trap rock, substantially all faces of which have resulted from the crushing operation. Section 3.01. **Form 810**.
- 6.03 Filler: Shall be crushed stone or sand consisting of sound durable particles containing not more than 3 percent (3%) of silt or crusher dust by actual dry weight, using A.A.S.H.O. Method T-11. It shall be so graded that 100 percent (100%) shall pass a 5/3 inch sieve and not less than 70 percent (70%) shall be retained on a NO. 50 sieve.

TOWN OF BEACON FALLS ROAD ORDINANCE

6.04 Bituminous Concrete: Shall be Bituminous Concrete Binder Course and Bituminous Concrete Surface Course Grading II as specified in Sections 4.07 and 4.04 of **Form 810**.

6.05 Catch Basins and Manholes: Section 5.07, **Form 810** in entirety.

Cast iron specialties shall be State of Connecticut Standard and shall bear ten (10) year written guarantee, which shall be turned over to the Town of Beacon Falls at completion of project. Catch basin frames and grates shall be type C or where necessary type CL. Frames shall be appropriate with the type of curb used.

6.06. Culverts and Under drain Pipe : Section M.08, **Form 810** in entirety.

In general, solid wall pipe will be used. However, at the direction of the Engineer, perforated pipe shall be used in areas where high water table or other problem conditions exist.

Headwalls for culverts shall be constructed of Class A Portland Cement concrete, either reinforced or gravity type, solid concrete block or stone rubble masonry.

6.07. Concrete :

6.07.01 All concrete specified herein shall be Class A concrete per Section 6.01, **Form 810**, unless otherwise noted. All concrete materials and methods of all concreting operations shall be in conformance with Section 6.01, **Form 810**.

6.07.02 Bar and Mesh Reinforcing: Section 6.02, **Form 810** in entirety.

6.08 Guide Rails, Fence and Posts: With the exception of Bridge railing, all guide rails shall be Two-Cable Guide Railing in accordance with Section 9.01, **Form 810**, in entirety. For Bridge Railing see Section M-10 of **Form 810**.

6.09 Monuments: Shall be set on all right-of-way lines of streets, at all intersections, angle points and points of curvature. There shall be a clear foresight and backsight to adjacent monuments on the right-of-way line or lines on which a monument is set. Monuments shall be at least 36" long and shall be at least 4" square.

The monuments shall be of a granite or of concrete with a center reinforcing rod of a type approved by the Engineer. The monuments shall not be set before the final wearing course has been completed nor shall they be set while frost is in the ground. They shall be set so that the top is one (1) inch above the finished grade and they shall be so set and tamped as to prevent shifting.

The Sub-divider's engineer or surveyor shall certify that the location of all monuments is accurate before acceptance of the street by the Town of Beacon Falls.

6.10. Street Signs: Street signs shall identify both intersecting roads and shall conform to the Town's Standard and shall be installed by the subdivider.

6.11. Curbs: Curbs shall be Bituminous Concrete and shall conform to Section 8.15, **Form 810**, Page 343. All curbs shall be backed up full height with solidly packed earth.

SECTION 7 – CONSTRUCTION METHODS AND REQUIREMENTS

**TOWN OF BEACON FALLS
ROAD ORDINANCE**

- 7.01 Clearing and Grubbing: Sections 2.01.01 and 2.01.04, Page 73 of **Form 810**.
- 7.02 Roadway, Excavation and Formation of Embankment: Sections 2.02.01 and 2.02.03, Page 75 of **Form 810**.
- 7.03 Trench Excavation: Sections 2.05.01 and 2.05.03 of **Form 810**.
- 7.04 Preparation of Sub-grade: Sections 2.09.01 and 2.09.03 Page 95 of **Form 810**. No gravel shall be placed on the prepared sub-grade until the Engineer or his Agent has approved the condition of the sub-grade.
- 7.05 Slopes: Sections 2.11.01 and 2.11.03 of **Form 810**, Page 107. Slopes shall be loamed to a minimum depth of four (4) inches, rolled, fertilized and seeded with a satisfactory grass seed mixture.
- 7.06 Gravel Sub-base: The sub-base shall consist of at least twelve (12) inches of Bank Run Gravel constructed in accord with Section 2.12.03, Page 108, **Form 810**. Where ledgerrock is encountered, it shall be excavated as in 4.01 and the Gravel Sub-base shall be 18" minimum.
- 7.07 Gravel Fill: Sections 2.13.01 through 2.13.03 Page 110 of **Form 810**.
- 7.08 Base Course: The base course shall consist of one (1) 3 inch course of Broken Stone constructed in accord with Sections 3.01.01 through 3.01.03, Page 113 of **Form 810**.
- 7.09 Wearing Surface: The wearing surface will be Bituminous Concrete Pavement, constructed in one or two courses to the thicknesses indicated herein and in accord with Sections 4.07 and 4.04, Page 174 of **Form 810**. No final surfacing shall be installed until a period of sixty (60) days or more has elapsed with drainage, sub-base and base course in place.
- 7.10 Drainage: All drainage pipe shall be at least 15 inches in diameter except as noted below and installed with a minimum cover of 3 feet. All installation and construction shall be to the line and grade indicated on submitted drawings as required elsewhere herein and in accord with Section 5.06, Page 194 and 5.07, Page 196 of **Form 810**. Class A. Concrete headwalls shall be located at culvert ends. Under drain pipe and outlets shall be of a size determined by the Engineer.
- Curb type catch basins, various types of end walls, CL type catch basins, manholes. Wing type end walls and under drain, shall be constructed according to the dimensions, methods and materials shown in detail on Connecticut State Highway Department Standard Sheets, (Numbers 228-A, 228-D, 228-C, 228-E, 223-A, 221-I, 221-F, 221-H, 217-B and 221-G)
- A copy of these Standard Sheets will be kept on file in the Selectman's Office and in the Road Foreman's Office.
- 7.11. Utilities (other than Drainage)
- Gas, Telephone and Electric, Sanitary Sewers: Underground installations of gas, telephone and electric facilities shall be laid along the south and west sides of roadway in a strip 5' wide off the shoulder of the road. Water installation shall be in a strip 5' wide off the shoulder of the road on the opposite side of the road to the above facilities.
- Water: Public or community water mains shall be laid along the north and east sides of the roadway seven (7) feet off the roadway centerline and be in accordance with specifications of the local Water Company. In no case, shall any pavement of roadways

TOWN OF BEACON FALLS ROAD ORDINANCE

be begun until all water mains and laterals are completed under affected portion of the roadway.

Hydrants shall be installed on all roadways where water is available at such locations and in such number as the Engineer directs. Cost of the provision and installation of hydrants shall be borne by the contractor or subdivider.

- 7.12. Bridges: Where bridges are to be built, they shall be designed to satisfy the requirements of H-20-S-16 wheel loading, and the applicable section of **Form 810**, Pages 354, 468, 473, 474, 88, 209, 376, 238, 468, and 191. Drawings and design calculations shall be submitted to the Town Engineer and shall be certified by a Professional Engineer, registered in the State of Connecticut.
- 7.13. Upon suspension or completion of any permitted, work the subdivider or contractor shall remove from all public or private property all temporary structures, tools and equipment rubbish or waste materials resulting from his operations. All ditches shall be filled, all sewers, drains, catch basins and man-holes cleaned and flushed, streets, walks, curbs and other structures cleaned and repaired and the whole work left in a neat and clean condition.
- 7.14. The Holder of the Road Permit shall establish and clearly mark, on site, the center line of the proposed roadway. The stakes may be an offset from the center line. He shall also indicate the location of drainage structures and easements in the same manner.
- 7.15. In case of conflict on any of the specifications contained herein, the ruling of the Planning and Zoning Commission shall be deemed final.
- 7.16. Slight distance at all intersections including driveways shall be provided to 188' in either direction. The Holder of the Road Permit shall re-grade all areas falling within the sight distance triangle. He shall remove trees, brush, stones, etc. and other objects designated by the Engineer so that clear, unobstructed sight distance is obtained. Driveways, where they meet roads, shall flair a sufficient width so as to prevent crossing to the wrong side of the road for entrance or exit.

SECTION 8. SANITARY SEWERS:

Materials: Gravity Flow mains shall be constructed of extra strength PVC Pipe.

- 8.01 Pipe. Pressure mains shall be constructed of mechanical joint cast iron pipe. Minimum pipe size shall be eight (8) inches for street sewers and six (6) inches for laterals to buildings.
- 8.02 Location: The pipe shall be laid at a depth which, where possible, shall be below all other utilities in the roadway. In no case shall the cover over the pipe be less than six (6) feet.
- 8.03 Minimum Pitch: The pipe shall be laid at a pitch which will insure self-cleaning. This pitch shall be a minimum of 0.4 percent.
- 8.04 Manholes: Manholes shall be spaced at distances no greater than 300 feet and at angle points, intersections and grade changes of pipe or where pipe increases in size.
- 8.05 Drawings: In all cases proposed, sanitary sewer plans and profiles shall be submitted to the Selectman or Planning and Zoning Commission on plan profile paper as part of or separate from the roadway and drainage plan profiles required herein.

TOWN OF BEACON FALLS ROAD ORDINANCE

Before fine grading or construction of curbs is started, all service lines from underground utilities shall have been installed in every lot in the proposed subdivision. When all

underground work is completed, the final grade shall be established and the pavement applied. Curbing, where required, shall then be installed throughout and shoulders fine graded as the final operation.

8.06 Where utilities are installed, the Holder of the Road Permit shall bear the expenses of raising all man-holes, valve boxes, etc, up to the final road grade. These utility appurtenances shall be clearly visible and shall be so set that a true line and grade is maintained.

In all cases, the installation of all utilities, including gas and cable lines within the right-of-way shall be under the inspection of the Engineer or Building Inspector. All utility lines shall be run to each and every lot at the time of initial installation of the distribution main, said service to extend to a point 24" inside the curb line and shall be terminated with a valve and curb box in the case of water service up to the finished grade of the shoulder.

SECTION 9. ADMINISTRATION

9.01 Guaranty Bond and Maintenance

In the case of the construction of a road under Contract to the Town, the Contractor shall file with the Town Clerk, a Performance Bond in the full amount of said Contract in order to secure to the Town the satisfactory completion of the work.

In the case of the construction of a road or roads in a proposed subdivision, the subdivider shall file with the Town Clerk, prior to the approval of the Final Subdivision Plan, a Performance Guaranty for street improvements, drainage, sewer and water supply and any other improvements required by the Commission. Such Performance Guaranty shall assure the installation and completion of the improvements before an agreed date, unless for good reasons shown to the Planning and Zoning Commission, the Planning and Zoning Commission may grant an extension with the consent of the Surety.

The Performance Guaranty shall be approved by the Town Counsel and shall be in the form of a Performance Bond to the Town of Beacon Falls which shall be issued by a bonding or surety company or in cash, returnable to the subdivider after full compliance. A Performance Guaranty shall be for a period not to exceed two (2) years, except that extension of such Guaranty to cover completion of the top surface of the street pavement may be extended by the Planning and Zoning Commission beyond the two (2) year time limit with the consent of the Surety. The amount of the Guaranty will be equal to 100 % of the cost of roads and improvements.

The cost of roads and drainage shall be estimated by the subdivider's or contractor's Professional Engineer and submitted to the Town Engineer or the Planning and Zoning Commission for review and approval.

9.02 Permit

Upon submission and approval by the appropriate agency of the documents required, the Planning and Zoning Commission shall cause a permit to be issued and said permit shall grant the Holder of the Road Permit the right to construct roadways in the Town of Beacon Falls in accordance with the approved documents.

TOWN OF BEACON FALLS ROAD ORDINANCE

9.03 Inspection

The permit shall designate required inspections at certain stages of construction and it shall become the responsibility of the Holder of the Road Permit to obtain the signature of the Chairman of the Planning and Zoning Commission, Building Inspector, or Town Engineer upon completion of each stage and before starting additional work. The Holder of the Road Permit shall give the Planning and Zoning Commission or its Agent, forty-eight (48) hours notice before beginning construction requiring inspection. Failure of the Holder of the Road Permit to obtain the signature of the Chairman of the Planning and Zoning Commission, Building Inspector, or Town Engineer following each inspection as designated shall constitute a default of the regulation and said permit shall become null and void and further work shall not be permitted.

The **First** Selectman, Planning and Zoning Commission, Building Inspector, or their Agent reserves the right to conduct an inspection of the roadway at any time he/she may see fit, and at any rate, not less than once weekly during actual construction.

The construction of any road or highway subject to the provisions of this Ordinance may be halted by the **First** Selectman, Planning and Zoning Commission, Building Inspector, or their Agent, if at any time, they shall find that the road does not comply with the provisions of this Ordinance. In case it becomes necessary to order the Holder of the Road Permit to cease work due to not complying with this Ordinance, the **First** Selectman and Planning and Zoning Commission shall be notified, in writing, of the close-down date. When the project is reopened, the **First** Selectman and Planning and Zoning Commission shall be notified at least three (3) days in advance of the proposed starting date.

9.04 Release of Guaranty Bond

The Performance Guaranty shall not be released until the subdivider's or contractor's Professional Engineer has certified completion of the public utilities and improvements in substantial accordance with the requirements and the street or streets have been legally accepted by the Town and deeds covering land to be used for public purposes, easements and rights-of-way over property to remain in private ownership and rights-to-drain onto or across private property are submitted in a form satisfactory to the Town Counsel. All recording fees shall be borne by the subdivider.

Application for approval of portions of the total proposed work may be made upon completion of such portions. If such are accepted, a pro rated reduction in surety bond or deposit will be allowed.

If the work has not been completed within a two year period, the Planning and Zoning Commission shall recommend that the bond be forfeited and proper notice shall be given in writing to the Holder of the Road Permit and to the Surety of this action. The permit may be extended by the Planning and Zoning Commission if it deems in the best interest of the Town of Beacon Falls.

9.05 Maintenance of Bond and Maintenance Project

The contractor or subdivider shall keep and maintain the work in good repair for a period of one (1) year from the date of final acceptance by the Town. Prior to the final acceptance of the road by the Town, the contractor or subdivider will file with the Town Clerk an acceptable surety company bond in the amount of ten percent (10%) of the value

TOWN OF BEACON FALLS ROAD ORDINANCE

of the work accepted. The term of this bond shall be for one (1) year from the date of final acceptance. Upon acceptance of the road by the Town and receipt and approval of this bond, the Town Clerk will release the one hundred percent (100%) performance bond required.

The contractor or subdivider shall, when notified by the First Selectman, promptly and at his own expense repair all failures in the construction and operation of structures and appurtenances or drains, pipes, mains or conduits, curbs, gutters, sidewalks, road surfacing, land turfing, or any other structures on the line of the work, or adjacent thereto, occurring during the maintenance period which are caused by or affected by his work.

If the contractor or subdivider fails to remedy such defects within a reasonable time, the Town of Beacon Falls, may, without prejudice to any other remedy and upon written notice to the contractor or subdivider and surety company, cause the required repairs to be made and bill the contractor or subdivider or the surety company for the cost of the work involved.

9.06 "As Built" Drawings and Warranty Deeds.

Upon completion of construction and prior to acceptance or release of bond, "As Built" drawings showing finished profile of road, storm drainage, with invert elevations and plans of roadway showing street lines, easements, curb lines, storm drainage, utilities and monumented control points, shall be submitted to the Planning and Zoning Commission. Said drawings shall be drawn in ink on plan profile linen or film 36 inches long and the originals shall be filed with the Town. "As Built" drawings shall be prepared and certified by a Professional Engineer registered in the State of Connecticut.

Upon completion of construction and prior to acceptance or release of bond, warranty deed or deeds covering all roads and rights-of-way and drainage or other easements shall be executed to the Town of Beacon Falls in acceptable Certificate of Title signed by a practicing attorney of the State of Connecticut.

"As built" are to be given to the Treatment Plant and Public Works before acceptance.

9.07 Approval and Acceptance by the Town.

Upon completion and final inspection of roadways and auxiliary structures, and upon submission of the required Maintenance Bond, Warranty Deeds, Certificates and 'As Built' drawings, the subdivider or contractor shall apply to the Planning and Zoning Commission for acceptance. The Planning and Zoning Commission will then review the requirements and if satisfactory, recommend acceptance to the Town. Affirmative action by the Town Meeting shall constitute approval and acceptance by the Town of Beacon Falls and the date of approval shall be the starting date for the one (1) year maintenance period.

9.08 Separability: It is hereby declared to be the legislative intent that:

9.08.01 If a court of competent jurisdiction finds any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be

TOWN OF BEACON FALLS ROAD ORDINANCE

invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

9.08.02 Effect on Other Requirements

It is not intended that the requirements of any other law or ordinance except as herein stated, be repealed or otherwise made ineffective by this Ordinance and in case of conflict the strictest of the relevant provisions of this and other laws and ordinances shall apply.

9.09 Effective Date.

9.09.01 This Ordinance shall become effective upon its enactment. This Ordinance shall not apply to any roadway for which a road construction permit, under bond, has been issued under the Road Ordinance prior to the date of adoption of this Ordinance, and to developments of record. It may be constructed in accordance with the provisions of the aforesaid ordinance provided construction is completed in full compliance with the provisions of such ordinance and approval of said construction, in writing by the Planning and Zoning Commission has been obtained prior to adoption of this Ordinance.

9.09.02 On the effective date of this Ordinance, the Road Ordinance of the Town of Beacon Falls originally adopted October 24, 1956 is hereby repealed. Adopted by the Town Meeting April 27, 1971.

9.10 Permits.

Permits for disturbing, digging, excavating, or in any way damaging a road bed for any reason, what so ever, shall be bonded, bond to be determined by the Town Engineer or First Selectman's Agent. Fee for Permit shall be at a rate of one (1) dollar per running foot. The fee for permit may be waived by a simple majority vote of the Board of Selectmen for work being performed under contract for the Town of Beacon Falls or any regional or local Commission, District, or Authority, including, but not limited to Sewer Authorities, School Districts, Water Authorities and Economic Development Commissions to which the Town of Beacon Falls is a member.

No permit to build shall be issued to any developer until the street upon which the building is to be constructed has been completed and approved in writing by the Town Engineer or the First Selectman's Agent.

9.11 The Civil and Sanitary Engineer representing the Town of Beacon Falls shall not simultaneously represent the owner, nor the developer of any subdivision in the Town of Beacon Falls.

9.12 Restoration. Page 48, Section 1.07.04 **Form 810.**

Public Hearing Held on: September 18, 2006

Town Meeting Held on: October 2, 2006

Ordinance Published on: October 25, 2006.

This Ordinance became effective November 9, 2006.

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****Form 810** is the "State of Connecticut Highway Department's Standard Specifications for Roads, Bridges and Incidental Construction (Form 810) dated 1969 and all future revisions.

TOWN OF BEACON FALLS Street Classification and Design Standards

Highway Type	Local Residential Streets	Commercial or Industrial Streets	Major Collector Streets
Minimum Right of Way	50 ft.	60 ft.	80 ft.
Pavement Width	32 ft.	32 ft.	32 ft.
Width of Graded Shoulder Each Side	2 ft.	3 ft.	3 ft.
Pavement Type First Course	Bit. Conc. Grade 11 3" Deep	Bit. Conc. Binder 2" Deep	Bit. Conc. Binder 2" Deep
Second Course	Bit. Conc. Grade II 1 ½ "	Bit. Conc. Surf. Grade II 2" Deep	Bit. Conc. Surf. Grade II 2" Deep
Base Course	1 ½ "	3" Broken Stone	3" Broken Stone
Sub-base Course	12" Gravel (min.)	12" Gravel (min.)	12" Gravel (min.)
Gradient (Min.)	1.0%	1.0%	1.0%
Stopping Sight Distance	200' at 25 mph	200' at 25 mph	350' at 35 mph
Passing Sight Distance			1700' at 35 mph
Turnarounds	60' radius	75' radius Temporary Only	None Allowed
Minimum Radius	188 ft.	600 ft.	1200 ft.
Minimum Tangent Between Curves	200 ft.	200 ft.	200 ft.

Note: No. 1: Bituminous Concrete Curbs shall be installed on both sides of all Commercial, Industrial and Major Collector Streets. In all areas requiring curbing, it shall be installed in fills of over 6'.

Note: No. 2: Guide rail and/or single post are to be installed where directed by the First Selectman of his/her Agent.

**RESOLUTIONS
ELIMINATED FROM ORIGINAL ORDINANCE BOOK**

NAME OF RESOLUTION	REASON FOR ELIMINATION
Resolution Concerning Indemnification of Town Officials	Recommended for elimination by Town Counsel
Resolution Regarding Public Health Survey	Town is part of the Naugatuck Valley Health District
Resolution Creating a Housing Authority	Not needed at this Time
Resolution to Indicate the Building Permit System and Review Procedure for the System	Handled by Building Inspector
Resolution Pertaining to Application for Flood Insurance	This Resolution needed to apply for Flood Insurance
Resolution for the Execution of Documents by the First Selectman of the Town of Beacon Falls	Changed to an Ordinance
Resolution – Connecticut Inter-local Risk Management Agency	No longer needed because of competition in the market
Resolution – Inter-Municipal Agreement for Creation, Marketing, Promotion and Development of the Valley Enterprise Zone (pg 4)	Changed to an Ordinance