

ORDINANCES  
TOWN OF BURLINGTON

Amended to  
March 1, 1974  
March 1, 1978  
March 1, 1980

### DUE DATE OF PROPERTY TAX

Resolved: That the Town comply with the provisions of Chapter 40 of the Connecticut General Statutes, Revision of 1949, and begin a new fiscal year on July 1<sup>st</sup> of each year, commencing with the year 1951. The general property tax for each year is to become due on July 1<sup>st</sup> of each year, except when the tax due is in excess of \$50.00\*, one half of the total tax shall be due on July 1<sup>st</sup> and one half on January 1<sup>st</sup>.  
(February 27, 1951 and \*October 1, 1962)

### ELIMINATION OF FILING REAL ESTATE TAX LISTS

Resolved: That subject to the approval of the state tax commissioner, the filing of tax lists, listing real estate with the assessors of the Town of Burlington be eliminated, and that the assessors are hereby authorized to compile the abstracts of real estate from data obtained from the owners' cards or reports approved by the tax commissioner.  
(February 2, 1961)

### ELIMINATION OF FILING MOTOR VEHICLE TAX LISTS

Resolved: That subject to the approval of the state tax commissioner, the filing of tax lists, listing motor vehicles with the assessors of the Town of Burlington be eliminated, and that the assessors are hereby authorized to compile the abstracts of motor vehicles from data obtained from owners' registration slips furnished by the motor vehicle department on records approved by the tax commissioner.  
(February 2, 1961)

### BINGO, BAZAARS AND RAFFLES

Voted: The question of holding bazaars and raffles within the territorial limits of the Town of Burlington was adopted.  
(November 4, 1955)

Voted: To allow the playing of "bingo" within the Town of Burlington.  
(July 7, 1960)

### ALCOHOLIC BEVERAGES

Resolved: That the sale of alcoholic liquors on Sunday in the Town of Burlington be permitted, as provided in Section 33 of Article 4 of the Public Acts of 1935, entitled, "An Act Amending the Liquor Control Act."  
(July 6, 1935)

### FISH AND GAME

Voted: That domestic pheasants may be shot on Sundays on licensed shooting preserves under and in accordance with Section 226 of the 1949 Public Acts of the State of Connecticut, in the Town of Burlington, and that the selectmen of said Town of Burlington be and hereby are authorized to issue said permits as may be necessary thereunder subject to such conditions as are prescribed by law.  
(June 3, 1953)

CHANGE IN ELECTION DATE

BE IT ORDAINED: That, Pursuant to the Public Act No. 675, passed by the 1967 Session of the General Assembly of the State of Connecticut, municipal elections of the Town of Burlington be held biennially on the first Monday of May of the odd-numbered years. Each officer elected shall take office on July 1<sup>st</sup> next ensuing after the election, for the period for which he is elected.

(September 13, 1950; February 27, 1951 and June 4, 1968)

THE TERMS OF OFFICE OF THE TOWN CLERK AND THE REGISTRAR OF VOTERS

BE IT ORDAINED: That at the election to be held in May of the year 1975 and at each succeeding regular election for the office of town clerk, such town clerk shall be elected for a term of four years from the first day of July following his election:

That at the election to be held in November in the year 1974 and at each succeeding regular election fro the office of registrar of voters, such registrars of voters shall be elected for a term of four years from the first Wednesday following the first Monday of January succeeding their election.

(March 23, 1973)

### VOTING DISTRICTS

Whereas, Special Act No. 528 was enacted by the 1953 Session of the General Assembly to permit the Town of Burlington to alter its voting districts and to reconstitute the town as a single voting district.

RESOLVED: That the existing division of the Town of Burlington into two voting districts shall be and hereby is discontinued, and the entire Town shall hereafter constitute a single voting district; and be it further

RESOLVED: That the polling place for the entire Town of Burlington shall be located at Burlington Center; (subject to regulations of Section 9-169A of General Statutes) and be it further

RESOLVED: That the Office of Registrar of Voters in the second voting district shall be abolished.

(December 21, 1964)

### JUSTICES OF THE PEACE

Whereas, the Town of Burlington is entitled to elect biennially at each state election, twenty-four Justices of the Peace, as provided in Sec. 9-183 of the Connecticut General Statutes, and in Public Act 505 enacted by the 1963 Session of the Connecticut General Assembly;

And, Whereas, the Town by ordinance may provide for a lesser number of Justices of the Peace in accordance with said Sec. 9-183;

No, therefore, be it ORDAINED that there shall be twelve Justices of the Peace elected at each biennial state election, commencing with the next such election to be held following the date of this ordinance.

(November 1, 1964)

## EXCAVATION AND OBSTRUCTION OF STREETS AND HIGHWAYS

BE IT ORDAINED: That within the Town of Burlington, no person, firm or corporation shall excavate or fill or otherwise change the grading of any land located within the limits of any town highway, or street of the Town of Burlington, or dig below the surface within the limits of any highway of the Town of Burlington, or highway under the control of, or maintained by said town, or dig below the surface of any such street or highway, or place any obstruction thereon, or install a driveway, or do grading thereon, without first having obtained a permit from the selectmen of the town, and no person, firm or corporation shall obstruct or interfere with the drainage of surface water from or any such highway or street without having obtained a permit from the selectmen. Any person, firm, or corporation violating any provision of this ordinance shall be fined not more than one hundred dollars.

(December 8, 1960)

## PARKING

- A. The First Selectman of the Town of Burlington shall make, erect and maintain, at such places in town, signs and markings for the direction and regulation of traffic and the parking of vehicles upon the streets. The First Selectman may cause appropriate signs or warnings to be posted temporarily along any street or public place for the purpose of prohibiting the parking of vehicles while the road crew or fire department is engaged in the performance of its duties in connection with any public work or undertaking in such street or public place.
- B. No person shall allow any vehicle or other property to remain standing on any street or public place in the Town as to hamper, obstruct, interfere with or hinder the work of the road crew or Fire Department. The First Selectman, State Police or any Constable may order the removal of any vehicle left standing on any street or public place in violation of this section.
- C. It shall be unlawful for any person to park or abandon any vehicle on the highways of the Town of Burlington during a snow storm. For forty-eight hours following the cessation of a snow storm, no operator or owner of a vehicle shall allow the same to remain parked on any street of the Town for a period of more than one hour.
- D. Whenever any vehicle is found parked unlawfully, including unlawful parking or abandonment during a snow storm, it may be removed and conveyed by or under the direction of a member of the Board of Selectmen or under the direction of a Constable, by means of towing or otherwise, to a public garage.
- E. The owner of any towed vehicle shall be duly informed as to the nature and circumstances of the violation on account of which such vehicle has been towed.
- F. Before the owner or person in charge of any impounded vehicle shall be permitted to remove same from said public garage, he shall furnish to the First Selectman or such Officer as the First Selectman shall designate, evidence of his identity and ownership, shall sign a receipt for such vehicle and shall pay the cost of removal and storage.
- G. Any person violating this ordinance shall be subject to penalties set forth in Section 14-314 of the Connecticut General Statutes, Revision of 1958, as amended.
- H. This Ordinance shall take effect and become operative fifteen days after publication.  
(January 18, 1963)

## CONSERVATION COMMISSION

WHEREAS, There is no commission in the Town of Burlington for the conservation, development, supervision, and regulation of natural resources, including water resources, within its territorial limits; therefore

RESOLVED: That

- A. There shall be established a Conservation Commission consisting of seven members who shall serve without compensation and be appointed by the First Selectman. Of the three members first appointed, one shall be appointed for a term to expire June 30, 1971; one shall be appointed for a term to expire on June 30, 1972; two shall be appointed for a term to expire on June 30, 1973; two on June 30, 1974; and three on June 30, 1975. After such first appointments, all appointments to the Conservation Commission shall be for a term of three years. The Conservation Commission shall elect its own chairman. Upon the death or resignation of any member of the Conservation Commission, his successor shall be appointed by the First Selectman to serve the unexpired portion of the term for which such member had been appointed.
- B. The powers and duties of the Conservation Commission shall be those set forth in Section 7-131a of the Connecticut General Statutes as amended by Public Act No. 284 enacted by the 1969 session of the Connecticut General Assembly, and as the same shall be further amended thereafter.
- C. This resolution shall become effective on September 1, 1970.

Amended: December 22, 1972

## SEWER AUTHORITY

BE IT ORDAINED BY ANNUAL BUDGET MEETING OF THE TOWN OF BURLINGTON:

1. The Town of Burlington hereby creates a Sewer Commission to be known as the Burlington Sewer Commission, and designates said Commission as the Sewer Authority of the Town of Burlington with all the powers, purposes and objectives set forth in Chapter 103 of the Connecticut General Statutes.
  
2. The Burlington Sewer Commission shall be made up of five (5) members ("Commissioners") each of whom shall be an elector of the Town of Burlington appointed by its Board of Selectmen. Each Commissioner shall serve without compensation. On or before the 15<sup>th</sup> day of June, 1971, the Board of Selectmen shall appoint one Commissioner who shall hold office for a term commencing July 1, 1971, the Board of Selectmen shall appoint one Commissioner who shall hold office for a term commencing June 1, 1971 and ending on June 30, 1973, one Commissioner who shall hold office for a term commencing July 1, 1971 and ending on June 30, 1973, one Commissioner who shall hold office for a term commencing July 1, 1971 and ending on June 30, 1974, and one Commissioner who shall hold office for a term commencing July 1, 1971 and ending on June 30, 1975, one Commissioner who shall hold office for a term commencing July 1, 1971 and ending on June 30, 1976, and one Commissioner who shall hold office for a term commencing July 1, 1971 and ending on June 30, 1977. A successor to each Commissioner shall be appointed for a term of five (5) years, effective on expiration of the term of his predecessor and expiring on June 30 of the fifth year following the year of his appointment, provided, however, that whenever a vacancy on the Commission shall occur the Board of Selectmen shall, as soon as practicable, appoint a successor Commissioner whose term shall expire on the same day as the last day of the term of his predecessor.
  
3. The Commission shall at its first meeting, to be held not later than July 15, 1971, and at each annual meeting held during the first fifteen (15) days in July in each succeeding year, elect from among their number a Chairman and shall appoint a Clerk who may be, but need not be, a Commissioner. At each such meeting the Commission shall appoint an attorney and may employ such other persons as it may deem necessary to carry out its purposes and objectives, and shall prescribe and define their duties. The Commission shall, not less frequently than annually, determine the compensation, if any, to be paid to the Clerk of the Commission, the attorney for the Commission and all other employees of the Commission. The Clerk of the Commission shall keep a complete record of the proceedings of the Commission and, when ordered by the Commission to do so shall file a copy of the record thereof with the Town Clerk. The Commission's records shall be open for public inspection at all reasonable hours.

## SEWER AUTHORITY

4. The first meeting of the Commission shall be called by the First Selectman and thereafter meetings of the Commission shall be called by the Chairman or by any two Commissioners. Notice of the call of any meeting of the Commission shall be effective if all Commissioners shall have received such notice not less than thirty-six (36) hours prior to the date of such meeting.
5. The Commission shall maintain proper accounting and financial records and shall make an annual report to the Selectmen. The Commission shall prepare annually a budget of estimated revenues and expenditures for the ensuing fiscal year.
6. A Commissioner may be removed for inefficiency or neglect of duty or misconduct in office by the Board of Selectmen after a hearing conforming to be recognized standards of due process of law, including without limitation, an opportunity to review the charges made against him not less than ten (10) days prior to the date on which said charges shall be subject to such a hearing.
7. This Ordinance shall become effective upon passage.

Note: The foregoing ordinance was passed at the Annual Budget Meeting held on June 1, 1971.

## BURLINGTON ECONOMIC DEVELOPMENT COMMISSION

Voted: That the Development Commission (so-called) be made a permanent Commission with official standing.

(June 7, 1955)

The Town of Burlington does hereby establish and constitute an Industrial Development Commission pursuant to the provisions of Section 7-136 of the Connecticut General Statutes, Revision of 1958, to be known and designated as the BURLINGTON ECONOMIC DEVELOPMENT COMMISSION.

(June 1, 1976)

### NUMBER OF MEMBERS

The Burlington Economic Development Commission shall consist of eight (8) members who shall serve without compensation.

(May 5, 1966)

(December 22, 1976)

### APPOINTMENT AND TERM OF OFFICE OF MEMBERS

- A. The members of the Burlington Economic Development Commission shall be appointed by the First Selectman of the Town of Burlington.
- B. Each member of the Commission shall be appointed for a term of four years in such a manner that the terms of two members (including those of incumbent members) shall expire on June 30<sup>th</sup> of each year.

(December 22, 2976)

### POWERS AND DUTIES OF THE COMMISSION

- A. The Commission shall be empowered to investigate and study the business and industrial conditions and needs of the Town; to inquire into the best plan for industrial development of areas of the Town; to coordinate all the activities of unofficial bodies and organizations of the Town interested in the industrial development and planning of the town; to advertise the industrial advantages of the Town and to prepare, print and distribute any and all kinds of demonstrative material which in its discretion will further the purposes of the Commission.
- B. The Commission may employ such persons as are necessary for it to discharge its duties.

## ORGANIZATION OF COMMISSION

Within thirty (30) days from July 1<sup>st</sup> of each year or from the date of the initial appointment, the members of the Commission shall meet and elect from within their own membership a chairman and other appropriate officers.

(November 6, 1961)

Note: Planning was adopted April 11, 1953 – See page 319 of Book 3

### AN ORDINANCE CREATING A ZONING BOARD FOR THE TOWN OF BURLINGTON

- A. Pursuant to the authority granted by Chapter 43 of the General Statutes of the State of Connecticut, 1949 Revision as amended by Section 373D of the 1955 Supplement, there is hereby created a Zoning Board with all the powers and duties specified in Chapter 43 as amended, for the Town of Burlington.  
(January 24, 1957)  
Regulation Adopted: March 6, 1958
- B. Said Board shall be elected at the biennial election of the Town of Burlington to be held on May 13, 1957. There shall be elected to the Zoning Board to serve from July 1, 1957, two members who shall hold office for two years; and three members who shall hold office for four years. At the biennial election to be held in 1959 there shall be elected two members for a term of four years; at the biennial election to be held in 1961, there shall be elected three members for a term of four years; at the biennial election to be held in 1965, three members shall be elected for a term of six years, and every six years thereafter. At the biennial election in 1961, there shall be elected two members for a term of six years, and every six years thereafter. Two members shall serve out their terms until July 1963. At the biennial election in 1963, two members shall be elected for a term of six years, and every six years thereafter.  
(January 24, 1957, February 2, 1961, December 21, 1964)
- C. No more than five members of any one political party may be members of the Board at one time.  
(January 24, 1957, February 2, 1961, October 5, 1959)
- D. Any vacancy in the Planning and Zoning Commission shall be filled by the Board of Selectmen.  
(January 24, 1957, December 21, 1964)

Voted: That the Zoning Commission be hereby designated as the Planning and Zoning Commission and the number of members be established at seven (7)—the present Zoning

Board and two (2) additional members to be named by the Board of Selectmen to act until the next biennial election.  
(October 5, 1959)

ALTERNATE MEMBERS TO THE PLANNING AND ZONING COMMISSION

BE IT ORDAINED: That the Board of Selectmen is authorized and directed pursuant to the provisions of Sec. 8-1b of the Connecticut General Statutes, to appoint three electors to serve as alternate members of the Planning and Zoning Commission until June 30, 1974; to appoint their successors for terms of two years to expire on June 30 in each even-numbered year; and, to fill the unexpired portion of any term whenever there shall be fewer than three such alternate members able and willing to so serve.  
(December 22, 1972)

CREATING A ZONING BOARD OF APPEALS FOR THE TOWN OF BURLINGTON

- A. Pursuant to the authority granted by Chapter 43 of the General Statutes of the State of Connecticut, 1949 Revision as amended by Section 373D of the 1955 Supplement, there is hereby created a Zoning Board of Appeals with all the powers and duties specified in Chapter 43 as amended, for the Town of Burlington.  
(January 24, 1957)
- B. Said board shall be elected at the biennial election of the Town of Burlington to be held on May 13, 1957. There shall be elected to the Zoning Board of Appeals to serve from July 1, 1957, two members who shall hold office for two years; and three members who shall hold office for four years. At the biennial election to be held in 1959 there shall be elected two members for a term of four years, and quadrennially thereafter. At the biennial election to be held in 1961 there shall be elected three members for a term of four years, and quadrennially thereafter.  
(January 24, 1957, December 21, 1964)
- C. No more than three members of any one political party may be members of the Board at one time.  
(January 24, 1957)
- D. Any vacancy in the Zoning Board of Appeals shall be filled by the Board of Selectmen.  
(January 24, 1957, December 21, 1964)
- E. Three alternate members also referred to as “the panel of alternates” shall, when seated as herein provided, have all the powers and duties set forth in the General Statutes, relating to Zoning Board of Appeals and their members. The alternate members shall be electors of the Town and shall not be members of the Zoning Commission. Said three alternate members hereafter referred to as “the panel of alternates”, shall be elected at the biennial election in May, 1961, as follows:  
Two members to serve from July 1, 1961 for two years;  
One member to serve from July 1, 1961 for four years;  
At the election of May, 1963, two members shall be elected for four years and quadrennially thereafter. At the biennial election to be held in 1965, there shall be elected one member for a term of four years and quadrennially thereafter. No more than two members of any one political party may be members of the panel of alternates at any one time. Any vacancies in the panel of alternates shall be filled by the Board of Selectmen.  
(February 2, 1961; December 21, 1964)

STATE BUILDING CODE ADOPTED

Voted: That the State Building Code is adopted by this Town Meeting with the amendments thereto as are presently on file in the Town Clerk's Office.

Be it further ordained that no amendment to the State Building Code will become effective until adopted by a Town Meeting or until state statute requires their adoption.

Be it further ordained that a Board of Appeals shall be adopted in the manner provided in the State Building Code, that the Board of Selectmen be authorized to retain the services of a Building Inspector; and that the effective date of this ordinance shall be thirty-one days subsequent to this Town Meeting or the date a Building Inspector has been sworn into office, whichever event later occurs; and that the Enforcement Officer of the Zoning Ordinance shall be the Building Inspector as provided for in the State of Building Code. The effective date of this amendment is to be the date that the Building Inspector is sworn into office.

(Sworn into office – Albert P. Stanley September 22, 1967)

(February 13, 1967)

A BOARD OF APPEALS TO REVIEW DECISIONS OF THE BUILDING OFFICIAL

BE IT ORDAINED, that a Board of Appeals be and it hereby is established to act upon appeals from decisions of the Building Official. The Board shall consist of five members all of whom shall meet the qualifications set forth in the State Building Code, appointed by the Board of Selectmen. No member of the Board of Appeals shall be disqualified by reason of his membership on the Board of Appeals of another municipality. Each member of the Board shall serve for a term of five years or until his successor has been appointed except that the first Board shall be made up of members whose terms expire on the last day of June in 1974, 1975, 1976, 1977 and 1978 respectively. The Board of Selectmen shall be empowered to fill any vacancy the Board of Appeals by designating a qualified person to serve as a temporary member or to fill any unexpired term of a regular member. The Board of Appeals shall select one of its members to serve as Chairman and the Building Official shall designate to a Clerk to serve as Secretary to the Board, who shall keep a detailed record of all proceedings of the Board on file in the offices of the Town of Burlington. No member of the Board shall pass on any question in which he has any personal interest. The members of the Board shall serve without compensation.

(March 23, 1973)

(Amended: June 5, 1973)

SURETY BONDS FOR CONSTABLES

Voted: That the Town of Burlington furnish all duly qualified Constables with surety bonds, this ordinance to become effective July 1, 1953.  
(October 1, 1951)

OLD AGE AND SURVIVORS INSURANCE SYSTEM FOR EMPLOYEES

- A. Resolved: That the Town of Burlington apply for membership and participate in the Old Age and Survivors Insurance System for all full time employees of the Town of Burlington with the exception of those covered by the Connecticut State Teachers Retirement Association.
- B. That the Board of Selectmen shall execute on behalf and in the name of the Town of Burlington any and all agreements with the State Employees Retirement Commission, for the aforesaid purpose in accordance with and subject to the provisions of Public Act No. 277 and subject to the regulations promulgated by the State Retirement Commission pursuant to said Public Act.
- C. That the Treasurer of the Town of Burlington be and he is hereby authorized and directed to make deductions from the wages of the employees participating in the aforesaid Old Age and Survivors Insurance System as required by Section 4 of said Public Act No. 277 and to forward the amount thereof together with the contribution of the Town of Burlington to the State Employees Retirement Commission in manner and form prescribed by the said regulations.  
(October 1, 1953)

### PUBLIC LIBRARY

- A. A Public Library is hereby established which shall, under the proper regulations to be adopted by the directors, be free to all inhabitants of this Town.
- B. The number of Directors of the Public Library shall be nine.

Pursuant to the provision of Special Act No. 67, enacted by the 1963 Session of the General Assembly of Connecticut, the Board of Selectmen shall appoint three members of the Board of Library Directors to serve for a period of six years, commencing on July 1, 1965, to succeed the three elected members of said board whose terms expire on said date. Effective July 1<sup>st</sup> of each odd-numbered year thereafter, the Board of Selectmen shall appoint for a term of six years an additional three members of said Board of Library Directors to succeed those members of said board whose terms then expire. Any vacancy in the Board of Library Directors shall be filled by the Board of Selectmen.

(December 21, 1964)

### BOARD OF FINANCE

RESOLVED: That there shall be established in the Town of Burlington, a Board of Finance, with the powers and duties granted and imposed by the General Statutes of Connecticut and the amendments thereto; the terms of office of the members of said Committee to be as provided by said statutes and amendments.

(July 30, 1927)

## CEMETERIES

Voted: That no person shall enter upon the grounds of any cemetery within the Town of Burlington during the period of each day commencing one-half hour after sunset and ending one-half hour before sunrise except with the permission of a member of the Board of Selectmen. Any person violating the provisions of this Ordinance shall be fined not more than \$50.00 and/or 30 days in jail.

(February 13, 1967)

## OLD TAVERN ON THE BURLINGTON TOWN GREEN

RESOLVED, that the Town enter into an Agreement with the Burlington Historical Society and the United States Department of Housing and Urban Development providing for acquisition by the Town of the Old Tavern on the Burlington Town Green and for the leasing thereof to the Burlington Historical Society for renovation and development as a historic site; the sum of \$35,000.00 is hereby appropriated for the purchase price and renovation of said property, said appropriation to be defrayed from funds provided by the Burlington Historical Society; the First Selectman is hereby authorized, for and on behalf of the Town, to execute said Agreement, to acquire said property, to execute the aforesaid lease to the Burlington Historical Society, to apply for an Open Space Land Grant from the Department of Housing and Urban Development, and to receive and expend funds received under such grant, and to do any other act necessary to consummate the transaction.

(March 23, 1973)

## PEDDLERS AND HAWKERS

The terms "peddler" or "hawker" as used in this ordinance shall mean any person over sixteen years of age, whether principal, employee or agent, who shall solicit orders of purchase for future delivery of any goods, wares or merchandise, including magazines and other printed matter, from door to door or on any street or highway within, or by telephone from and within, the Town, or who shall carry or expose for sale or barter, or sell, vend, hawk, or barter any goods, wares or merchandise, including food, ice cream, frozen custard, sherbets, or frozen milk and egg products, or assist in the doing of any such acts on foot or from any team or vehicle, upon any of the streets, sidewalks or highways, or from place to place, or from house to house within the limits of the Town of Burlington. The terms "peddling", "vending" or "soliciting orders" as used in this ordinance shall mean doing of any one or more of said acts by a peddler or hawker in pursuance of his business.

No person over sixteen years of age shall engage in peddling, vending or soliciting orders in or upon the streets, sidewalks or highways, or from place to place, or from house to house, within the limits of the Town of Burlington without first registering with the First Selectman of said Town and having his credentials stamped as provided in Sec. 1-4. Registration shall not constitute a permit to enter privately owned or policed areas.

An applicant, for permission to peddle, vend or solicit orders hereunder, shall complete an application blank provided by such First Selectman, which application blank shall contain the following information: (a) the name, home address and local address, if any, of the applicant; (b) a physical description of the applicant, setting forth the applicant's age, height, weight, color of hair and eyes; (c) the name and address of the person, firm or corporation for whom or through whom orders are to be solicited or cleared; (d) the nature of the goods, wares, or merchandise for which orders are to be solicited; (e) a statement as to whether the applicant has been arrested or convicted of any crime or misdemeanor, and if so, what; (f) a statement as to the period during which the applicant intends to solicit orders. The applicant, at the time of executing such application blank, shall, also, submit identification satisfactory to the First Selectman which shall contain a specimen of the applicant's signature.

Upon compliance by the applicant with the provisions of Sec. 1-3 hereof, and the payment of a license fee of twenty dollars in advance by the licensee to the First Selectman of the Town, the First Selectman shall thereupon stamp the credentials of the applicant, which credentials shall set forth the name and address of the applicant and of his employer, if any, the nature of the goods, wares or merchandise for which orders are to be solicited, and the period during which the applicant may solicit orders, which shall not exceed one year; provided, however, that the First Selectman shall not be required to grant such permission to any person who shall have been convicted of any crime or misdemeanor involving moral turpitude or of any violation of this ordinance. All residents of the Town of Burlington are exempt from paying the license fee.

## PEDDLERS AND HAWKERS

Stamped credentials shall be non-transferrable and shall entitle the holder thereof, for the period indicated therein, unless revoked, to solicit orders within the Town for purchase of the goods, wares or merchandise specified in his application, provided that the holder shall have his stamped credentials in his possession at all times while soliciting orders and shall exhibit the same at any time upon request by any Police Officer, Constable of the Town, or any purchaser or prospective purchaser.

Any person soliciting within the Town, whether or not required to register under the provisions of this ordinance, shall conform to the following regulations: (a) the solicitor shall conduct himself at all times in an orderly and lawful manner; (b) the solicitor shall give a written receipt for all orders taken within the Town, which receipt shall be signed by the solicitor and shall set forth a brief description of the goods, wares or merchandise ordered, the total price thereof, and the amount of the down payment received by the solicitor from the purchaser.

No person as defined in this ordinance, shall solicit orders of purchase for future delivery of any goods, wares or merchandise, including magazines and other printed matter, from door to door, or on any street or highway, within, or by telephone from and within the Town, or ring any bell or use any other noise-making device, mechanical or otherwise, for the purpose of attracting customers for his business, between the hours of 7:00 pm and 7:00 am, Eastern Standard Time.

The First Selectman may appoint any person or persons as agent to perform the clerical functions of registering peddlers, hawkers, and solicitors under this ordinance, provided, however, that such agent shall not refuse to stamp the credentials of any solicitor except under the direction of the First Selectman, and cancellation of the credentials' stamp shall be effected only by the First Selectman.

This ordinance shall not apply to salesmen selling goods to retail or wholesale stores for resale, to sales by farmers and the gardeners of the produce of their farms and gardens or to the sale, distribution and delivery of milk, teas, coffees, spices, groceries, meats and bakery goods, or to wholesalers selling and delivering their wares and goods to the merchants and farmers of Burlington, or to goods, merchandise or food stuffs sold and delivered by the merchants of Burlington, or to the sales of goods by students of the schools of the Town, providing said sales have been approved by the Board of Education, nor shall this ordinance apply to any person, firm or corporation who has, or has had for the twelve months preceding January 1, 1963 a regular place of business within the Town, or to any persons exempted by the provisions of the General Statutes.

## PEDDLERS AND HAWKERS

Any person violating any of the provisions of this ordinance or making any false statements or misrepresentations of fact for the purpose of obtaining permission to solicit orders shall, upon conviction thereof, and in addition to other penalties provided by law, be subject to a fine not to exceed fifty dollars, each solicitation or sale being deemed a separate offense, and pending trial, the First Selectman may suspend such permission to solicit. Upon any registered person being convicted of any crime or misdemeanor under this ordinance or involving moral turpitude, the stamped credentials of such person shall be delivered to the First Selectman and the said stamp thereon shall be cancelled, and such person shall not thereafter peddle, vend or solicit orders in the Town without re-registering.

All ordinances, or parts thereof, of the Town of Burlington, inconsistent herewith are hereby repealed.

The Town Clerk is hereby instructed to cause the copying of this ordinance upon its adoption to be published in the Farmington Valley Herald, and this ordinance shall take effect and become operative fifteen days after such publishing.

(January 18, 1963)

AN ORDINANCE PERTAINING TO JUNKED MOTOR VEHICLES WITHIN THE LIMITES OF THE  
TOWN OF BURLINGTON, CONNECTICUT

PREAMBLE

WHEREAS, junked motor vehicles not under cover have a blighting and deteriorating effect upon the enjoyment and value of real properties nearby, constitute a safety hazard to children in the neighborhood, and are a health hazard;

NOW, THEREFORE, the purpose of this Ordinance is to eliminate junked motor vehicles not under cover from the Town.

BE IT ORDAINED BY THE TOWN OF BURLINGTON:

That the Ordinance concerning abandoned motor vehicles enacted by the Town Meeting convened on November 23, 1972 is hereby repealed and the following substituted in lieu thereof:

SECTION ONE

Junked motor vehicles not under cover, as defined in this Ordinance, are prohibited within the limits of the Town. Any person, firm, or corporation causing or permitting a junked motor vehicle not under cover to be located on a public highway, public property or private property shall be subject to a fine or Ten Dollars (\$10.00) per day after the occurrence of the following:

- (a) In the event the junked motor vehicle not under cover is situated on public property or on a public highway, each day or part thereof that the condition continues; and
- (b) In the event the junked motor vehicle not under cover is situated on private property, each day or part thereof that the condition continues commencing on the eleventh day after notice as required in Section Three hereof is given.

Each additional day or part thereof shall constitute a new and separate offense, punishable hereunder.

SECTION TWO – DEFINITIONS

- (a) JUNKED-MOTOR VEHICLE - A motor vehicle located on private property for a period of thirty (30) consecutive days or on a public highway or public property for a period of twenty-four (24) consecutive hours which for such period has not been:
  - (i) Operative and there is no intent to render it, operative immediately; or
  - (ii) In condition for legal use on the public highways.

(b) MOTOR VEHICLE – a vehicle propelled or drawn by any power other than muscular, to include but not be limited to automobiles, trucks, tractors, trailers, motorcycles. For the purposes of this definition, Junked Motor Vehicle shall also include new or used parts of motor vehicles or old iron, metal, glass, paper, cordage, or other waste, or discarded or secondhand materials which have been a part or intended to be a part of any motor vehicle.

(c) UNDER COVER – Completely enclosed in a garage or other building serving the purpose of a garage.

### SECTION THREE – PROCEDURE FOR FILING COMPLAINT

Any person having knowledge of the existence of, or having reason to suspect the existence of, a junked motor vehicle not under cover may file in the office of the Resident Trooper, a written, signed complaint, describing the type and location of the motor vehicle, and giving the name(s) of the owner, or owner of the land upon which the motor vehicle is situated, if known.

### SECTION FOUR – PROCEDURE FOR REMOVAL

- (a) When it is determined that a junked motor vehicle not under cover is located on a public highway or public property, the Town shall cause said motor vehicle to be removed to a motor vehicle junk yard. The Town shall give written notice by certified mail, to the owner of the motor vehicle if he is known, that the vehicle has been removed to a motor vehicle junk yard, and the name and location of the junkyard. The Town shall have the right to collect from said owner the cost incurred in removing and disposing of said motor vehicle, which cost, if not paid prior thereto, shall be charged on the next regular tax bill forwarded by the Town to such owner if he is a resident of the Town.
- (b) When it is determined that a junked motor vehicle not under cover is located on private property, the Town shall give written notice requesting removal of such vehicle by certified mail to the person in possession or control of such property, the owner of such property and the owner of such vehicle, if known, and shall cause such notice to be published in a newspaper having a substantial circulation in the Town. If such owner or person(s) have not caused removal of such vehicle within ten (10) days after receipt of said notification, the Town may cause said motor vehicle to be removed to a motor vehicle junk yard, and, in such event, shall give written notice of the removal and the name and address of the junk yard, to the person in possession or control of such property, the owner of such property and the owner of such vehicle, if known, by certified mail. The Town shall have the right to collect the cost incurred in removing and disposing of such motor vehicle from the owner of the vehicle or from the person in possession or control of the property, or the owner of the property from which the motor vehicle was removed, unless it shall be determined that the person in possession or control of such property or the owner of the property or any member of their respective families was in no way responsible for causing or permitting the junked motor vehicle to be located on the property. Such costs, if not paid prior thereto, shall be charged to the responsible person on the next regular tax bill forwarded by the Town to such person if he is a resident of the Town.

#### SECTION FIVE – LIEN

A bill for the costs of removal and disposal shall be promptly sent by the Town to the responsible person or owner. Where the full amount of costs due the Town is not paid by the responsible person or owner within thirty (30) days after the bill for such costs has been submitted, the Resident State Trooper or delegate shall cause to be recorded in the Town Clerk's office a sworn statement showing the cost and expense incurred for the removal and disposal of the vehicle. The recordation of such sworn statement shall constitute a lien and privilege on the property of said resident, and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment has been made. Said costs and expenses shall be collected in the manner fixed by law for collection of taxes and further, shall be subject to a delinquent penalty of eighteen percent (18%) in the event same is not paid in full on or before the date the tax bill upon which said charge appears becomes delinquent. Sworn statements recorded in accordance with the provision hereof shall be prima facie evidence that all legal formalities have been complied with and that the removal and disposition has been done properly and satisfactorily, and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.

#### SECTION SIX – NOTICE TO COMMISSIONER OF MOTOR VEHICLES

When any junked motor vehicle not under cover is found, the Town shall give written notice to the Commissioner of Motor Vehicles which shall include location of the vehicle, the time the vehicle was first discovered and such other date and description of the vehicle which would be helpful to the Commissioner in identifying the vehicle and the owner of said vehicle.

This Ordinance will take effect 90 days after adoption at Special Town Meeting on March 20, 1984.

AN ORDINANCE PROVIDING FOR THE ACCEPTANCE OF THE PROVISIONS OF THE REGIONAL PLANNING  
ENABLING LEGISLATION OF THE STATE OF CONNECTICUT

BE IT ORDAINED BY THE TOWN MEETING OF THE TOWN OF BURLINGTON CONVENED:

ADOPTION OF ORDINANCE

Pursuant to the provisions of Chapter 127 of the General Statutes, Connecticut, the Town of Burlington hereby adopts the provisions of said Chapter and elects to participate in the Regional Planning Agency now or henceforth existing under authority of said chapter in the Central Connecticut Regional Planning Agency as defined pursuant to the provisions of P.A. 628 of the 1969 Regular Session of the General Assembly, as amended.

APPOINTMENT OF REPRESENTATIVES

The Town of Burlington having a population of 4,070 according to the Federal Census of 1970, shall have two (2) representatives on the agency.

The Town Meeting shall appoint to the agency one (1) elector of the Town of Burlington to serve an initial term to expire on June 30, 1974. Thereafter, each such appointee shall serve two years.

The Planning Commission of the Town of Burlington, duly constituted, shall appoint one elector to the agency for a term to expire on June 30, 1973. Thereafter each such appointee shall serve two years.

Appointees shall serve for the term of their office and until their successors shall have been appointed. Appointees may be re-appointed. Terms of office shall commence when the appointment is made or from the effective date of this ordinance, whichever is later.

FILLING OF VACANCIES

Vacancies created by resignation or inability to serve shall be filled by the Board of Selectmen for the remainder of the unexpired term. Any representative who is absent from three consecutive regular meetings of the Regional Planning Agency and any intervening duly called special meetings thereof shall be considered to have resigned from said body except that the requirements of this section may be waived by the Board of Selectmen for good cause.

CENTRAL CONNECTICUT REGIONAL PLANNING AGENCY

ASSESSMENT DUE

There is appropriated the sum of \$358.00 for the purpose of paying the Central Connecticut Regional Planning Agency the assessment due for membership in the Agency for the current fiscal year ending on June 30, 1973.

EFFECTIVE DATE OF ORDINANCE

This ordinance shall become effective on April 1, 1973.

AN ORDINANCE CONCERNING THE KINDLING OF OUTDOOR FIRES BE IT ENACTED BY THE TOWN  
MEETING OF THE TOWN OF BURLINGTON CONVENED:

No person, firm or corporation shall make or cause to be made any outdoor fire within the limits of the Town of Burlington without a permit issued pursuant to Section II hereof, except:

- (1) In a covered incombustible contained constructed for said purpose in which no opening shall exceed one inch in any dimension and in which any draft opening is covered by quarter inch, or smaller, wire mesh screen; or
- (2) In any other covered incombustible container approved by the Burlington Fire Marshal; or
- (3) In a fireplace or barbecue pit constructed of incombustible material, or in an incombustible grill designed for outdoor cooking.

APPLICATIONS FOR FIRE PERMITS

An application for an outdoor fire permit shall be made orally or in writing to the Burlington Fire Marshal, or his designated deputy, in which the applicant shall state his name, the time and the location of the proposed fire, the type of material to be burned, and such other relevant information as said Fire Marshal or his deputy may request. Every such application shall be granted or denied as soon as practicable, and when granted will be logged and if requested, confirmed in writing. An application shall be denied when because of wind, drought, type of condition of material to be burned, proximity of structures or combustible materials, availability of means of fire control, other environmental factors, or other good and sufficient reasons, said fire would constitute a hazard, a nuisance, or a danger to public safety. All such permits shall be subject to the following conditions whether or not communicated to the applicant for a permit by the Burlington Fire Marshal or his designated deputy;

- (1) No outdoor fire shall be ignited within fifteen (15) feet of any structure or accumulation of combustible material.
- (2) All permits granted orally shall terminate at midnight on the day issued.
- (3) No written permit shall be valid for more than seven days.
- (4) All permits shall be void when the official forest fire danger, as determined by the State Fire Marshal, is greater than "medium".
- (5) Any permit may be revoked at any time by the Burlington Fire Marshal or his designated deputy.

### RESTRICTIONS

No outdoor fire, whether permitted under Section I or Section II hereof, shall:

- (1) Be permitted to burn between midnight and sunrise unless so authorized by the Burlington Fire Marshal; or
- (2) Be kindled or maintained within or on any street, highway or sidewalk in the Town of Burlington;  
or
- (3) Be unattended at any time.

### LEGAL RESPONSIBILITY

No person kindling or maintaining an outdoor fire permitted by this Ordinance shall be relieved of any legal responsibility if the fire escapes or causes personal injury or property damage. Neither the Burlington Fire Marshal, nor any of his deputies, nor the Town of Burlington, shall be liable for damages to any person, firm or corporation resulting from an outdoor fire whether or not kindled pursuant to a permit issued under this Ordinance.

### VIOLATION OF ORDINANCE

Any person violating any provision of this Ordinance shall be fined not more than twenty-five (\$25.00) dollars.

EFFECTIVE DATE: August 20, 1970

ORDINANCE AUTHORIZING THE CONSTRUCTION AND OPERATION OF A MUNICIPAL WATER SUPPLY SYSTEM AND AUTHORIZING THE EXTENSION OF WATER MAINS IN THE TOWN OF BURLINGTON

BE IT ORDAINED BY SPECIAL MEETING OF THE TOWN OF BURLINGTON:

1. That the Board of Selectmen be and it hereby is authorized, pursuant to the provisions of the Connecticut General Statutes, Revision of 1958, as amended, including, without imitation , Sections 7-234, 7-137(c), 7-137(d) and 7-239, to construct and operate a municipal water supply system and to extend or cause to have extended water mains in the Town of Burlington; to assess on a front foot basis, the properties to be served by said system and by said water main extensions and to obtain reimbursement for all costs incurred by the Town of Burlington from the owners of the properties to be served thereby; to establish and collect just and equitable rates or charges for the use of water supplied by said system and water main extensions; and, to perform all such other acts as may be necessary or desirable in connection with the construction and operation of said system and water main extensions.
2. That the Board of Selectmen be and it hereby is authorized and directed to enter into such contract or contracts with the City of Bristol or any agency thereof as it shall determine is necessary to insure the availability of an adequate supply of water at reasonable cost to any water main extension serving the Town of Burlington which may be connected to the Bristol Water Supply System.
3. That, pursuant to Section 7-137(c) of the Connecticut General Statutes, the sum of \$12,500 is hereby appropriated, subject to reimbursement by means of assessment, to construct an eight-inch water main in Stafford Avenue extending five hundred twenty (520) feet northeasterly from the Bristol town line together with service connections and all other necessary appurtenant fixtures related thereto.
4. That the Board of Selectmen be and it hereby is authorized and directed to maintain separate books and accounts pertaining to the construction and operation of a municipal water supply system and all extensions of waters mains in the Town of Burlington.
5. That the Board of Selectmen be and it hereby is authorized and directed to perform all such other acts as shall be necessary to effectuate the purposes of this Ordinance.

(March 1, 1974)

AN ORDINANCE DESIGNATING AND RENAMING THE CONSERVATION COMMISSION AS THE  
INLAND WETLANDS AND WATERCOURSES COMMISSION AND AUTHORIZING IT TO  
PROMULGATE REGULATIONS PROTECTING THE WETLANDS AND WATERCOURSES OF THE TOWN  
OF BURLINGTON

BE IT ORDAINED by the Town Meeting of the Town of Burlington: That the following Ordinance be adopted pursuant to the provisions of AN ACT CONCERNING INLAND WETLANDS AND WATERCOURSES, 1972 Public Act No. 155, as amended by Public Act No. 73-571:

Section 1: The Conservation Commission of the Town of Burlington, as established by resolution adopted by Town Meeting on September 1, 1970, and amended by resolution adopted by Town Meeting on December 22, 1972, is hereby designated and renamed the Inland Wetlands and Watercourses Commission and said Commission may promulgate regulations and may exercise all other powers authorized by 1972 Public Act No. 155, as amended by Public Act No. 73-571, and shall retain its powers as Conservation Commission as heretofore authorized. Said Commission shall consist of 9 members, 7 of whom shall be the present members, who shall serve until the expiration of their respective terms and two of whom shall be appointed by the First Selectman as follows: one shall be appointed for a term to expire July 1, 1974, and one on July 1, 1976. All subsequent appointments to said Commission shall be made by the First Selectman for a term of three years. Said Commission shall elect its own chairman. Upon the death or resignation of any member of said Commission, his successor shall be appointed by the First Selectman to serve the unexpired portion of the term for which such member has been appointed. Any member may be removed for cause by the First Selectman.

Section 2: This Ordinance shall become effective fifteen (15) days after publication thereof in a newspaper having a circulation in the Town of Burlington.

(Effective May 9, 1974)

Town Meeting April 2, 1974 – Page 64

DISTRICT DEPARTMENT OF HEALTH

RESOLVED, that the Town of Burlington unite with the City of Bristol, pending approval of the City of Bristol, to form a District Department of Health pursuant to Chapter 336 of General Statutes, and the First Selectman and the Health Officer are hereby authorized to enter into such agreements and make such filings and applications on behalf of the Town as they deem necessary and appropriate in connection therewith.

(April 2, 1974)

NOTE: The above resolution was not approved by the City of Bristol, and therefore is not operative.

NOTE: In 1979 the City of Bristol adopted the provisions of Chapter 336 of the General Statutes to form with the Town of Burlington a District Department of Health. Therefore, at the annual budget meeting held on May 29, 1979, the Town of Burlington approved the following resolution:

RESOLVED: That the Town of Burlington ratify the action taken at a Special Town Meeting held on April 2, 1974 which provided that the Town of Burlington unite with Bristol to form a District Department of Health pursuant to Chapter 336 of the Connecticut General Statutes.

TAX DATE ON MOTOR VEHICLES AND AIRCRAFT

RESOLVED, that commencing with the tax levied upon the Grand List of October 1, 1973, the tax for each year on personal property, as it applies to motor vehicles and aircraft, shall be due and payable in a single installment on July 1 of each year.

(April 2, 2974)

ORDINANCE CREATING A RECREATION COMMISSION

BE IT ORDAINED BY SPECIAL TOWN MEETING OF THE TOWN OF BURLINGTON;

1. Pursuant to Sec. 7-148 of the General Statutes of the State of Connecticut, the Town of Burlington hereby creates a Recreation Commission to establish recreational facilities and recreational programs for the residents of the Town of Burlington.
2. Said Commission shall consist of ten electors of the Town of Burlington who shall be appointed by the Board of Selectmen and serve without compensation. The terms of two members shall expire June 30, 1975, the terms of four members shall expire June 30, 1976, and the terms of four members shall expire June 30, 1977. Following these appointments each member shall serve a three year term which shall expire on June 30<sup>th</sup>. Whenever a vacancy occurs, the Board of Selectmen shall appoint a successor to hold office for the unexpired portion of the term. A Commissioner shall continue in office until his successor is appointed.
3. The Commission shall elect a chairman from among its own members at the first meeting and annually thereafter at the first meeting held after the first day of July in each year. The Commission shall appoint a Secretary who shall keep a complete record of the proceedings of the Commission and shall file the same with the Town Clerk. All such records shall be open for public inspection at reasonable hours. Meetings of the Commission may be called by the Chairman or any two members upon twenty-four hours' notice thereof. A majority of the members of the Commission shall constitute a quorum and the vote of a majority of such members shall be necessary for any action taken by the Commission.
4. This Ordinance shall become effective fifteen days after the publication thereof in a newspaper having a circulation in the Town of Burlington.

Dated at Burlington, Connecticut, this 26<sup>th</sup> day of September, 1974

Effective Date October 15, 1974

Amended January 21, 1975

BOARD OF ADMISSION OF ELECTORS

RESOLVED:

That the membership of the Board of Admission of Electors be changed to consist of the Town Clerk and the Registrars of Voters, as provided in Sec. 9-15a of the General Statutes, as amended.

(Adopted January 21, 1975)

AN ORDINANCE ESTABLISHING HOURS FOR REFERENDA

BE IT ORDAINED BY SPECIAL TOWN MEETING OF THE TOWN OF BURLINGTON:

Pursuant to the provisions of Sec. 7-7 and Sec. 9-174 of the General Statutes of the State of Connecticut, the Town of Burlington hereby ordains that the hours for the voting at referenda shall be the same as those established for regular elections.

(Effective January 8, 1976)

ORDINANCE TITLE: PERMITS AND FEES

BE IT ORDAINED BY THE TOWN OF BURLINGTON

1. Building Permit – New Construction

The building permit fee for new residential, commercial and industrial and other new buildings and structures and additions or alterations to existing buildings and structures, excluding plumbing, heating or electrical permits, shall be computed on the basis of floor area and in accordance with the table below. Floor area shall be measured by multiplying the floor area of the first story by the number of stories, or by adding the floor area of all stories as shown on the building plans. The floor area of all accessory buildings, garages, breezeways, sheds, barns or all-purpose storage structures shall be included in computing floor area.

Five Cents (\$.05) per square foot of floor area  
Two Cents (\$.02) per square foot of floor area of basement garages  
Minimum Fee: Five Dollars (\$5.00)

2. Permit – Heating, Plumbing, Electrical, etc.

The permit fee for heating, plumbing, electrical or other permit required by the State Building Code shall be computed on the estimated cost of the proposed work, as follows:

Five Dollars (\$5.00) per up to \$1,000 estimated cost  
Five Dollars (\$5.00) per each additional \$1,000 estimate cost or fraction thereof  
Minimum Fee: Five Dollars (\$5.00)

3. Building Permit – Alteration and Moving Buildings

The building permit fee for alterations to and moving of buildings or structures, excluding heating, plumbing and electrical permits, shall be computed on the estimated cost of the foundation and all work necessary to move the building or structure and make necessary alterations, as follows:

Five Dollars (\$5.00) per up to \$1,000 estimated cost  
Five Dollars (\$5.00) per each additional \$1,000 estimated cost or fraction thereof  
Minimum Fee: Five Dollars (\$5.00)

4. Building Permit – Swimming Pools

The building permit fee for swimming pools fixed in ground shall be computed on the estimated cost of the work, as follows:

Five Dollars (\$5.00) per up to \$1,000 estimated cost  
Five Dollars (\$5.00) per each additional \$1,000 estimated cost or fraction thereof  
Minimum Fee: Five Dollars (\$5.00)

5. Applications and Inspections

Applications for building permits and certificates of occupancy shall be submitted to the office of the Building Inspector with the required fee. Each fee shall include the cost of two on-site inspections by the Building Inspector. Any other necessary inspections shall be billed to the applicant at the rate of \$6.00 per hour.

6. Demolition Permit

The Town Building Inspector shall be the local officer to administer the State Demolition Code. The fee for a demolition permit shall be computed as follows:

Five Dollars (\$5.00) for up to 400 square feet of floor area to be demolished  
Fifteen Dollars (\$15.00) for 400 square feet up to 2,000 square feet  
Thirty Dollars (\$30.00) for 2,000 square feet or over

7. Sewer System Permit

The permit fee for approval of a proposed sewage system shall be computed on the estimated cost of the work, as follows:

Five Dollars (\$5.00) per up to \$1,000 estimated cost  
Five Dollars (\$5.00) additional for each additional \$1,000 estimated cost or fraction thereof  
Minimum Fee: Five Dollars (\$5.00)  
Ten Dollars (\$10.00) for approval of permit for repairs

The fee for approval of a proposed sewage system includes the cost of two on-site inspections. Any other necessary inspections shall be billed to the applicant at the rate of \$6.00 per hour.

8. Well Permits

The fee for approval of a State Well Drilling Permit shall be Five Dollars. The fee for such permit includes the cost of one on-site inspection and the location approval of the proposed water supply well. Any other necessary inspections shall be billed to the applicant at the rate of \$6.00 per hour.

Effective January 8, 1976

AN ORDINANCE PROVIDING A BOARD OF APPEALS TO REVIEW DECISIONS OF THE TOWN  
BUILDING OFFICIAL

BE IT ORDAINED:

That a Board of Appeals be and it hereby is established to act upon appeals from decisions of the Building Official. The Board shall consist of five members all of whom shall meet the qualifications set forth in the State Building Code, appointed by the Board of Selectmen. No member of the Board of Appeals shall be disqualified by reason of his membership on the Board of Appeals of another municipality. Each member of the Board shall serve for a term of five years or until his successor has been appointed except that the first Board shall be made of members whose terms expire on the last day of June in 1974, 1975, 1976, 1977 and 1978 respectively. The Board of Selectmen shall be empowered to fill any vacancy on the Board of Appeals by designating a qualified person to serve as a temporary member or to fill any unexpired term of a regular member. The Board of Appeals shall select one of its members to serve as Chairman and the Building Official shall designate a Clerk as to serve as Secretary to the Board, who shall keep a detailed record of all proceedings of the Board on file in the offices of the Town of Burlington. No member of the Board shall pass on any question in which he has nay personal interest. The members of the Board shall serve without compensation.

(Effective April 15, 1973)

(Amended June 5, 1973)

AN ORDINANCE EXTENDING TO FOUR YEARS THE TERMS OF OFFICE OF THE TOWN CLERK AND THE  
REGISTRARS OF VOTERS

BE IT ORDAINED:

That at the election to be held in May of the year 1975 and at each succeeding regular election for the Office of Town Clerk, such Town Clerk shall be elected for a term of four years from the first day of July following his election;

That at the election to be held in November in the year 1974 and at each succeeding regular election for the Office of Registrar of Voters, such Registrars of Voters shall be elected for a term of four years from the first Wednesday following the first Monday of January succeeding their election.

(Effective April 15, 1973)

RESOLVED:

That the name of the Industrial Development Commission be changed to the Economic Development Commission in order to adopt the provisions of Sec. 7-136 of the General Statutes of Connecticut.

Adopted at Town Meeting June 1, 1976

AMENDMENT TO ORDINANCE – BURLINGTON ECONOMIC DEVELOPMENT COMMISSION

Be it enacted and ordained by the Town of Burlington that the following Amendment to the Ordinance known as Burlington Economic Development Commission be accepted, adopted and legalized by printing:

Section "NUMBER OF MEMBERS" of the Ordinance known as Burlington Economic Development Commission is hereby amended to read as follows:

The Burlington Economic Development Commission shall consist of eight (8) members and two (2) alternate members with full voting powers who shall serve without compensation.

Section "APPOINTMENT AND TERM OF OFFICE OF MEMBERS" of the Ordinance known as Burlington Economic Development Commission is hereby amended to read as follows:

- A. The members and alternate members of the Burlington Economic Development Commission shall be appointed by the First Selectman of the Town of Burlington.
- B. Each member of the Commission shall be appointed for a term of four (4) years in such a manner that the terms of two (2) members (including those of incumbent members) shall expire on June 30<sup>th</sup> of each year.
- C. Each alternate member of the Commission shall be appointed for a term of four (4) years in such manner that their terms shall expire two (2) years apart on June 30<sup>th</sup> of that respective year.

This Amendment shall become effective fifteen (15) days after publication of acceptance.

Publication Date: March, 19, 1986

Effective Date: March 3, 1986

AN ORDINANCE CONCERNING SOLAR ENERGY

BE IT ORDAINED THAT:

In accordance with subject to the provisions of Section 12-81, subsection 56(a), (b) and (c) of the General Statutes of Connecticut, any building or addition to a building, the construction of which is commenced on or after October 1, 1976, and before October 1, 1991, which is equipped with a solar energy heating and/or cooling system, shall be exempt from taxation, to the extent of the amount by which the assessed valuation of such real property equipped with such solar heating and/or cooling system exceeds and the assessed valuation of such real property equipped with the conventional portion of the heating/or cooling system, exclusive of any portion of such system related to the solar energy, provided this exemption shall only apply to the first fifteen assessment years following construction of such building or addition.

(May 17, 1977)

RESOLUTION RE APPLICATION FOR FEDERAL FLOOD INSURANCE (PART A)

WHEREAS, certain areas of the Town of Burlington are subject to periodic flooding (and/or mudslides) from streams, rivers and lakes causing serious damages to properties within these areas; and

WHEREAS, relief is available in the form of federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, it is the intent of this Town Meeting to require the recognition and evaluation of flood and/or mudslide hazards in all official actions relating to land use in the flood plain (and/or mudslide) areas having special flood (and/or mudslide) hazards; and

WHEREAS, this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to TITLE 8 Chapters 124, 124a and 126.

NOW, THEREFORE, BE IT RESOLVED that this Town Meeting hereby:

1. Assures the Federal Insurance Administration that it will enact as necessary, and maintain in force for those areas having flood or mudslide hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set for in Section 1910 of the National Flood Insurance Program Regulations; and
2. Vests and Planning and Zoning Commission and the Inland Wetlands Commission with the responsibility, authority and means to:
  - (a) Delineate or assist the Administrator, at his request, in delineating the limits of the areas having such flood (and/or mudslide) hazards on available local maps of sufficient scale to identify the location of the building sites.
  - (b) Provide such information as the Administrator may request concerning present uses and occupancy of the flood plain (and/or mudslide area).
  - (c) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map, and identify flood plain or mudslide areas, and cooperate with neighboring communities with respect to management of adjoining flood plain and/or mudslide areas in order to prevent aggravation of existing hazards.
  - (d) Submit on the anniversary date of the community's initial eligibility to annual report to the Administrator on the progress made during the past year within the community in the development and implementation of flood plain (and/or mudslide area) management measures.
3. Appoints the Town Clerk of the Town of Burlington to maintain for public inspection and to furnish upon request a record of elevations (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures located in the special flood hazard areas. If the lowest floor is below grade on one or more sides, the elevation of the floor immediately above must also be recorded.
4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

Date Passed: January 21, 1975

RESOLUTION RE APPLICATION FOR FEDERAL FLOOD INSURANCE (PART B-1)

WHEREAS, the Town of Burlington has adopted and is enforcing Zoning Regulations and the Connecticut Basic Building Code, and

WHEREAS, Section 113.0 of the Connecticut Basic Building Code of the aforesaid prohibits any person, firm or corporation from erecting, constructing, enlarging, altering, repairing, improving, moving or demolishing any building or structure without first obtaining a separate building permit for each building or structure from the Building Inspector, and

WHEREAS, the Building Inspector must examine all plans and specifications for the proposed construction when application is made to him for a building permit.

NOW THEREFORE, BE IT RESOLVED by Town Meeting of the Town of Burlington as follows:

1. That the Building Inspector of the Town of Burlington shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must (i) be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, (ii) use construction materials and utility equipment that are resistant to flood damage, and (iii) use construction methods and practices that will minimize flood damage; and
2. That the Planning and Zoning Commission of the Town of Burlington shall review subdivision proposals and other proposed new developments to assure that (i) all such proposals are consistent with the need to minimize flood damage, (ii) all public utilities and facilities such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided so as to reduce exposure to flood hazards; and
3. That the Sanitarian of the Town of Burlington shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters in the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

Date Passed: January 21, 1975

AN ORDINANCE CONCERNING THE BURLINGTON COMMISSION ON SENIOR CITIZENS' SERVICES

WHEREAS, there is no permanent Commission in the Town of Burlington for the study of the needs of, and the coordination of programs for the aging, therefore

BE IT ORDAINED: That there shall be established a Commission for the study of the needs of, and the coordination of programs for the aging, consisting of one Selectman who shall serve as an Ex-Officio member and nine (9) regular members, at least three of whom shall have attained the age of 60, all of which members shall serve without compensation and be appointed by the Board of Selectmen; that of the nine (9) members first appointed, three (3) shall be appointed for a term commencing July 1, 1979 to expire on June 1, 1980; three (3) shall be appointed for a term commencing July 1, 1979 to expire on June 30, 1981; and three (3) shall be appointed July 1, 1979 to expire on June 30, 1982; that after such appointments, all appointments shall be for terms of three (3) years commencing July 1<sup>st</sup>; that no person shall be a member of the Commission for more than two (2) consecutive terms; that at its annual meeting, which shall be held in September of each year, the Commission shall elect from among its members a Chairperson, Vice Chairperson and a Secretary, that upon death resignation or removal for cause of any member of the Commission, his successor shall be appointed by the Board of Selectman to serve the unexpired portion of the term for which such member had been appointed; that said Commission will be empowered to (I) study on a continuing basis the conditions and needs of elderly persons residing in the Town, particularly as those needs relate to housing, economics, employment, health, welfare and recreation (II) analyze said needs in relation to financial and other services available from other public agencies (III) submit from time to time to the Board of Selectmen recommendations with respect to the development of programs to meet the needs of elderly persons in the Town and integration of those programs with services available from other public agencies (IV) to make recommendations to the Board of Selectmen for appropriations to cover the expenses of said Commission; and that the said Commission shall be known and designated as BURLINGOTN COMMISSION ON SENIOR CITIZENS' SERVICES.

Effective: May 14, 1979

(Notes: See Amendment Effective June 30, 1982 – Page 54)

ORDINANCE TITLE: PERMITS AND FEES

BE IT ORDAINED BY THE TOWN OF BURLINGTON

1. Building Permit - New Construction

The building permit fee for new building and structures and additions or alterations to existing buildings and structures, excluding plumbing, heating, electrical and septic permits, shall be computed as follows:

Ten Cents (\$.10) per square foot of floor area

Five Cents (\$.05) per square foot of floor area of basement, garages and open decks

Minimum Fee: Ten Dollars (\$10.00)

Floor area shall be measured by multiplying the floor area of the first story by the number of stories, or by adding the floor area of all stories as shown on the building plans. The floor area of all accessory buildings, garages, breezeways, porches, sheds, barns or all-purpose storage structures shall be included in computing floor area.

2. Permit – Heating, Plumbing, Electrical, etc.

The permit fee for heating, plumbing, electrical or other permit required by the State of Connecticut Building Code shall be computed on the estimated cost of the proposed work as follows:

Ten Dollars (\$10.00) per up to \$1,000 estimate cost

Five Dollars (\$5.00) per each additional \$1,000 estimated cost or fraction thereof

Minimum Fee: Ten Dollars (\$10.00)

3. Building Permit – Alteration and Moving Buildings

The building permit fee for alterations to and moving of buildings or structures, excluding heating, plumbing and electrical permits, shall be computed on the estimated cost of the foundation and all work necessary to move the building or structure and make necessary alterations, as follows:

Ten Dollars (\$10.00) per up to \$1,000 estimated cost

Five Dollars (\$5.00) per each additional \$1,000 estimated cost or fraction thereof

Minimum Fee: Ten Dollars (\$10.00)

4. Building Permit – Swimming Pools

The building permit fee for swimming pools fixed in ground shall be computed on the estimated cost of the work, as follows:

Ten dollars (\$10.00) per up to \$1,000 estimated cost

Five Dollars (\$5.00) per each additional \$1,000 estimated cost or fraction thereof

Minimum Fee: Ten Dollars (\$10.00)

5. Application and Inspections

Applications for building permits shall be submitted to the office of the Building Official with the required fee. Each fee shall include the cost of two on-site inspections by the Building Official. Any other necessary inspections shall be billed to the applicant at the rate of \$8.00 per hour.

6. Demolition Permit

The Town Building Official shall be the local officer to administer the State Demolition Code. The fee for a demolition permit shall be computed as follows:

Ten Dollars (\$10.00) for up to 400 square feet of floor area to be demolished  
Twenty Dollars (\$20.00) for 400 square feet up to 2,000 square feet  
Thirty-five Dollars for 2,000 square feet or over

7. Sewage System Permit

The permit fee for approval of a proposed sewage system shall be computed on the estimated cost of the work, as follows:

Ten Dollars (\$10.00) per up to \$1,000 estimated cost  
Five Dollars (\$5.00) additional for each additional \$1,000 estimated cost or fraction thereof  
Minimum Fee: Ten Dollars (\$10.00)  
Ten Dollars (\$10.00) for approval of permit for repairs

The fee for approval of a proposed sewage system includes the cost of two on-site inspections. Any other necessary inspections shall be billed to the applicant at the rate of \$8.00 per hour.

8. Well Permits

The fee for the approval of State Well Drilling Permit shall be Five Dollars (\$5.00). The fee for approval of a proposed water supply well permit includes the cost of one on-site inspection. Any other necessary inspections shall be billed to the applicant at the rate of \$8.00 per hour.

9. Percolation and Deep Pit Testing

The fee for percolation and/or deep pit testing for individual lots by the Sanitation Officer shall be Twenty-Five (\$25.00) Dollars per lot, payable prior to testing. The Sanitation Officer will perform no tests for new subdivisions, but will re-test individual lots in existing subdivisions, where necessary.

APPROVED AT TOWN MEETING ON: April 16, 1979

PUBLISHED IN: The Farmington Valley Herald

EFFECTIVE DATE: May 14, 1979

AN ORDINANCE CONSOLIDATING THE OFFICES OF TOWN TREASURER AND AGENT OF TOWN  
DEPOSIT FUND

BE IT ORDAINED by the Town Meeting of the Town of Burlington:

That, pursuant to the authority granted to towns by Section 9-185 of the General Statutes of Connecticut, Revision of 1958, as amended, the office of the Town Treasurer and the office of Agent of Town Deposit Fund shall be consolidated to constitute a single office. The ballot label at Town elections shall accordingly list one office of "Town Treasurer and Agent of Town Deposit Fund," and the person elected to such office shall exercise the duties and responsibilities of both Town Treasurer and Agent of Town Deposit Fund.

The term of office of such officer shall be as provided by the General Statutes of Connecticut.

Effective Date: February 14, 1981

AN ORDINANCE PROVIDING FOR THE APPOINTMENT OF CONSTABLES

BE IT ORDAINED by the Town Meeting of the Town of Burlington:

That, pursuant to Section 9-185 of the General Statutes of Connecticut, Revision of 1958, as amended, commencing with the next Town Election of Selectmen following the date of this Ordinance the Constables of the Town of Burlington shall be appointed by the Board of Selectmen, a majority thereof.

The number of constables shall be six (6) and no more than three (3) shall be appointed from the same political party. The Constables shall report to the Board of Selectmen and may be removed from office by a majority of the Board for cause.

The terms of office of Constables so appointed shall expire on the termination date of the term of the Board of Selectmen appointing them or as otherwise provided by the General Statutes of Connecticut.

Effective Date: February 14, 1981

AN ORDINANCE ESTABLISHING A FLOOD PLAIN MANAGEMENT PROGRAM IN THE TOWN OF  
BURLINGTON

BE IT ORDAINED BY THE BOARD OF SELECTMEN OF THE TOWN OF BULRINGTON THAT:

Section 1 - Statement of Purpose: The purpose of these regulations is to promote public health, safety and general welfare within the Town of Burlington, to minimize flood losses in floodway and flood fringe areas in the Town and to protect the aquifer within said areas by:

- a. Restricting, prohibiting, or controlling uses, including, but not limited to, deposit, removal or storage of materials, construction of structures or buildings, and any other works which (1) are dangerous to health, safety or property in times of flood, (2) cause increases in flood heights or velocities, or (3) are likely to pollute ground waters;
- b. Requiring that permitted uses vulnerable to flood, including public facilities, shall be protected against flood damage at the time of initial construction, thereby reducing flood damage due to flooding, and the need for investment in flood control projects;
- c. Insuring that potential buyers will have the opportunity of identifying land within the flood hazard area;
- d. Minimizing surface and groundwater pollution which will affect human, animal, or plant life;
- e. Helping to maintain a stable tax base through the preservation of property values by reducing the potential of future flood blight areas;
- f. Providing for public awareness of the potential for flooding and harm to the aquifer;
- g. Protecting the aquifer for use as a public water supply by limiting the amount of impervious surface within the flood plain areas and reducing the effect of de-icing salts, chemicals and other pollutants.

Section 2 - Lands to Which Regulations Apply: These regulations shall apply to all areas of special flood hazards within the jurisdiction of the Town of Burlington.

Section 3 - Definitions: For the purpose of these regulations only, the following definitions shall apply:

- a. Accessory Use of Structure – A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use of structure.
- b. Aquifer – An underground stratum of earth, gravel or porous stone that contains water.
- c. Base Flood – The flood having a one percent chance of being equaled or exceeded in any given year.
- d. Building – See Structure.

- e. Building Coverage – That percentage of the plot or lot area covered by the building area.
- f. Development – Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, paving, grading, excavation or drilling operations.
- g. Floodway – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- h. Flood or Flooding – A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - (1) The overflow of inland waters
  - (2) The unusual and rapid accumulation of runoff or surface waters from any source.
- i. Flood Fringe Area – That area outside of the regulated floodway and within the limits of the base flood.
- j. Flood Hazard Area – The total area indicated by the official Federal Insurance Administration map including the floodway and the flood fringe area.
- k. Flood Insurance Rate Map (FIRM) – An official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- l. Flood Plain or Flood Prone Area – Any land area susceptible to being inundated by water from any source (see definition of Flooding).
- m. Flood Plain Management – The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness.
- n. Flood Proofed – Watertight with walls substantially impermeable to the passage of water, and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- o. Flood Proofing – Any combination of structural and non-structural additions, changes, or adjustments to structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures or their contents.
- p. New Construction – Structures for which the “start of construction” commenced on or after the effective date of this Ordinance.
- q. Principal Structure – A building in which is conducted the permitted use which is the main or principal use of the lot on which said building is located.
- r. Regulatory Floodway – See “Floodway”.

- s. Start of Construction – The first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure without basement or poured footings, the “start of construction” includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation.
- t. Structure – For flood plain management purposes, means a walled or roofed building, including a gas or liquid storage tank that is principally above ground. Structure, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site. For the later purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.
- u. Substantial Improvement – Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored before the damage occurred. The for purpose of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- v. Variance – A grant of relief by a community from the terms of the flood plain management regulations.

Section 4 - Basis for Establishing the Areas of Special Flood Hazard: The areas of special flood hazard, Zone A and Zones A1 through A30 are identified by the Federal Insurance Administration in its FIRM dated effective June 1, 1981, and any revisions hereto are adopted by reference and declared to be part of these regulations or the areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled “The Flood Insurance Study for the Town of Burlington, Connecticut”, dated December 1, 1980, with accompanying Flood Insurance Rate Maps, and any revisions hereto are hereby adopted by reference and declared to be part of these regulations.

Section 5 - Compliance: No structure, land or water shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of these regulations and other applicable regulations (e.g. Subdivision and Zoning Regulations, Health Code).

Section 6 - Abrogation and Greater Restrictions: These regulations shall not repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where these regulations impose greater restrictions, the provisions of these regulations shall prevail.

Section 7 - Warning and Disclaimer of Liability: The degree of flood protection required by these regulations is considered reasonable for regulatory purposes, and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions, or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. These regulations do not imply that areas of special flood hazard uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the Town of Burlington, or any Commissioner, Officer, or employee thereof for any damages that may result from reliance on these regulations or any administrative decision lawfully made there under.

Section 8 - Administration: The Town Building Official is hereby appointed to administer and implement the provisions of this program.

The devices and responsibilities of the Town Building Official are as follows:

- a. Review all development permits to assure that the permit requirements of this program have been satisfied.
- b. Review permits including Connecticut Department of Environmental Protection and Army Corps of Engineers for proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law.
- c. Assure that subdivision proposals and proposals for other developments, including their utilities and drainage are located and designed to be consistent with the need to minimize flood damage utilizing techniques listed by the Federal Insurance Administration in Elevated Residential Structures, February 1977 HUD-FIA-184(2) or similar effective methods.
- d. Require that all subdivision proposals and other proposed new developments include base flood elevation data.
- e. Require new water and sewer systems (including on-site systems) to be located and designed to avoid impairment and to minimize infiltration into and out of the system.
- f. Obtain and maintain records of elevations and flood proofing levels for all new or substantially improved structures, and whether or not such structures contain a basement.
- g. To require anchoring to prevent flotation and lateral movement of any type of structural development.

The Town Inland Wetlands Commission will notify abutting communities and the State of Coordinating Office prior to any alteration or relocation of watercourse and submit copies of such notification to the Flood Insurance Administration.

Section 9 - Requirements of a Development Permit: A Development Permit will be obtained before start of construction or development begins within any area of special flood hazard established in Section 4. Application for a Development Permit will be made on forms furnished by the Town Building Official and will include, but not be limited to, plans in duplicate, drawn to scale, showing the existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following is required:

- a. Elevation in relation to United States Geological Survey Datum of the lowest floor (including basement) of all structures;
- b. Elevation in relation to United States Geological Survey Datum to which any structure has been flood proofed;
- c. Certification by a professional engineer registered in the State of Connecticut that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 11.h; and;
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Section 10 - Permitted Uses: The following open space uses will be permitted by the Building Official within the flood hazard area, excluding the regulatory floodway, to the extent that they are not prohibited by any other Ordinance or Regulation and provided they do not require structures, fill or storage of materials or equipment:

- a. Agricultural uses such as: general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.
- b. Industrial or commercial parking areas for three vehicles or less.
- c. Private and public recreational uses such as: golf courses, open tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
- d. Non-commercial uses such as: lawns, gardens, parking areas for three vehicles or less, and play areas.

Section 11 - Special Exceptions: Substantial improvements or additions to existing structures or accessory structures, or fill will be permitted by the Building Official only as a special exception in the flood fringe areas, if authorized by the Planning and Zoning Commission, and will conform to the provisions of these regulations, provided:

- a. That all substantial improvements, additions or accessory structures to residential structures within unnumbered A zones on a community's FIRM have the lowest floor (including basement) elevated to or above the base flood elevation as obtained from alternate sources.

- b. That all substantial improvements, additions, or accessory structures to non-residential structures within unnumbered A zones on the community's FIRM have the lowest floor (including basement) elevated or flood proofed to or above the base flood elevation as obtained from alternate sources.
- c. That all substantial improvements or additions to residential structures, or accessory structures within Zones A1-30 on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level.
- d. That all substantial improvements, additions or accessory structures to non-residential structures within Zones A1-30 on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level or to be flood proofed to or about that level.
- e. Within Zone A1-30, all mobile homes will provide that:
  - (1) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level; and
  - (2) Adequate surface drainage and access for a hauler are provided; and
  - (3) In the instance of elevation on pilings, lots are large enough to permit steps, piling foundations are placed in stable soil no more than 10 feet apart, and reinforcement is provided for piers more than six feet above ground level.
- f. The placement of mobile homes except in an existing mobile home park or mobile home subdivision, are prohibited in the floodway.
- g. That a volume of material equal to:
  - (1) That added to the site below the base flood elevation; plus
  - (2) That the volume displaced by the structure below the base flood elevation, plus
  - (3) Any volume enclosed within the structure below the base flood elevation; Be removed from an equal or lower elevation than that upon which the construction is proposed. The material will then be moved to an elevation above that of the base flood.
- h. That the area of the site covered by a proposed improvement, addition or accessory structure, be no more than 25% of the area of the site covered by the existing building of principal use, as long as the pertinent requirements of this section are met. A special exception granted under these conditions shall be on a one time only basis.
- i. That the applicant provide the Commission with a report prepared by a Professional Engineer registered in the State of Connecticut that certified that the construction, as proposed, will not adversely affect the storage capacity or flow capacity of the effected water course during a base flood.

- j. That where flood proofing is utilized for a particular non-residential structure, a Professional Engineer registered in the State of Connecticut shall certify that the flood proofing methods are adequate to withstand the flood depths, pressures, velocities, impacts and uplift forces.
- k. That there is no encroachment, including fill, substantial improvements, accessory structures, or other development within the adopted regulatory floodway as designated on the floodway map effective June 1, 1981 except for that which may be required for Public Works projects of the State, Federal or Municipal Government. In no case, however, will any such activity be allowed if an increase in flood levels within the community results.
- l. In the event that elimination of a structure takes place, by reason of fire or other like catastrophe, and is subsequently replaced with a new structure of like kind and intended use, this will be allowed to the extent that the building coverage will not exceed 125% of the displaced building coverage, as long as all requirements of pertinent paragraphs of this section are met.
- m. Outside the floodway, land may be used for agricultural and amusement purposes; structures; if any, may be allowed upon application, and only as permitted under these regulations.
- n. Any fill in the flood hazard area will be displaced by removing an equal volume of material from an equal or lower elevation so that the net change to the retention capacity remains constant, and that the material be removed to an elevation above that of the base flood.
- o. Commercial or industrial loading areas, parking areas for more than three vehicles, or airport landing strips, are in accordance with the pertinent paragraphs of this section.

Section 12 - Variance: No variances will be granted for a principal structure and/or an accessory structure after one year.

Variances to these regulations allowing construction of a principal structure and/or accessory structure within the flood fringe area will not be issued if any increase in flood heights or velocities would result.

If a variance is issued to construct a principal structure and/or accessory structure within the flood fringe area, increased premium rates for flood insurance will result as such construction within the flood fringe area increases risk to life and property.

Variances may be allowed providing:

- a. That the parcel of land be a lot of record on file in the Town Clerk's office before the effective date of these regulations.
- b. That a land owner make application to the Town Building Official on forms provided by him for a variance to the above listed regulations provided:
  - (1) That he demonstrates the parcel is unique.
  - (2) That strict enforcement of the regulations would cause an undue hardship.

- (3) That granting of a variance would not result in increased flood heights, cause increased or additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with the existing local laws or Ordinances.
- (4) That creating a variance would not change the character of the neighborhood.
- (5) That data supplied be certified to be substantially correct, and a true representation of existing conditions by a Professional Engineer registered in the State of Connecticut.

An extension of the above time variance to these regulations may be allowed for construction of a principal structure and/or an accessory structure within the flood fringe area when permission for this construction has been granted by the Burlington Planning and Zoning Commission prior to the adoption of these regulations. This variance is with regard to the extension of the time within which to construct, and shall not exceed the initial five-year period allowed by the Town Planning and Zoning Commission.

Variations for the reconstruction, rehabilitation or restoration of structures listed in the National Registry of Historical Places or the State Inventory of Historical Places may be issued without regard to any time limitation contained in this Section.

Section 13 - Severability: All provisions of the Town Code in conflict herewith are hereby repealed and that if for any reason, any work, clause, paragraph or section of this Ordinance shall be held to make the same unconstitutional, this Ordinance shall not hereby be invalidated and the remainder of the Ordinance shall continue in effect. Any provision herein which is in conflict with the Connecticut General Statutes is hereby repealed, it being understood that said Statutes shall take precedence over this Ordinance.

Section 14 - Savings Clause: The enactment of this Ordinance shall not operate as a statement of an action or proceeding pending under or by virtue of any prior Ordinance, Selectmen Vote or Special Act.

Section 15 - Effective Date: This Ordinance shall become effective ten (10) days after publication in a newspaper having a circulation in Burlington.

Section 16 - Appeals:

- a. Any decision of the Town Building Official may be appealed in writing to the Planning and Zoning Commission within seven (7) calendar days of the date of said decision, the date of said decision being excluded in the calculation of said seven (7) days. Any such appeal shall not stay the decision of the Town Building Official, which shall remain effective until such time as it may be overruled, modified, or otherwise changed by said Commission.
- b. Any decision of the Planning and Zoning Commission may be appealed to the Superior Court by any aggrieved party within fifteen (15) days from the date when notice of said decision was published in a newspaper having a circulation in the Town of Burlington in accordance with Connecticut General Statutes Section 8-8. In all respects the rules of appeal herein granted from a decision of the Planning and Zoning Commission shall be the same as provided by the Connecticut General Statutes Section 8-8 for appeals from a decision of the Zoning Board of Appeals as currently exist or as may be modified by future amendment by the State of

Connecticut, except that no such appeal shall at any time stay the decision of the Planning and Zoning Commission unless so ordered by the Superior Court.

Approved at Town Meeting on August 17, 1981

Published Notice of Approval on August 27, 1981

ORDINANCE AMENDING AN ORDINANCE ENTITLED "AN ORDINANCE CONCERNING THE  
BURLINGTON COMMISSION ON SENIOR CITIZENS' SERVICES" TO DECREASE THE NUMBER OF  
REGULAR MEMBERS OF SAID COMMISSION FROM NINE TO SEVEN

BE IT ORDAINED:

- (1) That the Ordinance entitled "An Ordinance Concerning the Burlington Commission on Senior Citizens' Services" adopted April 16, 1979, is hereby amended to reduce the number of regular members of said Commission from nine (9) to seven (7) members by providing that the Board of Selectmen shall appoint only one (1) member at the expiration of the terms of the three (3) members whose terms expire June 30, 1982. Paragraphs 1 through 3 of said Ordinance are hereby amended to read as follows:

That there shall be established a Commission for the study of the needs of, and the coordination of programs for the aging, consisting of one Selectman who shall serve as an ex-officio member and seven (7) regular members, at least three of whom shall have attained the age of 60, all of which members shall serve without compensation and be appointed by the Board of Selectmen;

That the Board of Selectmen shall appoint one (1) member at the expiration of the terms of the three (3) members whose terms expire June 30, 1982; three (3) members at the expiration of the terms of the three (3) members whose terms expire June 30, 1983, and three (3) members whose terms expires June 30, 1984;

That all appointments shall be for terms of three (3) years commencing on July 1<sup>st</sup>;

- (2) That this Ordinance shall not be construed to affect the term of office of any member whose term commenced prior to July 1, 1982.
- (3) That this Ordinance shall become effective 15 days after publication thereof in a newspaper having a circulation in the Town of Burlington, but in no event sooner than June 30, 1982.

Effective June 30, 1982

ORDINANCE AMENDING AN ORDINANCE ENTITLED "ORDINANCE CREATING A RECREATION  
COMMISSION" TO DECREASE THE NUMBER OF MEMBERS OF SAID COMMISSION FROM TEN TO  
SEVEN

BE IT ORDAINED:

- (1) That the Ordinance entitled "Ordinance Creating a Recreation Commission" adopted October 1, 1974 and amended January 21, 1975 is hereby further amended to reduce the number of members of said Commission from ten to seven members by providing that the Board of Selectmen shall appoint only one member at the expiration of the terms of the four members whose terms expire June 30, 1982. Section 2 of said Ordinance is hereby amended to read as follows:

Said Commission shall consist of seven electors of the Town of Burlington who shall be appointed by the Board of Selectmen and serve without compensation. The Board of Selectmen shall appoint one member at the expiration of the terms of the four members whose terms expire June 30, 1982, four members at the expiration of the terms of the four members whose terms expire June 30, 1983, and two members at the expiration of the terms of the two members whose terms expire June 30, 1984. Each member shall thereupon serve a three-year term which shall expire on June 30. Whenever a vacancy occurs, the Board of Selectmen shall appoint a successor to hold office for the unexpired portion of the term. A Commissioner shall continue in office until his successor is appointed.

- (2) That nothing in this Ordinance shall be construed so as to affect the term of office of any Commissioner whose term commenced prior to July 1, 1982.
- (3) That this Ordinance shall become effective 15 days after publication thereof in a newspaper having a circulation in the Town of Burlington, but in no event sooner than June 30, 1982.

Effective June 30, 1982

AN ORDINANCE WAIVING PROPERTY TAXES DUE IN THE AMOUNT OF TWO DOLLARS OR  
LESS

BE IT ORDAINED by the Town Meeting of the Town of Burlington

Section 1: That pursuant tot Section 12-144c of the General Statutes of Connecticut, Revision of 1958, as amended, the Town of Burlington hereby waives any property tax in an amount of Two Dollars (\$2.00) or less due on the grand List of October 1, 1982, and thereafter.

Section 2: That this Ordinance shall become effective fifteen (15) days after publication hereof in a newspaper having a circulation in the Town of Burlington

Dated at Burlington, Connecticut, this 4<sup>th</sup> day of October 1982

Effective November 2, 1982

AN ORDINANCE PROVIDING FOR THE ASSIGNMENT AND AFFIXING OF STREET NUMBERS

BE IT ORDAINED BY THE TOWN MEETING OF THE TOWN OF BURLINGTON:

SECTION 1 - Purpose: The purpose of this Ordinance is to promote public safety and convenience by providing a street numbering system whereby addresses may be identified with ease and speed essential to a quick response of emergency services such as fire fighting, police and emergency medical care.

SECTION 2 - Assignment of Street Numbers: Pursuant to Section 7-148(c) of the General Statutes of Connecticut, Revision of 1958, as amended, the Office of the Assessor shall assign street numbers to all buildings, parts of buildings and house lots fronting on any street or highway within the Town and may change numbers if necessary to have a more orderly numbering system. When new streets are laid out, the Office of the Assessor shall promptly assign numbers to each lot on said street. The Office of the Assessor may assign numbers to streets or highways all or portions of which have not been accepted by the Town or which pass through private property. Such assignment of numbers shall not be construed as acceptance of such streets or highways or any portion thereof. Whenever the Office of the Assessor has assigned a street number to a property, the Office of the Assessor shall promptly notify by mail the owners, or the agents, of the property affected and shall also notify the occupants of any building or part thereof to which a number has been assigned. The Office of the Assessor shall maintain maps showing the street numbers assigned to each property and such maps and records shall be open for public inspection.

SECTION 3 - Affixing of Street Numbers: Each owner, agent or occupant shall affix to said building or part thereof, or to some object appurtenant thereto the street number or numbers assigned by the Office of the Assessor. All numbers shall be affixed so as to be visible from the street or highway. Numbers shall be affixed within 60 days of receipt of notice from the Office of the Assessor.

SECTION 4 - Penalty for Violation: Each owner, agent or occupant of any building or part thereof who shall fail to affix to the appropriate building the number assigned by the Office of the Assessor within a period of 60 days from date of receipt of notice of such assignment, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Dollar, nor more than Twenty Dollars for each offense, and each day thereafter of failure to comply with the direction of the Office of the Assessor shall constitute a separate and distinct offense.

SECTION 5 - Effective Date: This Ordinance shall become effective fifteen (15) days after publication hereof in a newspaper having a circulation in the Town of Burlington.

Effective: January, 1983

ORDINANCE – DESIGNATION OF COLLECTION OF MUNICIPAL SEWERAGE SYSTEM CHARGES

Be it ordained by the Town of Burlington in accordance with the provisions of Chapter 103 of the General Statutes of Connecticut, as amended that:

The Tax Collector of the Town of Burlington is hereby designated as collector of all municipal sewerage system benefit assessments, connection and use charges, interest payments and other municipal sewerage system charges and is hereby authorized to collect all such charges in accordance with the provisions of Chapter 103 of all the General Statutes of Connecticut, as amended.

This Ordinance shall become effective fifteen (15) days after publication hereof in a newspaper having a circulation in the Town of Burlington and prior to November 1, 1983.

AN ORDINANCE PERTAINING TO PARTICIPATION IN FEDERAL OLD AGE AND SURVIVORS INSURANCE  
SYSTEM

PREAMBLE

WHEREAS, the Town of Burlington has entered into an agreement whereby the class of full-time appointed positions is participating in the Federal Old Age and Survivors Insurance System; and

WHEREAS, the class of full-time elected positions is presently excluded from participation and there being desire to retroactively modify said agreement to include such class from January 1, 1980;

NOW THEREFORE, the purpose of this Ordinance is to eliminate the exclusion of full-time elected employees, and to include this class, effective from January 1, 1980.

BE IT ORDAINED BY THE TOWN OF BURLINGTON:

That the following Ordinance be enacted:

- A. The Federal Old Age and Survivors Insurance System Agreement be modified to remove from said agreement the exclusion of service of the class effective January 1, 1980.
- B. The Board of Selectmen execute, on behalf and in the name of the Town of Burlington, any and all agreements with the State Employees Retirement Commission for the aforesaid purpose in accordance with and subject to the provisions of Sections 7-542 through 7-459a of the Connecticut General Statutes as amended and subject to regulations promulgated by the State Retirement Commission pursuant to said public act.

Effective Date: This Ordinance shall take effect fifteen (15) days after publication in a newspaper having circulation in the Town of Burlington.

\*Effective Date: March 29, 1985

RESOLUTION CONCERNING NEGOTIATION AND EXECUTION OF AN AGREEMENT FOR MUNICIPAL SOLID  
WASTE DISPOSAL AND RESOURCE RECOVERY

BE IT HEREBY RESOLVED:

That the Town of Burlington, acting by Town Meeting, hereby authorizes and empowers the Board of Selectmen to sign the Project Agreement dated June 1, 1985 among Ogden Martin Systems of Bristol, Inc., the City of Bristol, the Town of Burlington, et al, relating to the proposed Resource Recovery Facility to be located in the City of Bristol and to be developed by Ogden Martin Systems of Bristol, Inc., (“Project”); sign in the Service Agreement dated June 1, 1985 among Ogden Martin Systems of Bristol, Inc., the City of Bristol, the Town of Burlington, et al, relating to said Project; sign any other agreements, documents and contracts required by the aforementioned agreements; sign any necessary amendments to or additional documents relating to the aforementioned Agreements, after such consultation with legal counsel as they deem appropriate; and take all other actions which may be necessary to effectuate and implement the Project.

Adopted: August 19, 1985

RESOLUTION RATIFYING INTER-COMMUNITY AGREEMENT

WHEREAS, the Town of Burlington desires to participate in the Bristol, Connecticut Resource Recovery Project (the "Project") for the disposal of its solid waste; and

WHEREAS, the Project is an economical, effective, efficient and environmentally sound method of disposing of solid waste and represents the most attractive, cost effective and reasonable alternative for the disposal of the Town's solid waste; and

WHEREAS, in order to participate in the Project the Town of Burlington must first enter into an Inter-Community Agreement (the "Agreement") by and among the City of Bristol, et al for the establishment of an operating committee, among other things, to fulfill certain obligations and exercise certain rights that the Town of Burlington, together with the other communities that are parties to the Agreement, has with respect to the Project; and

WHEREAS, pursuant to Section 7-339c(d), the Town Meeting of the Town of Burlington has received from the Interlocal Agreement Commission for the Project the final draft of the proposed Agreement approved August 12, 1985;

NOW, THEREFORE, BE IT RESOLVED THAT;

1. The Town Meeting of the Town of Burlington hereby
  - (a) Ratifies the Agreement and authorizes the Board of Selectmen or its designee to sign said Agreement.
  - (b) Ratifies all actions taken on behalf of the Town of Burlington by any town officer or any designee of those officers in drafting, negotiating, promulgating, executing, approving and otherwise effectuating the Agreement, including but not limited to representing the Town on or any other actions in connection with any Interlocal Agreement Commission or other group of representatives of communities concerned with the Agreement.
  - (c) Ratifies all actions taken by the Interlocal Agreement Commission for the Project, or any other group of representatives of communities concerned with the Agreement, in considering, drafting, promulgating, and taking any other actions with respect to the Agreement, including but not limited to any actions in reporting its activities to the Town and other communities, submitting the proposed Agreement to the Town and other communities and reporting to the Town and other communities any other matter concerning the Agreement.

## ORDINANCE ON COLLECTION AND DISPOSAL OF SOLID WASTE

### Section 1 - State of Purpose; General Description:

- (a) This Ordinance is being passed by the Town of Burlington (hereinafter "Town") as part of a long term plan for disposal of the Town's garbage and other solid waste, to replace the Town's existing program.
- (b) The Town anticipates that it will soon sign final contracts which will require the Town to dispose its "Acceptable Solid Waste", as defined in the contracts, at the Bristol, Connecticut, Resource Recovery Facility (the "Facility"), and to designate the Facility as the exclusive area for the disposal of all Acceptable Solid Waste generated within the Town.
- (c) This Ordinance first creates a procedure which requires everyone engaged in the business of collecting solid waste to register for that purpose with the Town.
- (d) Until the Facility is completed, the Town will require solid waste collectors to follow its existing solid waste management plan, or changes to that plan that may be adopted in the future.
- (e) Probably beginning in 1988, when the Facility is likely to be complete, the Town will be required to deliver some, but not all, of its acceptable solid waste to the Facility for the early testing stages of its operation. Afterwards, when the Facility is ready for full scale operation, the Town and all other Towns contracting with the Facility will be required to deliver all acceptable solid waste generated within the Towns to the Facility.
- (f) Under this Ordinance, the Town will notify businesses and individuals as these various stages are reached. At that time, both solid waste collectors and town residents will be required to deliver solid waste in accordance with the notice requirements of the ordinance. Those notice requirements will give everyone the flexibility needed to respond to construction and operating schedules at the facility.
- (g) Some solid waste generated in the Town cannot be burned at the Facility; this will include unburnable materials, hazardous waste, and bulky items like tree stumps, large quantities of construction or demolition debris, etc. The Town will make alternate arrangements to dispose of that material, as provided in this Ordinance.

### Section 2 - Definitions - For Purposes of this Ordinance:

- (a) "Acceptable Solid Waste" means the type of Solid Waste normally collected and disposed of in the Town, including, but not limited to: garbage, trash, rubbish, refuse, offal, beds, mattresses, sofas, bicycles, baby carriages, automobile or small vehicle tires, as well as processible portions of commercial and industrial Solid Waste, and logs if no more than four (4) feet long and/or six (6) inches in diameter, branches, leaves, twigs, grass and plant cuttings, excepting, however, Unacceptable Waste and Hazardous Waste.
- (b) "Hazardous Waste" means that portion of Solid Waste which by reason of its composition or characteristics is (a) hazardous waste as defined in the Solid Waste Disposal Act, 42 U.S.C. Section 6901 et seq., and the regulations there under, or in Section 22a-209-1 of the Regulations

of Connecticut State Agencies, and any succeeding legislation or regulations or amendments to the foregoing; or (b) any other materials which any governmental agency or unit having appropriate jurisdiction shall determine from time to time is harmful, toxic or dangerous, or otherwise ineligible for disposal through a resource recovery facility.

- (c) "Person" means a natural person, corporation, trust, estate, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.
- (d) "Solid Waste" means all discarded materials or substances including but not limited to garbage, refuse, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous materials, incinerator residue, demolition and construction debris, offal and other discarded materials and substances resulting from industrial, commercial, mining and agricultural operations and from community activities, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form or solid or dissolved materials in irrigation return flows or industrial discharges, or source, special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended.
- (e) "Solid Waste Collector" means a person engaged in the business of collecting, transporting or disposing of solid waste generated within the boundaries of the Town.
- (f) "Town" means the Town of Burlington.
- (g) "Unacceptable Waste" means that portion of Solid Waste, excluding Hazardous Waste, but including, without limitation, explosives, pathological and biological waste, radioactive materials, ashes, foundry sand, sewage sludge (unless processed to permit incineration), cesspool and other human waste, human remains and animal carcasses, motor vehicles, including such major motor vehicle parts as automobile transmissions, rear ends, springs and fenders, agricultural and farm machinery and equipment, marine vessels and major parts thereof, any other large machinery or equipment (including white goods), liquid wastes, or non-burnable construction materials and/or demolition debris, that (a) may present a substantial endangerment to public health or safety, (b) may cause applicable air quality or water effluent standards to be violated by the normal operation of a resource recovery facility, or (c) has a reasonable possibility of adversely affecting the operation of a resource recover facility, unless such Unacceptable Waste is delivered in minimal quantities and concentrations as part of normal collections in which case it shall constitute Acceptable Waste.

Section 3 - Obligation to Register: Any person who operates or wishes to operate as a Solid Waste Collector in the Town shall apply for registration as a Solid Waste Collector with the Town in the manner prescribed by this Ordinance. Any person operating as a Solid Waste Collector within the Town thirty days after the effective date of this Ordinance will be subject to the requirements and penalties provided in this Ordinance.

Section 4 - Registration Forms and Fees:

- (a) All persons desiring to register as Solid Waste Collectors must apply to the Office of the Town Clerk or designee on forms provided. Those forms shall require the registrant to furnish all information requested, including but not limited to:

- (1) The name of the business;
  - (2) The names of all partners, officers, or proprietors of the business;
  - (3) A listing and description of the vehicles to be used for Solid Waste Hauling in the Town;
  - (4) The names and addresses of all customers presently served, if any, within the Town;
  - (5) The approximate tonnage of Solid Waste expected to be collected each week;
  - (6) The names of all other communities serviced by the registrant; and
  - (7) Evidence of insurance in an amount established by the Board of Selectmen.
- (b) A registered Solid Waste Collector shall update the information required by subsection (a) at least once each year at the time the registration is renewed.
- (c) The registration and renewal fees shall be set by the Board of Selectmen. The annual registration period shall be from July 1 to June 30 of the following year and registration fees shall not be prorated.

Section 5 - Administrative Enforcement:

- (a) The Town Clerk or designee shall mail written notice of the approval or denial of an application for registration as a Solid Waste Collector to the applicant within sixty days after the submission of the application. Registration is effective when the notice of approval is mailed.
- (b) The Town Clerk or designee may refuse to grant registration to any applicant, or may suspend the registration of any registered Solid Waste Collector, if that person (i) violates any provision of this Ordinance, (ii) is not insurable in accordance with this Ordinance, or (iii) is otherwise deemed unsuitable. A denial or suspension of registration may not exceed a period of 180 days for any one violation; provided that repeated or willful violations of this Ordinance may result in permanent refusal or revocation of registration.
- (c) No denial, suspension or revocation notice is effective until the person adversely affected has been notified in writing of that decision and the reasons for it, and has been afforded a prompt opportunity to appear at an informal hearing before the Town Clerk or designee for the purpose of responding to those reasons.
- (d) Any person aggrieved by an initial denial, suspension or revocation of registration may appeal that decision to the Board of Selectmen (hereafter "Board") by filing a Notice of Appeal with the Town Clerk within fifteen days after either (i) notice of the initial decision is mailed to that person, or (ii) the informal hearing under subsection (c) of this section is held and the decision affirmed by that official. The clerk shall immediately notify the Board of that appeal.
- (e) A hearing shall be scheduled before the Board for a date not more than thirty days after the Notice of Appeal is filed. The hearing may be postponed or continued to a later date not more

than one time, and the later date must be no more than two weeks after the original date. Written notice of the hearing shall be given by the Clerk to the person taking the appeal and to any person who requests Notice of the Hearing. The Hearing may be at a regular or special meeting of the Board.

- (f) At that hearing, the person aggrieved shall be permitted to present evidence and cross-examine witnesses. No formal rules of evidence shall apply, but the Board may exclude irrelevant or duplicative evidence. The Board shall make its decision within forty-five days of the date of the date the Notice of Appeal is filed. That period may, but not need be, extended by any period of postponement which is requested for the convenience of the person bringing the appeal. The decision may (1) uphold the decision denying, suspending or revoking the registration, (2) reverse the decision and order the registration granted or reinstated, or (3) order the registration granted or reinstated with modifications. The decision of the Board shall be final.

Section 6 - Penalty: Every person who violates any provision of this Ordinance shall be guilty of a violation, as defined in Section 53a-27(a), C.G.S. and shall be subject to a maximum fine of Two Hundred Dollars (\$200.00) for each day that the violation continues.

Section 7 - Prohibition on Collection, Transportation and Disposal by Unregistered Collectors: Beginning thirty days after the effective date of this Ordinance, all unregistered Solid Waste Collectors and all Solid Waste Collectors whose registration has been suspended or revoked are prohibited from engaging in the business of collecting, transporting or disposing of Solid Waste generated within the Town.

Section 8 - Location for Disposal: Every Solid Waste Collector and every other person disposing of Solid Waste generated within the Town shall dispose of that Solid Waste as follows:

- (a) Until one or more sites have been designated for disposal of the Town's acceptable Solid Waste in accordance with the procedures of Section 22a-220a, C.G.S., and until notice has been given under subsection (c) requiring the use of any such disposal site, all Solid Waste shall be disposed of in accordance with the Town's existing Solid Waste Plan and existing agreements, as those plans and agreements may be modified from time to time.
- (b) After a disposal site for the Town's acceptable Solid Waste has been designated, and after the Town has been notified in accordance with its current contracts that the site is available for use, the (Town Clerk or designee) shall give notice of those facts as provided in subsection (c). After the notice is published, all persons collecting, transporting or disposing of acceptable Solid Waste in the Town must comply with the requirements of that notice not later than the date specified for compliance in the notice.
- (c) Notice that a designated disposal site for acceptable Solid Waste is available for either partial or full use shall be published in the same manner as is required for hearings before Ordinances are adopted by the Town. In addition, individual notice of those facts shall be mailed to every person who is registered in the Town as a Solid Waste Collector. The notice shall specify the date after which all persons disposing of Solid Waste in the Town must use that disposal site, and shall generally state any other necessary requirements for that disposal, such as limitations on the amount of acceptable Solid Waste which may or must be delivered, or the dates or times at which delivery must be made.

(d) In addition to designating a disposal site for acceptable Solid Waste, the Town may from time to time designate or identify additional sites for disposal of unacceptable waste, hazardous waste, or acceptable Solid Waste in excess of the amount to be disposed of at the primary designated site. Those sites may include transfer stations for the convenience of residents, landfills, or any other type of facility deemed appropriate by the Town. If any person will be required to use a particular site, that site shall be designated in the manner provided in Section 22a-220a, C.G.S.

Section 9 - Severability: If any provision of this Ordinance is declared invalid, that decision shall not affect the remaining provisions of this Ordinance, which shall continue in full force and effect.

Section 10 - Effective Date: This Ordinance shall become effective fifteen (15) days after publication as required by law.

Publication Date: August 22, 1985

Effective Date: September 5, 1985

AN ORDINANCE PROVIDING FOR AN INCREASE IN THE MEMBERSHIP OF THE BURLINGTON SEWER  
COMMISSION

WHEREAS, on June 1, 1971 the Town of Burlington created the Burlington Sewer Commission, consisting of five members to carry out certain duties and exercise certain powers enumerated and granted therein;

WHEREAS, the Burlington Sewer Commission has conducted regular meetings since its inception for the purpose of carrying out its powers, duties and responsibilities; and

WHEREAS, the volume of work before the Burlington Sewer Commission has increased over the years to a point that an increase in membership is deemed to be in the best interests of the Commission;

BE IT ORDAINED by the Town of Burlington that;

1. Commencing with the first regularly scheduled meeting after the effective date hereof, the Burlington Sewer Commission shall be made up of seven (7) members ("Commissioners") each of whom shall be an elector of the Town of Burlington appointed by its Board of Selectmen. Each Commissioner shall serve without compensation.
2. Commissioners already serving terms pursuant to the Ordinance of June 1, 1971 shall continue to serve out those terms.
3. On or before the first regularly scheduled meeting after the effective date hereof, the Board of Selectmen shall appoint one additional Commissioner who shall hold office for a term commencing upon appointment and ending on June 30, 1986 and shall appoint one additional Commissioner who shall hold office for a term commencing upon appointment and ending on June 30, 1987.
4. In all other respects, the Ordinance of June 1, 1971 shall remain in full force and effect.
5. This Ordinance shall become effective 15 days after publication of acceptance.

Publication Date: August 22, 1985

Effective Date: September 5, 1985

RESOLUTION CONCERNING TAX EXEMPTION FOR BLIND PERSONS

WHEREAS, the Town of Burlington desires to make available to any qualified blind person the additional exemption from property tax permitted by Public Act 85-165;

NOW, THEREFORE, BE IT RESOLVED THAT;

Any person entitled to the exemption from property tax applicable to the assessed value of property up to the amount of Three Thousand Dollars, as provided under subdivision (17) of section 12-81 of the General Statutes, as amended, shall be entitled to an additional exemption from such tax in an amount up to Two Thousand Dollars of such assessed value, provided that person satisfies the conditions set forth in Public Act 85-165, Section 1, (a) & (b).

This Resolution effective October 1, 1985

AMENDMENT TO ORDINANCE  
RECREATION COMMISSION

Be it enacted and ordained by the Town of Burlington that the following Amendment to the Ordinance known as "Ordinance Creating a Recreation Commission" be accepted, adopted and legalized by printing:

Section 1 of the Ordinance known as Ordinance Creating a Recreation Commission, is hereby amended to read as follows:

1. Pursuant to Section 7-148 of the General Statutes of the State of Connecticut, the Town of Burlington hereby creates a Recreation Commission to establish recreational facilities and recreational programs for the residents of the Town of Burlington. This Commission shall be known as the Burlington Parks & Recreation Commission.

Section 2 of the Ordinance known as Ordinance Creating a Recreation Commission, is hereby amended to read as follows:

2. Commencing with the first regularly scheduled meeting after the effective date hereof, the Commission shall consist of nine (9) electors of the Town of Burlington who shall be appointed by the Board of Selectmen and serve without compensation. Commissioners already serving terms pursuant to the Ordinance of September 26, 1974, as amended, shall continue to serve out those terms. On or before the first regularly scheduled meeting after the effective date hereof, the Board of Selectmen shall appoint two Commissioners who shall hold office for a term commencing upon appointment and ending June 30, 1988.

This Amendment shall become effective fifteen (15) days after publication of acceptance.

Publication Date: March 19, 1986

Effective Date: April 3, 1986

## ORDINANCE ON USE OF TOWN LANDFILL WITH WINDSHIELD STICKERS

BE IT ORDAINED by the Town of Burlington that:

### SECTION 1 - Definitions:

As used in this Ordinance the following terms shall be construed as indicated below:

- a) "Individuals" shall include individuals who produce refuse at their place of residence and wish to transport same to the landfill.
- b) "Commercial Users" shall include those individuals, partnership or corporations who collect and transport refuse as a business enterprise.
- c) "Refuse" shall mean all waste substances excluding any toxic or other unsafe materials.

### SECTION 2 - Stickers:

- a) It shall be unlawful for any individual or commercial user to dispose of any refuse at the Town of Burlington Landfill without first obtaining an official windshield sticker.
- b) Windshield stickers shall be issued only to individuals who are residents of Burlington or commercial users who collect only refuse from Burlington residents and dispose of that refuse at the Burlington Landfill.
- c) Residents and commercial users may acquire windshield stickers from the Town Clerk's office during regular office hours. The fee for such stickers shall be \$100.00 per year for commercial users.
- d) Proof of residency or of commercial user's pickup routes must be provided to the Town Clerk along with the vehicle registrations prior to issuance of a sticker.
- e) The sticker shall be valid:
  - a. Individuals – until the landfill is closed.
  - b. Commercial Users – one year, commencing on the date the provisions herein become effective and each anniversary thereof.

### Section 3 - Display:

The windshield sticker shall be affixed to the upper center of the vehicle's windshield at all times.

### Section 4 - Enforcement:

First Selectman or designee shall be charged with the enforcement of this Ordinance.

Section 5 - Violations:

Each day, any violation of this Ordinance is willfully continued after official notice from the First Selectman or designee to halt or correct sticker violation shall be deemed a separate violation and be penalized as such.

Section 6 - Penalty:

Any individual or commercial user violating any provision of this Ordinance shall be fined, per violation the following:

- a) Individual - \$5.00
- b) Commercial - \$25.00

Section 7 - Effective Dates:

This Ordinance shall be effective 15 days after publication, as required.

- a) Windshield stickers will be available as of November 15, 1986.
- b) Stickers shall be required at the landfill from and after January 1, 1987.

Publication Date: October 23, 1986

Effective Date: November 7, 1986

ORDINANCE CONCERNING ROAMING DOGS AND PENALTIES FOR VIOLATIONS

WHEREAS, the Town of Burlington has no specific statutes or Ordinances governing roaming dogs and it is totally governed by State Statute Section 22-362 (Annoyance of Dogs on Highway) through Section 22-367 (General Penalty. Enforcement):

BE IT ORDIANED that should a dog, in violation of Section 22-362, injure any person or domestic animal while the latter are lawfully using any highway, road or street or should said dog in violation of Section 22-364, injure any person or domestic animal while the latter are on any land other than that of that dog's owner, said owner shall, in addition to penalties proscribed by State Statute, pay all veterinary and/or medical costs incurred by the victim(s). In addition, if the victim is a domestic animal, an additional \$100.00 shall be paid to the victim's owner. If the victim is a person, \$250.00 plus \$100.00 for each day that such victim is unable to perform his/her normal functions shall be paid.

BE IF FURTHER ORDAINED that, upon a validated complaint, the Town Dog Warden shall automatically take appropriate action to assure that the provisions of this Ordinance are observed or shall obtain the services of an Officer of the Canine Control Division of the Connecticut Department of Agriculture to achieve same.

Passed at Annual Town Meeting – January 29, 2990

ORDINANCE IMPLEMENTING RECYCLING WITHIN THE TOWN OF BURLINGTON

BE IT ORDAINED, by the Town Meeting of the Town of Burlington, in special meeting duly assembled:

Section 1 - Purpose:

This Ordinance is adopted by the Town of Burlington as part of a long term plan for safe and sanitary disposal of Solid Waste, and to establish measures to assure compliance of persons within the Town boundaries and of collectors with the requirements of State Statute for separation, collection, processing and marketing of Recyclable Solid Waste.

Section 2 - Definitions:

For the purposes of this Ordinance:

- (a) "Solid Waste" means all discarded materials or substances, including but not limited to garbage, refuse, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous materials, incinerator residue, demolition and construction debris, offal and other discarded materials and substances resulting from industrial, commercial, mining and agricultural operations and from community activities, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form or solid or dissolved materials in irrigation return flows or industrial discharges, or source, special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended.
- (b) "Recyclable Solid Waste" means the type of Solid Waste normally generated, collected or disposed of in the Town, which is or has been designated by the Commissioner of Environmental Protection to be recycled including, but not limited to: cardboard, glass and food beverage containers, metal food and beverage containers, newspapers, office paper, scrap metal, white (office) paper, waste oil, leaves and storage batteries, excepting Unacceptable Waste and Hazardous Waste.
- (c) "Hazardous Waste" means that portion of Solid Waste as defined in the Service Agreement for the operation of the Bristol trash-to-energy plant.
- (d) "Unacceptable Waste" means that portion of Solid Waste as defined in the Service Agreement for the operation of the Bristol trash-to-energy plant.

Further definitions used in this Ordinance are:

1. Board of Selectmen or Board is hereby defined as the duly elected Board of Selectmen of the Town of Burlington.
2. Cardboard means corrugated boxes and similar corrugated and craft paper materials which have a minimum of contamination by food or other material.
3. Collector means any person who holds himself out for hire to collect, haul, transport, or dispose of Solid Waste or Recyclable Solid Waste from residential, business, commercial, or other establishments.

4. Commercial Property shall include hotels, motels, inns, restaurants, retail businesses, food markets, commercial offices, and schools – both public and private.
5. Center means the Tunxis Regional Intermediate Processing Center (IPC) located in the Town of Berlin, Connecticut – also referred to as the Solid Waste Disposal Center (refer to Section 2, Item 24).
6. Commissioner means the Commissioner of Environmental Protection of the State of Connecticut or his authorized agent.
7. Drop-Off Center means a place or area designated by the Board of Selectmen.
8. General Statutes means the General Statutes of Connecticut as amended.
9. Generator means any person or commercial business who buys, uses, or disposes of any of the nine (9) mandatory recyclables as designated in Section 8, B and Section 9, B of this Ordinance.
10. Glass Food and Beverage Container means a glass bottle or jar of any size or shape used to package food or beverage products suitable for human or animal consumption.
11. Intermediate Processing Center (IPC) means a facility where glass, metals, paper products, batteries, household hazardous waste, fertilizers, and other items are removed from the waste stream for recycling or reuse – see Definition 5.
12. Leaves means the foliage of trees or shrubs.
13. Metal Food and Beverage Container means an aluminum, bimetal, steel, tin-plated, or other metallic can, plate or tray of any size or shape used to package food or beverage products suitable for human or animal consumption.
14. Newspaper means used or discarded newsprint which has a minimum of contamination by food or other material. (Refer to Section 2, Item B).
15. Office Paper means used or discarded high-grade white paper and manila paper including, but not limited to, paper utilized for file folders, tab cards, writing, typing, printing, computer-printing, and photocopying, which is suitable for recycling.

Plastic:

16. High Density Polyethylene (HDPE) Plastic Food and Beverage Container means any high-density polyethylene bottle, jar, or container of any size or shape used to package food or beverage products suitable for human or animal consumption or used for household laundry products or motor oil which are marked on the bottom with the number “2” encircled by the recycling symbol.
17. Polyethylene Terephthalate (PET) Plastic Food and Beverage Container means any polyethylene terephthalate bottle, jar, or container of any size or shape used to package food

or beverage products suitable for human or animal consumption which is marked on the bottom of the bottle, jar, or container with the number “1” encircled by the recycling symbol.

18. Person means an individual person, corporation, trust, estate, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal entity.
19. Recyclables means cardboard, glass food and beverage containers, metal food and beverage containers, newspaper, office paper, scrap metal, storage batteries, waste oil, and leaves as defined herein and such other items as may be designated by the Commissioner.
20. Recycle means to separate or divert an item or items from the Solid Waste stream for the purposes of processing it or causing it to be processed into a material product, including the production of compost, in order to provide for disposition of the item or items in a manner, other than incineration or land filling, which will best protect the environment, and is available to the Town.
21. Residential Property means property, owned or rented, containing one or more dwelling units but shall not include hospitals, institutions, motels, hotels, or inns, or any attached retail or commercial facility.
22. Residue means Solid Waste remaining after any recycling facility holding a permit has processed the waste, but excluding wastes which are toxic or hazardous.
23. Scrap Metal means used or discarded items which consist predominately of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel or alloys thereof including, but not limited to, “white goods” as defined in Section 2, Item 29.
24. Solid Waste Disposal Center – Refer to Section 2, Item 5.
25. State means the State of Connecticut.
26. Storage Battery means lead acid batteries or other batteries used in motor vehicles such as automobiles, airplanes, boats, recreational vehicles, tractors.
27. Town means the Town of Burlington, and includes authorized officers, boards, commissions, and agencies of the Town.
28. Waste Oil means crankcase oil that has been utilized in internal combustion engines.
29. White Goods means refrigerators and freezers with doors removed, water heaters, washers, dryers, stoves, as well as small and large appliances.
30. White Paper – Refer to Section 2, Item 15.

Section 3 - Registration of Collectors:

- (a) Any person who intends to operate as a Collector in Town shall register in advance in the manner prescribed by this Ordinance. Any person who operates as a Collector without proper registration within the Town thirty days after the effective date of this Ordinance or thereafter will be subject to the penalties provided in this Ordinance.
- (b) All vehicles registered to collect and transport Recyclable Solid Waste shall be maintained free of obnoxious odors and accumulated refuse.
- (c) Any such vehicle shall be of closed construction.
- (d) The two (2) front doors of any vehicle used by a Collector to haul Recyclable Solid Waste generated within the Town shall be clearly marked with the business name and address of such Collector.
- (e) The Board of Selectmen shall, by mail, give notice of this Ordinance and any regulations promulgated hereunder for the collection, hauling, processing and marketing of items required to be recycled to all Collectors registered in the Town. After receipt of such notice, any Collector who has reason to believe that a person from whom it has collected Solid Waste has combined items required to be recycled with such Solid Waste shall promptly notify the First Selectman of the alleged incident. Upon request by the First Selectman of the alleged incident. Upon request by the First Selectman, a Collector shall provide a warning notice, by tag or other means, to any person suspected by the First Selectman of violating the separation requirements of this Ordinance. Each Collector shall also notify the first Selectman of any person depositing for collection quantities of items required to be recycled mixed with Solid Waste for delivery to the Bristol Resources Recovery Facility.
- (f) On and after January 1, 1991, as required by Section 4(b) of Public Act No. 90-220, the owner or operator of each Resources Recovery Facility or Solid Waste Facility who has reason to believe, upon visual inspection, that a load of Solid Waste which is delivered to the facility, contains quantities of any items required to be Recycled is required to provide prompt notification of such belief to the driver of the vehicles delivering the load and to the Administrator of the Recycling Program if the load originated within the Town. Under said Section 4(b) of Public Act 90-220, the owner or operator of each Resources Recovery Facility or Solid Waste Facility is also required to conduct unannounced inspections of loads delivered to Resources Recovery Facilities or Solid Waste Facilities.
- (g) Any Collector who dumps more than one cubic foot in volume of Solid Waste at one time in an area within the Town not designated for the disposal of such Solid Waste or who knowingly mixes Recyclable Solid Waste with other Solid Waste shall for a first violation be liable for a civil penalty of up to One Thousand Dollars (\$1,000) and for each subsequent violation shall be liable for a civil penalty of up to Five Thousand Dollars (\$5,000). The Town or the Attorney General at the request of the Commissioner may bring an action under Section 3(f) of Public Act 90-220, which action shall have precedence in the order of trial as provided in Section 52-191 of the General Statutes.

- (h) Any Collector who knowingly deposits Recyclable Solid Waste which is not generated within the Town of Burlington in a Town-designated disposal facility shall for the first violation be liable for a civil penalty of up to One Thousand Dollars (\$1,000). A subsequent violation will automatically cancel his operating permit with the Town and may result in a civil penalty of up to Five Thousand Dollars (\$5,000). Refer to Section 12 of this Ordinance and Public Act 249 of the Connecticut General Statutes.

Section 4 – Registration: Forms, Fees and Frequency:

- (a) All persons intending to act as Collectors shall apply in writing for registration and issuance of a permit before July 1 of each year with the Board of Selectman on forms provided. The applicant must furnish all information requested, including but not limited to:
  - (1) The name of the business and whether a corporation, partnership or sole proprietorship;
  - (2) The names of all stockholders (if Corporation not public held), directors, partners, officers or proprietors of the business;
  - (3) A listing and description of the vehicles to be used for hauling Solid Waste or Recyclable Solid Waste;
  - (4) The names and addresses of all customers presently served, if any within the Town;
  - (5) The names of all other Connecticut communities served by the applicant;
  - (6) Evidence of liability insurance in an amount of at least One Million Dollars (\$1,000,000.00) or such other amounts as the Board of Selectman shall determine; and
  - (7) Whether the applicant plans to collect Recyclable Solid Waste generated from Residential Property or from commercial, business, municipal and other sources within the Town, listing each.
- (b) A registered Collector shall update the information required by subsection (a) at least once each year at the time of registration renewal.
- (c) If new equipment is introduced between registration periods, a listing and description of the vehicle must be immediately given to the Board of Selectman. Refer to Section 4, Item 3.
- (d) If any existing equipment is altered or modified in any way as described in Item C above, similar notification is required.
- (e) Once approved, the registration and permit shall be effective until the following June 30 and, unless properly renewed, shall then lapse.
- (f) The initial registration fee shall be \$100.00 and each annual renewal shall be \$100.00 Dollars. Registration fees shall not be prorated.

Section 5 – Administrative Enforcement

- (a) The Board of Selectmen is authorized to adopt reasonable rules and regulations to put this Ordinance into effect. Such regulations shall be in writing and shall be effective upon publication in a newspaper having general circulation in the Town.
- (b) The First Selectman shall mail written notice of the approval or denial of an application for registration as a Collector to the applicant within sixty (60) days after the submission of the

completed application. Registration is effective only upon approval and issuance of the notice of approval and permit.

- (c) The First Selectman may refuse to grant registration to any applicant, or may suspend the registration and/or permit of any registered Collector, if that person (i) has violated or does violate any provision of State law pertaining to Solid Waste or Recyclable Solid Waste, (ii) violates any provision of this Ordinance, (iii) is not insured in accordance with this Ordinance, (iv) uses equipment not in compliance with the regulations of this Ordinance; or (v) is otherwise deemed unsuitable as a Collector. A suspension of registration and/or permit may not exceed a period of 180 days for any one violation; provided that repeated or willful violation of this Ordinance may result in permanent revocation of registration and/or permit without right to reapply.
- (d) No denial, suspension or revocation notice will be effective until the person adversely affected has been notified in writing of that decision and the reasons for it, and has been afforded a reasonable opportunity to respond in writing and to appear at an informal hearing before the First Selectman.
- (e) Any person aggrieved by an initial denial, a suspension or revocation of registration and/or permit may appeal that decision to the Board of Selectmen by filing a Notice of Appeal with the Town Clerk within fifteen (15) days after either: (i) notice of the initial decision is mailed to that person; or (ii) the informal hearing provided under subsection (d) of this section is held and the decision affirmed by the First Selectman or designee. The Town Clerk shall immediately notify the Board of Selectmen of any appeal.
- (f) A hearing shall be scheduled before the Board of Selectmen for a date not more than thirty (30) days after the Notice of Appeal is filed. The hearing may be postponed or continued to a later date not more than one time, and the later date must be no more than two (2) weeks after the original date. Written notice of the hearing shall be given by the Town Clerk to the person taking the appeal and to any person who requests notice of the hearing. The hearing may be held at a regular or special meeting of the Board of Selectmen.
- (g) At the hearing, the person aggrieved shall be permitted to present evidence and cross-examine witnesses. No formal rules of evidence shall apply, but the Board of Selectmen may exclude irrelevant or duplicative evidence. The Board of Selectmen shall make its decision with forty-five (45) days of the date the Notice of Appeal is filed. That period may, but need not be, extended by any period of postponement which is requested for the convenience of the person bringing the appeal. The decision may: (1) affirm the decision denying, suspending or revoking the registration and/or permit; (2) reverse the decision and order the registration granted or reinstated; or (3) order the registration granted or reinstated with modifications or conditions. The decision of the Board of Selectmen shall be final.

#### Section 6 - Prohibition of Unregistered Collectors:

Beginning thirty (30) days after the effective date of this Ordinance, all persons not properly registered as Collectors and all Collectors whose registrations have been suspended or revoked are prohibited from engaging in collecting, hauling, transporting or disposing of Recyclable Solid Waste generated within the Town.

Section 7 - Scavenging Prohibited:

- (a) It shall be a violation of this Ordinance for any person, other than the generator of the Recyclable Solid Waste or a registered Collector, to scavenge Recyclable Waste for any purpose. Scavenging shall include collecting, recovering, hauling, storing or disposing of Solid Waste other than as authorized by this Ordinance.
- (b) Each occurrence of scavenging in violation of this Ordinance shall constitute a separate offense.

Section 8 - Residential Recyclable Solid Waste:

- (a) On and after January 1, 1991, any person who generates Solid Waste from Residential Property shall separate from the other Solid Waste items designated for Recycling by the Commissioner.
- (b) Notwithstanding Section 8(a), the following items shall be separated from other Solid Waste generated from Residential Property and recycled:
  - (1) Cardboard;
  - (2) Glass food and beverage containers;
  - (3) Leaves;
  - (4) Metal food and beverage containers;
  - (5) Newspaper;
  - (6) Storage batteries;
  - (7) Waste oil
  - (8) Scrap metal (white goods); and
  - (9) White (office) paper
- (c) All Residential Recyclable Solid Waste shall be separated by the generator and placed in containers or packaged for collection at the cur or designated location for Solid Waste pick up in a manner required by this Ordinance, and other Ordinances of the Town pertaining to Solid Waste.
- (d) The Town shall supply one initial set of two recycling containers to each dwelling unit. Upon receipt of a set, the occupant of the dwelling unit shall immediately label the recycling containers with the address of the dwelling unit where the containers shall be used. All recycling containers shall be so labeled the first time they are set out for collection.
- (e) The initial set of recycling containers shall be the property of the Town. Upon moving or vacating the dwelling until, the occupant shall leave the containers with and for the use of the new occupants of the dwelling unit. When a container is lost or damaged, the occupant of a dwelling unit shall replace the container with a like type of container which shall be purchased from the Town or suppliers designated by Town and shall become the property of the Town.
- (f) All Recyclable Solid Waste shall be prepared and disposed of by the occupants of the dwelling unit in a safe and sanitary manner.

- (g) Collectors of residential Recyclable Solid Waste shall handle recycling containers in a manner which shall minimize any damage to them, and assure that the containers are available for reuse by the occupants of the dwelling unit to which they are assigned. Any containers rendered unusable by the Collector shall be replaced by Collector.

Section 9 - Other Recyclable Solid Waste:

- (a) On and after January 1, 1991, any person who generates Solid Waste from other than a Residential Property shall separate from other Solid Waste those items designated for Recycling by the Commissioner.
- (b) Notwithstanding Section 9(a), the following items shall be separated from other Solid Waste and Recycled:
  - (1) Cardboard;
  - (2) Glass food and beverage containers
  - (3) Leaves
  - (4) Metal food and beverage containers;
  - (5) Newspapers;
  - (6) Storage batteries
  - (7) Waste oil;
  - (8) Scrap metal (white goods); and
  - (9) White (office) paper
- (c) Any person who generates Recyclable Solid Waste from commercial, industrial, business or non-residential property shall dispose of such items in a safe and sanitary manner in designated receptacles for recyclable products.
- (d) Owners of commercial, industrial, business, or non-residential property where Recyclable Solid Waste is generated shall provide sufficient and adequate areas and/or receptacles on the premises for the separation and storage of recyclable products. All recycling receptacles shall be clearly labeled as to type of recyclable product to be deposited in the receptacle and the address of the property.
- (e) Recyclable Solid Waste shall be segregated and packaged as required by the Collector so as to be accepted for processing at any site or recycling solid waste facility designated by the Board of Selectmen, or in the absence of such designation, at a site determined by the Collector.
- (f) Owners of commercial, industrial, business or non-residential property shall make sure that all receptacles are maintained in a safe and sanitary manner.

Section 10 - Location and Method for Disposal:

- (a) Every collector and every other person disposing of Recyclable Solid Waste generated within the Town shall dispose of Recyclable Solid Waste as follows:

- (1) The Board of Selectmen shall from time to time designate and publish which items of Recyclable Solid Waste shall be disposed of at the Center and which items shall be disposed of at and the location of other sites.
  - a. All designated, pre-segregated Recyclable Solid Waste generated from Residential Property shall be taken directly to the center.
  - b. All other pre-segregated Recyclable Solid Waste generated from Residential Property shall be taken to disposal sites designated by the Board of Selectmen.
  - c. The Collector shall keep and maintain records of the quantity and type of Recyclable Solid Waste delivered to each disposal site, the location and date of delivery of such items to the site.
  - d. No Recyclable Solid Waste from any other Town shall be disposed of at any Town disposal site, unless express, advance written permission is first obtained from the First Selectman. The Collector shall comply with all requirements pertaining to such alternate disposal.
  - e. All other Solid Waste generated within the Town and collected from any other source shall be separated by the Collector into Recyclable Solid Waste and other Solid Waste. The Recyclable Solid Waste shall be further segregated and packaged to be disposable at the Center or at such other designated disposal sites for the particular type and category of Recyclable Solid Waste, as designated and published by the Board of Selectmen.
- (2) Any Collector who is requested or contracted to transport residue remaining after the Center or other Recyclable Solid Waste disposal area has processed any portion of the Town's Recyclable Solid Waste shall transport such residue to the Solid Waste disposal facility designated by the Board of Selectman. The Collector shall comply with all reporting and record keeping requirements of the Center and of any other Recyclable Solid Waste disposal facility designated by the Town.
- (3) Until one or more alternate sites have been designated for disposal of the Town's Recyclable Solid Waste in accordance with the procedures of Section 22a-220a, C.G.S., and until notice has been given under subsection (b) below requiring the use of any such disposal site, all Recyclable Solid Waste shall be disposed of in accordance with the Town's existing Solid Waste plan and existing agreements, as those plans and agreements may be modified from time to time.
- (4) After a disposal site for the Town's Recyclable Solid Waste has been designated, and after the Town has been notified in accordance with its contracts that the site is available to use, the Board of Selectmen shall give notice of the requirements for the Solid Waste disposal. After the notice is published, all persons collecting, transporting or disposing of Recyclable Solid Waste in the Town shall comply with the requirements of that notice not later than the date specified for compliance in the notice.

- (5) Notice that a designated disposal site for all Recyclable Solid Waste is available for either partial or full use shall be published in the same manner as is required for hearings before Ordinances are adopted by the Town. In addition, individual notice of those requirements shall be mailed to every person who is registered in the Town as a Collector. The notice shall specify the date after which all Collectors disposing of Recyclable Solid Waste in the Town must use that disposal site, and shall generally state any other necessary requirements for that disposal, such as limitations on that amount of Recyclable Solid Waste which may or must be delivered, or the dates or times at which delivery must be made.
- (6) In addition to designating a disposal site for Recyclable Solid Waste, the Town may from time to time designate or identify additional sites for disposal of Unacceptable Waste, Hazardous Waste, or Recyclable Solid Waste in excess of the amount to be disposed of at the primary designated site. Those sites may include transfer stations or drop-off sites for the convenience of residents, landfills, or any other type of facility deemed appropriate by the Town. If any person will be required to use a particular site, that site shall be designated in the manner provided in Section 22a-220a, C.G.S.
- (7) All Recyclable Solid Waste shall be secured in transit in such a manner as to prevent the Waste from being scattered on roads and highways.
- (8) No hazardous materials and/or hazardous waste shall be deposited at any Facility in the Town.

Section 11 - Enforcement:

- (a) All Recyclable Solid Waste is subject to inspection at curbside or designated pick-up locations by the Collector and/or the Town to determine property separation and segregation of Recyclable Solid Waste and Solid Waste as set forth in this Ordinance.
- (b) The Collector shall notify the First Selectman of any violation of this Ordinance within twenty-four hours of its discovery. Notification shall be in a manner and fashion prescribed by the First Selectman.
- (c) The First Selectman, upon receipt of Notice of a Violation from a Collector, shall give written notice to the generator of the Solid Waste that a violation has occurred. Upon receipt of a second notice of violation as to the same generator, the First Selectman shall issue a second notice of violation which shall advise the generator that subsequent violations shall be cause for penalties in accordance with this Ordinance, and that future Recyclable Solid Waste from said dwelling unit may not be collected at the sole option of the Town.

Section 12 - Reporting Requirements:

- (a) Every Collector shall obtain and utilize reporting forms provided by the First Selectman.
- (b) Every Collector shall keep and maintain complete and accurate records of the disposal of Recyclable Solid Waste.

(c) All information requested shall be submitted quarterly to the Board of Selectmen, including but not limited to the following:

- (1) The total tonnage of Recyclable Solid Waste, by Recyclable item, derived from each municipality, recorded by truckload;
- (2) The disposal facility to which the waste is taken and the total tonnage disposed of at such facility or facilities; and
- (3) The amount of Solid Waste derived from a Recycling Facility which has processed the Town's Recyclable Solid Waste, transported from that facility to the Bristol trash-to-energy facility.

Section 13 - Penalty:

Every person who violates any provision of this Ordinance shall be guilty of a violation, as defined in Section 54a-27(a), C.G.S. and shall be subject to a maximum fine on One Hundred and 00/100 (\$100.00) Dollars for each violation.

Section 14 - Severability:

If any provision of this Ordinance is declared invalid, that decision shall not affect the remaining provisions of this Ordinance, which shall continue in full force and effect.

Section 15 – Effective Date:

This Ordinance shall become effective thirty (30) days after publication as required by law.

Publication Date: January 28, 1991

Effective Date: February 28, 1991

TOWN OF BURLINGTON

LITTERING, ILLEGAL DUMPING AND MIXING OF SOLID WASTE AND RECYCLABLES ORDINANCE

Section 1 - ILLEGAL DUMPING, LITTERING, MIXING OF SOLID WASTE AND RECYCLABLES PROHIBITED

- (a) No person shall engage in any activity which violates: (1) subsection (A) of section 22a-250 of the general statutes; (2) an Ordinance adopted pursuant to subsection (f) of section 22a-220 of the general statutes; (3) subsection (f) of section 22a-220a of the general statutes ,
- (b) Any activity which violates section (a) is considered to be a nuisance.

Section 2 - ENVIRONMENTAL PROTECTION OFFICIALS APPOINTMENT

The First Selectman of Burlington shall appoint one or more persons to issue littering, dumping and recycling citations and enter orders authorized by this chapter. Such officials shall not be persons appointed as hearing officers pursuant to section 4.

Section 3 - CITATION, ABATEMENT, CIVIL PENALTY

- (a) The environmental protection official may issue citations for any violations of section 1 of this act. Such citation shall be on a form as approved by the First Selectman of the municipality.
- (b) The environmental protection official may order any person who has violated section 1 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 22z-220 of the Connecticut General Statutes, subsection (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 of up to the amount permitted by the Connecticut General Statutes, as amended, and for a second or subsequent offense a civil penalty of up to the amount permitted by the Connecticut General Statutes, as amended. Any person who engages in an activity which violates subsection (f) of 22a-220a of the Connecticut General Statutes shall be assessed a civil penalty of up to the amount permitted by the Connecticut General Statutes, as amended.

Section 4 - HEARING OFFICERS, APPOINTMENT

The First Selectman of the Town of Burlington 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 members of the municipal boards and commissions. A hearing officer shall not be authorized to issue citations or be employed by the municipality.

Section 5 - APPEAL

- (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. Any such appeal shall be

commenced by filing with the First Selectman, within ten 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 the 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 the relief sought, and any reasons why the citation should be reversed, modified or set aside.
  - (6) A verification by the person or persons participating in the appeal as to the truth of the matters set forth in the appeal.
- (b) Upon receipt of the sum of \$50.00, refundable if the applicant's appeal is sustained, the First Selectman 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 the appeal. The hearing date shall be no less than fifteen days nor more than thirty 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 postponement or continuance.
- (b) Enforcement of any citation and abatement order of the environmental protection official shall be stayed during the pendency of a timely and properly filed appeal.

#### Section 7 – CITATION APPEAL HEARING 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 rules of privilege recognized by law; (3) When a hearing will be expedited and 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 the facts; (6) Notice may be taken of judicially cognizable 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; and (8) The hearing officer's experience, technical competence, and specialized knowledge may be used in the evaluation of the evidence. 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 environmental protection official 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. An environmental official 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 and order by default.
- (c) The hearing officer shall render a written decision within ten business days of the completion of the hearing and file such decision with the office of the First Selectman within five business days thereafter. 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 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 record of the citation shall indicate such dismissal within 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 days from the date of such order. The Hearing Officer shall enter such determination in writing and shall file such order with the Town Clerk. In the event that the abatement is not completed within thirty days of the date of such order, the Hearing Officer, upon certification from the Environmental Protection Official that the abatement has not been completed, shall forthwith enter and assess against each such appellant a fine not to exceed One Hundred Dollars 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 the Assessment to the person or persons found liable and not less than thirty days nor more than twelve months after such mailing, file a certified copy of the Notice of Assessment with the Town Clerk.

#### Section 9 - ENFORCEMENT OF ORDERS

The First Selectman of Burlington may take whatever means 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 special fund established to pay or litter enforcement or other environmental protection costs.

The Town Ordinance entitled "LITTERING, ILLEGAL DUMPING AND MIXING OF SOLID WASTE AND RECYCLABLES" was approved by Town Meeting on June 3, 1996.

EISENBERG, ANDERSON, MICHALIK & LYNCH  
ATTORNEYS AT LAW  
136 WEST MAIN STREET  
NEW BRITAIN, CONNECTICUT 06050-2960  
(860) 229-4855

November 19, 1997

Hon. Theodore C. Scheidel, Jr.  
First Selectman – Town of Burlington  
200 Spielman Highway  
Burlington, CT 06013

**RE: Town Meeting, Nov. 25<sup>th</sup> Re: BRRFOC Amendment 5  
Our File NO.: 10793.7022**

Dear Ted:

In speaking with Bob Michalik, he tells me that the following are the main reasons for the need to amend the agreement, necessitating a Town Meeting:

1. The new environmental requirements call for fly-ash to be conditioned so that it is non-hazardous. This means lime has to be inserted in the incineration process. Current manual efforts are inefficient and costly. A new silo and automatic metered insertion is needed and proposed in the amendment.
2. The Bristol Landfill has closed. Thus, waste that could not be incinerated has to be hauled away which is a change in the agreement.
3. Incentives to Ogdin are being added to expedite the semi-annual maintenance of the Plant. Currently, the work is done on regular time, closing the Plant. This worked while the Landfill was open, but now all trash not burned has to be transported at cost off site. By getting Ogdin to do overtime maintenance, the down time is lessened and so is the transportation expense. Also the Plant while off line is not generating power which is sold to CL&P.

You probably know all this as the representative to BRRFOC.

Very truly yours,

Charles W. Bauer  
Town Counsel

P.S. Total savings are estimated to be \$100.00 to 400,000.00 yr.

TOWN OF BURLINGTON ORDINANCE CONCERNING JUSTICES OF THE PEACE

RESOLVED: That the following Ordinance be, and hereby is, adopted:

SECTION 1 - The number of justices of the peace to be selected in accordance with C.G.S. Section 9-183a, et seq. (P.A. No. 94-230), as amended, shall be eighteen (18).

SECTION 2 - No more than six (6) candidates shall belong to the same political party. Each justice of the peace shall be an elector of the town, and if not, shall be deemed to have resigned on ceasing to be an elector and such office shall be deemed vacant.

SECTION 3 - Each justice of the peace shall serve for a term of four (4) years commencing on the first Monday in January 1977, and quadrennially to said day thereafter, and until a successor is selected and duly qualified.

SECTION 4 - Vacancies occurring in the office of justice of the peace shall be filled in accordance with the provisions of C.G.S. Section 9-184 or Section 9-184C, as applicable, for the remainder of the four (4) year term.

SECTION 5 - The "Ordinance Concerning Election of Justices of the Peace" adopted October 5, 1964 shall be deemed to be repealed as of January 6, 1977.

SECTION 6 - This ordinance shall take effect fifteen (15) days after the publication in accordance with C.G.S. Section 7-157.

VOTED AT ASPECIAL TOWN MEETING: June 24, 1996

PUBLISHED IN THE BRISTOL PRESS: June 29, 1996

EFFECTIVE DATE: July 14, 1996

TOWN OF BURLINGTON  
ORDINANCE CONCERNING BRISTOL RESOURCE RECOVERY FACILITY

RESOLUTION AUTHORIZING THE TOWN OF BURLINGTON TO ENTER AN "AGREEMENT REGARDING CONSTRUCTION OF LIME SILO AND LIME DELIVERY SYSTEM AND OTHER MATTERS AND AMENDMENT NO. 5 TO SERVICE AGREEMENT" WITH RESPECT TO THE BRISTOL RESOURCE RECOVERY FACILITY

WHEREAS, the Cities of Bristol and New Britain and the Towns of Berlin, Branford, Burlington, Hartland, Plainville, Plymouth, Prospect, Seymour, Southington, Warren, Washington and Wolcott (hereafter "Contracting Communities") have entered into an Amended and Restated Service Agreement with Ogden Martin Systems of Bristol, Inc. (hereafter "Ogden Martin") dated As of August 1, 1985, and amended by resource recovery agreements dated as of June 13, 1986, December 17, 1987 and October 1, 1991, and by amendments dated as of December 17, 1987, September 1, 1988, July 1, 1993, and March 24, 1995 (as amended, the "Service Agreement"), and have entered into an Inter-Community Agreement dated as of December 1, 1993 (as amended, the "Inter-Community Agreement") pursuant to which the Contracting Communities have created the Bristol Resource Recover Facility Operating Committee (hereafter the "BRRFOC") pursuant to Section 221-221(c) of the General Statutes of Connecticut (as amended, the "General Statutes") to facilitate and implement the solid waste disposal services of the Contracting Communities;

WHEREAS, Ogden Martin has proposed a certain Capital Project (as defined in the Service Agreement) regarding the construction of a Lime silo and Lime delivery system;

WHEREAS, the Contracting Communities desire to enter in a certain "Agreement Regarding Construction of Lime Silo and Lime Delivery System and other Matters and Amendment No. 5 to Service Agreement" (hereafter the "Agreement and Amendment"), authorizing Ogden Martin to proceed with such Capital Project; and

WHEREAS, Section 3.12 of the Service Agreement and Section 4.01 of the Inter-Community Agreement require approval by a Majority-In-Interest of the Contracting Communities (as defined in the Service Agreement and in the Inter-Community Agreement) to enter the Agreement and Amendment.

THEREFORE, BE it resolved by this Contracting Community,

Section 1 – This Contracting Community hereby approves the Agreement and Amendment. The representative of this Contracting Community to the BRRFOC, as set forth in Section 2.02 and 2.04 of the Inter-Community Agreement, its elected officials and its clerk are each hereby authorized to execute and deliver on behalf of this Contracting Community the Agreement and Amendment. The Service Agreement as amended by the Agreement and Amendment is hereby ratified, approved and confirmed.

Section 2 – The BRRFOC is authorized, upon approval of a Majority-In-Interest of representatives of the Contracting Communities and without requirement of further approval of this Contracting Community, to enter into and deliver the Agreement and Amendment and to perform its obligations there under individually and as agent for the Contracting Communities as described

in the Agreement and Amendment, and such Agreement and Amendment shall, upon execution of a Majority-Interest of the representatives of the BRRFOC and of Ogden Martin, be binding upon, enforceable against and inure to the benefit of the Contracting Communities, including this Contracting Community, the BRRFOC and Ogden Martin.

Section 3 – This Contracting Community’s representatives to the BRRFOC, its elected officials and its clerk are each hereby authorized to take such actions and execute such instruments, certificates or agreements as may be necessary or appropriate to effectuate the purposes of the Agreement and Amendment.

Section 4 – This Ordinance shall take effect fifteen (15) days after publication in a newspaper having a circulation in the Town in accordance with Connecticut General Statutes Section 7-15(b).

Adopted: November 25, 1997

Published: November 15, 1997 and February 7, 1998

Effective: February 23, 1998

ORDINANCE

EXEMPTION FROM PERSONAL PROPERTY TAXATION FOR CERTAIN MOTOR VEHICLES FOR THE  
TRANSPORTATION OF MEDICALLY INCAPACITATED INDIVIDUALS

- (a) There is hereby created, pursuant to Section 12-81c of the Connecticut General Statutes, and within the limits set forth therein, an exemption from personal property taxation for any approved ambulance-type motor vehicle used exclusively for the purpose of transporting any medically incapacitated individual, as the term is intended and defined by the Legislature, except any such vehicle used to transport any such individual for hire.
- (b) As used in this article, the following terms shall mean as follows:
- (1) Ambulance type vehicle. Any motor vehicle specially equipped with adaptive equipment and or modified for the purpose of facilitating the transporting of one or more medically incapacitated individuals.
  - (2) Medically incapacitated individual. Any person with medical conditions that functionally limit one or more major life functions and whose medical conditions require the special adaptive equipment or vehicle modifications intended by the Legislature in its definition of “ambulance-type vehicle” in order for said person to be transported by another.
  - (3) Used exclusively. The term “used exclusively” means that the motor vehicle must be used for and devoted solely to the purpose of transporting one or more medically incapacitated individuals and their personal service assistant(s) or family member(s). The term does not mean a motor vehicle that is used partly for said purpose and partly for other purposes.
- (c) Base value of vehicle eligible for exemption from taxation: In addition to the value associated with any medically necessary modifications and any installation of medically necessary adaptive equipment, the assessed value of the motor vehicle with standard equipment shall be exempt from taxation when such type of motor vehicle is required in order to accomplish said modifications or to install said equipment. The value of any cosmetic, luxury, recreational, or other optional equipment that increases the base value of the vehicle but is not reasonably necessary for the modification of the vehicle or installation of the adaptive transportation equipment shall not be exempt from taxation.
- (d) Medical documentation and expiration or exemption. The Assessor shall require written documentation signed by one of the individuals listed below verifying that the modifications to the motor vehicle, the installation of the adaptive transportation equipment therein, and all other value for which exemption is claimed are medically necessary to permit the medically incapacitated individual to be transported in said vehicle. Such documentation can be provided by any of the following individuals approved by the state or federal government: licensed health care professional, rehabilitation counselor or the like. Any such exemption shall expire when the vehicle is sold or gifted.
- (e) Application for the exemption permitted by this section shall be filed annually with the Assessor in such manner and including such information as required by the Assessor to

establish eligibility, not later than January 31, following the assessment date with respect to which such exemption is claimed. For vehicles purchased on or after October 2 and on or before July 31 of the assessment year for which such exemption is requested, said application shall be made not later than 30 days after such purchase. Applications for exemption relative to the assessment year which commences on October 1, 1997, shall be made not later than 30 days following the effective date of this section.

- (f) This section shall become effective and first applicable to the assessment year which commences October 1, 1997.

I further MOVE that said Ordinance take effect fourteen (14) days from the date of its publication in newspaper of general circulation in the Town of Burlington.

VOTED AT ANNUAL BUDGET MEETING: June 2, 1998

PUBLISHED IN THE BRISTOL PRESS: June 6, 1998

EFFECTIVE DATE: June 20, 1998

AN ORDINANCE ESTABLISHING A FLOOD PLAIN MANAGEMENT PROGRAM IN THE TOWN OF  
BURLINGTON

BE IT ORDAINED BY THE BOARD OF SELECTMEN OF THE TOWN OF BURLINGTON THAT:

Statutory Authorization

In Section 7-148(c)(7) of the General Statutes, the Legislature of the State of Connecticut delegates to local government units the responsibility of adopting regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Board of Selectmen of Burlington, Connecticut does ordain as follows:

Section 1 - Statement of Purpose: The purpose of these regulations is to promote public health, safety and general welfare within the Town of Burlington, to minimize flood losses in floodway and flood fringe areas in the Town, and to protect the aquifer within said areas by:

- a. Restricting, prohibiting or controlling uses, including, but not limited to, deposit, removal of storage of materials, construction of structures or buildings and any other works which (1) are dangerous to health, safety or property in times of flood, (2) causes increases in flood heights or velocities, or (3) are likely to pollute groundwater's;
- b. Requiring that permitted uses vulnerable to flood; including public facilities, shall be protected against flood damage at the time of initial construction, thereby reducing damage due to flooding and the need for investment in flood control projects;
- c. Insuring that potential buyers will have the opportunity of identifying land within the flood hard area;
- d. Minimizing surface and groundwater pollution which will affect human, animal or plant life;
- e. Helping to maintain a stable tax base through the preservation of property values by reducing the potential of future flood blight areas;
- f. Providing for public awareness of the potential for flooding and hard to the aquifer;
- g. Protecting the aquifer for use as a public water supply by limiting the amount of impervious surface within the flood plain areas and reducing the effect of de-icing salts, chemicals and other pollutants.

Section 2 - Land to Which Regulations Apply: These regulations shall apply to all areas of special flood hazards within the jurisdiction of the Town of Burlington.

Section 3 - Definitions: For the purpose of these regulations only the following definitions shall apply:

1. Accessory Use of Structure – A use of structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
2. Aquifer – An underground stratum of earth, gravel or porous stone that contains water.

3. Base Flood – The flood having a one percent chance of being equaled or exceeded in any given year.
4. Basement – That portion of a building having its floor subgrade (below ground level) on all sides.
5. Building – See Structure
6. Building Coverage – That percentage of the plot or lot area covered by the building area.
7. Development – Any man-made change to improved or unimproved real estate including but not limited to, buildings or other structures, mining, dredging, filling, paving, grading, excavation or drilling operations.
8. Floodway – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
9. Flood or Flooding – A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - the overflow of inland waters
  - the unusual and rapid accumulation of runoff or surface waters
  - from any source
10. Flood Fringe Area – That area outside of the regulated floodway and within the limits of the base flood.
11. Flood Hazard Area – The total area indicated by the official Federal Insurance Administration map including the floodway and the flood fringe area.
12. Flood Insurance Rate Map (FIRM) – An official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
13. Flood Plain or Flood Prone Area – Any land area susceptible to being inundated by water from any source (see definition of flooding).
14. Flood Plain Management – The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness.
15. Flood proofed – Watertight with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
16. Flood proofing – Any combination of structural and non-structural additions, changes or adjustments to structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structure or their contents.
17. Floor – The top surface of an enclosed area in a building (including basement).

18. Lowest Floor – The lowest floor of the lowest enclosed area (including basement).
19. Manufactured Home – A structure, transportable in one or more sections which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. Recreational vehicles and similar transportable structures placed on a site for 180 consecutive days or longer shall be considered manufactured homes for the purpose of this Ordinance.
20. Mean Sea Level – For the purposes of the national Flood Insurance Program, the national Geodetic Vertical Datum (NGDV) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
21. New Construction – Structures for which the “start of construction” commenced on or after August 17, 1981 and includes any subsequent improvements to such structures.
22. Principal Structure – A building in which is conducted the permitted use which is the main or principal use of the lot on which said building is located.
23. Recreational Vehicle – A vehicle which is (i) built on a single chassis, (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck, (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
24. Regulatory Floodway – See “Floodway”.
25. Special Flood Hazard Area – The area within a community subject to one percent or greater chance of flooding in any given year, as identified on the community's FIRM.
26. Start of Construction – The date the building permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land.
27. Substantial Improvement – Any combination of repairs, repairs, reconstruction, alteration or improvements to a structure taking place over a one (1) year period in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure using the cost approach to value based on the square foot method prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition. “Substantial Improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any improvement project required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.

28. Structure – A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

29. Water Surface Elevation – The height in relation to the national Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Section 4 – Basis for Establishing the Areas of Special Flood Hazard: The areas of special flood hazard, Zone A and Zones A1 through A30, are identified by the Federal Insurance Administration in its FIRM dated effective June 1, 1981, as any revisions hereto are adopted by reference and declared to be part of these regulations, or the areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled “The Flood Insurance Study for the Town of Burlington, Connecticut”, dated December 1, 1980, which accompany Flood Insurance Rate Maps, and any revisions hereto are hereby adopted by reference and declared to be part of these regulations.

Section 5 – Compliance: No structure, land or water shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of these regulations and other applicable regulations (e.g. Subdivision and Zoning Regulations, Health Code).

Section 6 – Abrogation and Greater Restrictions: These regulations shall not repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where these regulations impose greater restrictions, the provisions of these regulations shall prevail.

Section 7 – Warning and Disclaimer of Liability: The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. These regulations do not imply that areas of special flood hazard uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the Town of Burlington, or any commissioner, officer or employee thereof for any damages that may result from reliance on these regulations or any administrative decision lawfully made there under.

Section 8 – Administration: The Town Building Official is hereby appointed to administer and implement the provisions of this program.

The devices and responsibilities are as follows:

- a. Review permits to assure sites are reasonably safe from flooding.
- b. Review permits including Connecticut Department of Environmental Protection and Army Corps of Engineers for proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law.
- c. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

- d. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- e. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- f. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters;
- g. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- h. If any portion of a watercourse which is altered or relocated, the flood carrying capacity shall be maintained;
- i. To require new construction and substantial improvements in flood prone areas to be constructed using flood-resistant material.

The Town Inland Wetlands & Watercourses Commission will notify abutting communities and the State Coordinating Office prior to any alteration or relocation of watercourse and submit copies of such notification to the Flood Insurance Administration.

The Town Building Official will notify adjacent communities and the Department of Environmental Protection Inland Wetland Water Resources Management Division prior to any alteration or relocation of a watercourse and submit evidence of such notification of FEMA.

The Town Building Official will notify the regional planning agency and the affected municipality at least 35 days prior to the public hearing if any change of regulation or use of a flood zone will affect an area within 500 feet of another municipality.

Construction Stage: Upon completion of the applicable portion of construction, the applicant shall provide the Building Official with verification of the as-built lowest floor elevation defined as the top of the lowest floor including basement or in the case of flood proofed buildings, the elevation to which the flood proofing is effective.

Standards for Subdivision Proposals: In all special flood hazard area, the following requirements shall apply:

1. All subdivision proposals shall be consistent with the needs to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall provide adequate drainage to reduce exposure to flood hazards; and
4. Base flood elevation data shall be provided for all subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which are five acres or fifty lots, whichever occurs first and are located in Zone A.

Section 9 – Development of the Floodplain Development Permit: A Development Permit will be obtained before start of construction or development begins within any area of special flood hazard established in Section 4. Application for a Development Permit will be made on forms furnished by the Town Building Official and will include, but not limited to plans in duplicate drawn to scale, showing existing or proposed structures, fill storage of materials, drainage facilities and the location of the foregoing. Specifically, the following is required:

- a. Elevation in relation to mean sea level of the lowest flood (including basement) of all structures;
- b. Elevation in relation to mean sea level of which any structure has been flood proofed;
- c. Certification by a professional engineer registered in the State of Connecticut that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 11, h; and
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Certification: Where required under this Ordinance, registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards or practice for meeting the provisions of this Ordinance. Such certification must be provided to the Building Official

Section 10 – Permitted Uses: The following open space uses will be permitted by the Building Official within the flood hazard area, excluding the regulatory floodway, to the extent that they are not prohibited by any other Ordinance or regulation and provided they do not require structures, fill or storage of materials or equipment.

- a. Agricultural uses such as: general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.
- b. Industrial or commercial parking areas for three vehicles or less.
- c. Private and public recreational uses such as: golf courses, open tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
- d. Non-commercial uses such as: lawns, gardens, parking areas for three vehicles or less and play areas.

Section 11 – Special Exceptions: Substantial improvements or additions to existing structure or accessory structures or fill will be permitted by the Building Official only as a special exception in the flood fringe areas, if authorized by the Planning and Zoning Commission and will conform to the provisions of these regulations, provided:

- a. That all substantial improvements, additions or accessory structure to residential structures within unnumbered A zones on a community's FIRM have the lowest flood (including basement) elevated above the base flood elevation as obtained from alternate sources.

- b. That all substantial improvements, additions or accessory structure to non-residential structure within unnumbered A zones on the community's FIRM have the lowest floor (including basement) elevated or flood proofed above the base flood elevation as obtained from alternate sources. All new construction and substantial improvements that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage have permanent openings designed to allow the entry and exit of flood waters.
- c. That all substantial improvements or additions to residential structures or accessory structures within Zones A1-30 on the community's FIRM have the lowest floor (including basement) elevated above the base flood level.
- d. That all substantial improvements, additions or accessory structures to non-residential structure within Zones A1-30 on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level or to be flood proofed above that level.
- e. Within Zone A1-30, all manufactured homes will provide that:
  - 1. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level; and
  - 2. Adequate surface drainage and access for a hailer are provided;
  - 3. In the instance of elevation on pilings, lots are large enough to permit steps, piling foundations are place in stable soil no more than 10 feet apart and reinforcement is provided for piers more than six feet above ground elevation on pilings, lots are large enough to permit steps, piling foundations are placed in stable soil no more than 10 feet apart and reinforcement is provided for piers more than six feet above ground level;
  - 4. All manufactured homes (including recreational vehicles placed on a site for 180 consecutive days or longer) to be place or substantially improved shall be installed using methods and practices which minimize flood damage. They shall also be elevated and anchored to resist flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties.
- f. The placement of mobile homes, except in an existing mobile home park or mobiles home subdivision are prohibited in the floodway.
- g. That a volume of material equal to:
  - 1. That added to the site below the base flood elevation; plus
  - 2. That volume displaced by the structure below the base flood elevation, plus
  - 3. Any volume enclosed within the structure below the base flood elevation; be removed from an equal or lower elevation that upon which the construction is proposed. The material will then be moved to an elevation above that of the base flood.
- h. That the area of the site covered by a proposed improvement, addition or accessory structure, be no more than 25% of the area of the site covered by the existing building of principal use, as

long as the pertinent requirements of this section are met. A special exception granted under these conditions shall be on a one time only basis.

- i. That the applicant provide the commission with a report prepared by a Professional Engineer registered in the State of Connecticut that certified that the construction, as proposed, will not adversely affect the storage capacity of flow capacity of the effected water course during a base flood.
- j. That where flood proofing is utilized for a particular non-residential structure, a Professional Engineer registered in the State of Connecticut shall certify that the flood proofing methods are adequate to withstand the flood depths, pressures, velocities, impacts and uplift forces.
- k. Non-residential structures located in all A zones may be flood-proofed in lieu of being elevated provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are water tight with wall substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects to buoyancy. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection. Such certification shall be provided to the Building Official.

Floodways: Located within special flood hazard areas established in this Ordinance areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and have erosion potential, no encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge. Fences located in the floodway must be aligned with the flow and be of an open design.

A permit may be given which allows encroachments resulting in increase in base flood elevations provided the community first obtains a conditional floodway revision by meeting the requirement of C.F. R. 44, Chapter 1, Subsection 65.12 (Burlington Regulations/Section 11K).

Standards for Streams Without Established Base Flood Elevations, Floodway and/or Flood Mapping: The Building Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to the Town's Subdivision Regulations as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community's FIRM meet the standards in this Ordinance.

In A zones where base floodway elevations have been determined, but before a floodway is designate, no new construction, substantial improvement or other development (including fill) shall be permitted which will increase base flood elevations

more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

The Building Official may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the Town's request or not), the Town shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse.

The Building Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from the Federal, State or other source, as criteria for requiring that new construction, substantial improvements, or other development in any area of potential, demonstrable or historical flooding with the community meet the standards in this Ordinance.

- l. In the event that elimination of a structure takes place, by reason of fire or other like catastrophe and is subsequently replaced with a new structure of like kind and intended use, this will be allowed to the extent that the building coverage will not exceed 125% of the displaced building coverage, as long as all requirements of pertinent paragraphs of this section are met.
- m. Outside of the floodway, land may be used for agricultural and amusement purposes; structure; if any, may be allowed upon application and only as permitted under these regulations.
- n. Any fill in the flood hazard area will be displaced by removing an equal volume of material from an equal or lower elevation so that the net change to the retention capacity remains constant and that the material be removed to an elevation above that of the base flood.
- o. Commercial or industrial loading areas, parking areas for more than three vehicles or airport landing strips, are in accordance with the pertinent paragraphs of this section.

Section 12 – Variance: No variance will be granted for a principal structure and/or an accessory structure after one year.

Variances to these regulations allowing construction of a principal structure and/or accessory structure within the flood fringe area will not be issued if any increase in flood heights or velocities would result.

If a variance is issued to construct a principal structure and/or accessory structure within the flood fringe areas, increased premium rates for flood insurance will result in such construction within the flood fringe area increases risk to life and property.

Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and result in the loss of historic designation of the building:

Variances may be allowed providing:

- a. That the parcel of land be a lot of record on file in the Town Clerk's Office before the effective date of these regulations.
- b. That a land owner makes application to the Town Building Official on forms provided by him for a variance to the above listed regulations provided.
  1. That he demonstrates that the parcel is unique.
  2. That the strict enforcement of the regulations would cause an undue hardship. Only hardships which are based on unusual physical characteristics of the property in question, characteristics which are not shared by adjacent parcels shall qualify to meet subsection (ii) above. Claims of hardship based on the structure, on economics or on personal circumstances is not sufficient cause for the rating of a variance under this Ordinance.

Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as \$25 or \$100 of insurance coverage.

The local Building Official shall maintain the records of all appeals actions and report any variances to the Federal Emergency Management Agency upon request.

3. That granting of a variance would not result in increased flood heights, cause increased or additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
4. That creating a variance would not change the character of the neighborhood.
5. That data supplied be certified to substantially correct, and a true representation of existing conditions by a Professional Engineer registered in the State of Connecticut.

An extension of the above time variance to these regulations may be allowed for construction of a principal structure and/or an accessory structure within the flood fringe area when permission for this construction has been granted by the Burlington Planning and Zoning Commission prior to the adoption of these regulations. This variance is with regard to the extension of the time within which to construct and shall not exceed the initial five-year period allowed by the Town Planning and Zoning Commission.

Variances for the reconstruction, rehabilitation or restoration or structures listed in the National Registry of Historical Places or the State Inventory of Historical Places may be issued without regard to any time limitation contained in this Section.

**Section 13 – Severability:** All provisions of the Town Code in conflict herewith are hereby repealed and that if for any reason, any work, clause, paragraph or section of this Ordinance shall be held to make the same unconstitutional, this Ordinance shall not hereby be invalidated and the remainder of this Ordinance shall continue in effect. Any provision herein which is in conflict with the Connecticut

General Statutes if hereby repealed, it being understood that said Statutes shall take precedence over this Ordinance.

Section 14 – Savings Clause: The enactment of this Ordinance shall not operate as an abatement of an action or proceeding pending under or by virtue of any prior Ordinance, Selectmen Vote or Special Act.

Section 15 – Effective Date: This Ordinance shall become effective ten (10) days after publication in a newspaper having a circulation in Burlington.

Section 16 – Appeals:

- a. Any decision of the Town Building Official may be appealed in writing to the Planning and Zoning Commission within seven (7) calendar days of the date of said decision, the date of said decision being excluded in the calculation of said seven (7) days. Any such appeal shall not stay the decision of the Town Building Official, which shall remain effective until such time as it may be overruled, modified, or otherwise change by said Commission.
- b. Any decision of the Planning and Zoning Commission may be appealed to the Superior court by an aggrieved party within fifteen (15) days from the date when notice of said decision was published in a newspaper having a circulation in the Town of Burlington in accordance with Connecticut General Statutes Section 8-8. In all respects the rules of appeal herein granted from a decision of the Planning and Zoning Commission shall be the same as provided by the Connecticut General Statutes Section 8-8 for appeals from a decision of the Zoning Board of Appeals as currently exist or as may be modified by future amendment by the State of Connecticut, except that no such appeal shall at any time stay the decision of the Planning and Zoning Commission unless so ordered by the Superior Court.

PENALTIES FOR VIOLATION:

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$250.00 per day if proven done willfully and \$100.00 per day if not, or imprisoned for not more than 10 days for each day of violation, or both, and in addition, shall pay all costs and reasonable legal fees involved in the case. Nothing herein contained shall prevent the Town of Burlington from taking such other lawful action as is necessary to prevent or remedy any violation.

Effective Date: October 5, 1998

**ORDINANCE**  
**PROVIDING FOR A CODE OF ETHICS**  
**TOWN OF BURLINGTON**  
EFFECTIVE DATE: NOVEMBER 18, 1999

**SECTION 1 – STATEMENT OF PURPOSE – DELCARATION OF POLICY**

**Public Office Requires Public Trust**

It is the declared policy of the Town of Burlington that the Town Office or employment not be used for personal gain and; that the residents have complete and well founded confidence in the integrity of its government. To successfully operate a democratic form of government, Town officers, employees and agents must be independent, impartial and accountable to the people within the Town. This Code of Ethics is designed to assure that the Town maintains that the confidence in the Town legislative, executive, ministerial and administrative processes and in the individuals who are performing public duties.

**SECITON 2 – UNACCEPTABLE BEHAVIOR**

**A. Personal Gain**

Town officers, employees and agents shall not abuse their office, appointment, employment or special knowledge of Town affairs to procure contracts or to in any other way influence or obtain financial gain for themselves or others.

**B. Preferential Treatment**

Town officers, employees and agents shall not grant consideration, treatment or advantage to any person beyond that which is available to every other citizen.

**C. Coercion**

Town officers, employees and agents shall refrain from attempting to coerce anyone concerning the awarding of contracts; the granting of approvals by any Town board, commission or Town department; political gain or appointment to or promotion in service with the Town.

**SECTION 3 – REQUIREMENTS**

**A. Disclosure of Interest**

Any Town officer, employee, or agent having a financial, business or personal interest or financial gain in or from any matter to be acted upon or coming before the office, board or commission of which he or she is a member, or to an individual over whom the Town officer, employee or agent has supervision or rank, shall make disclosure that an interest exists and shall recues themselves. The disclosure shall be incorporated in the minutes of the particular board or commission or memorialized in the records of the office. Such persona shall be qualified to act in any way upon such matter.

## **B. Forbearance from Solicitation of Gifts**

Town officers, employees or agents having the power or duty to perform an official act or action related to a contract, transaction, board or commission decision or other matter which is or may be the subject of an official act or action of the Town, shall refrain from soliciting, accepting or granting a present or future gift, favor, service or thing of monetary value from or to a person involved in such contract, transaction, decision or other matter.

The aforementioned prohibition against gifts or favors shall not apply to:

1. An occasional non-pecuniary gift with a value of less than \$50.00 or,
2. A non-pecuniary award presented in recognition of Town service.

## **C. Use of Position to Effect Results**

Town officers, employees or agents shall refrain from coercing or attempting to coerce anyone concerning the awarding of contracts with the Town, the deciding of applications, petitions or other requests before any board or commission or department of the Town, or other Town business.

## **D. Dissemination of Information**

Town officials, employees and agents shall not disseminate information to another person for personal advantage, financial gains, career advancement or political advantage.

## **E. Confidential Information**

Town officials, employees and agents shall not disclose confidential information concerning the property, government, or affairs of the Town, or use such information to advance the financial or other private interest of any other Town officer, employee or agent or anyone else.

It is understood that requests for public information shall be disclosed or withheld in accordance with the Freedom of Information Act. Town officials, employees or agents shall not use their office, appointment or employment for the purpose of interfering with or affecting the outcome of an election or to solicit from other employees for political purposes. Bumper stickers may be displayed on private vehicles parked in employee parking areas of Town Hall, but Campaign materials may not be displayed on Town vehicles or Town property except on Election Day on roadsides.

## **F. Distribution of Ethic Commission Ordinance**

The Town Clerk shall distribute a copy of this Code of Ethics to every Town office, employee or agent after enactment of this Ordinance. Thereafter, each new Town officer, employee or agent elected, appointed or hired thereafter shall be furnished with a cop of this Ordinance at or before the time of hire or retention assuming the duties of the office or position to which he/she is assigned.

## **G. Distribution of Ethic Commission Ordinance**

The Town Clerk shall distribute a copy of this Code of Ethics to every Town officer, employee or agent after enactment of this Ordinance. Thereafter, each new Town officer, employee or agent elected, appointed or hired thereafter shall be furnished with a copy of this Ordinance at or before the time of hire or retention assuming the duties of the office or position to which he/she is assigned.

#### **H. Statutory Conflict – Elected Municipal Official**

Notwithstanding the provisions of any special act, the charter or other Ordinance to the contrary, an elected municipal official of Burlington has an interest which is in substantial conflict with the proper discharge of his duties or employment in the public interest and of his responsibilities as prescribed by the laws of this state if he has reason to believe or expect that he, his spouse, a dependent child, or a business with which he is associated, as defined in C.G.S. Section 1-79 (attached), will derive a direct monetary gain or suffer a direct monetary loss, as the cause may be, by reason of his official activity. Any such elected municipal official does not have an interest which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed by the laws of this state if any benefit or detriment accrues to him, his spouse, a dependent child, or a business which he, his spouse or such dependent child is associated is a member of a profession, occupation or group to no greater extent than to any other member of a profession, occupation or group to no greater extent than to any other member of such profession, occupation or group. Any such elected municipal official who has a substantial conflict may not take official action on the matter.

### **SECTION 4 – ETHICS COMMISSION**

#### **A. Duties and Composition**

1. There shall be created a Commission, which shall have the duties and powers: to hear complaints and rule upon the appropriate disposition of this Ordinance; to enforce the provisions of this Ordinance including the prosecution and of hearing complaints on violations hereof; to give non-binding advice to the Board of Selectmen (hereafter “Board”) or other town officers and employees on ethical questions; and to give non-binding recommendations to the Board and Town Counsel on new and existing policies on ethics.
2. Members: There shall be 6 members consisting of no more than two (2) nor less than one (1) individual registered Democratic, Republican and unaffiliated respectively. Commission members shall annually elect their own Chairperson, Vice Chairperson and Secretary.
3. Alternates: There shall be 3 alternates, appointed by the Board, one (1) each registered Democratic, Republican and unaffiliated, for a term of four years. Alternates may serve in the place of an absent member, first choice to be a member of the same political affiliation. Alternatives should not vote unless seated for a regular member.
4. Appointment of members and alternates:

Eligibility:

- a. No member of the Commission shall hold or campaign for any Town office, be a Town official or be the Chairman or Vice Chairman of a political town committee.
  - b. A member of the Commission who, within the last three years immediately prior to receipt of a complaint, shall have held public office or have been a candidate for public office for the board or commission or department involved in the complaint, shall not participate in the investigation of that complaint.
5. Vacancy: Any vacancy on the Commission shall be filled for the unexpired portion of the term by appointment by the Board. An individual appointed to fill a vacancy shall be eligible for appointment thereafter. Appointments shall be made utilizing persons of the same or similar political affiliation so as to continue the composition as above.
6. Terms: Commission member will be appointed to a term of four years, to be staggered as follows:
  - a. On the first commissioners appointed, 2 shall serve a term of four years, two for a term of three years, 2 for a term of two years. Thereafter, each Commissioner shall serve for a term of four years.
  - b. Commission members shall serve no more than two full consecutive terms, a maximum of eight years.
7. Quorum: A quorum shall consist of 5 regular member or alternates seated for regular members. No action shall be taken in the absence of a quorum.
8. Compensation: There shall be no salary paid to any commission member or alternate serving on the Commission.
9. Meetings: The Commission shall meet within fifteen (15) business days after establishment, after receipt of a written complaint, or otherwise needed, upon the call of the chairman.
10. Legal Counsel: The Town Counsel shall serve and advise the Commission only. Where the Town Counsel has a conflict of interest, an independent attorney shall be appointed by the Board to serve as legal counsel to the Commission for the duration of that complaint.
11. Advisory Opinions:
  - a. Where any Town officer, employee or agent has a question as to the applicability of any provision of this Ordinance to a particular situation or as to the definition of terms used herein, that individual may apply to the Commission for a written Advisory Opinion. The individual shall be given an opportunity to present his or her interpretation of the facts at issue and of the applicability of provisions of this Ordinance before such Advisory Opinion is rendered. The Commission may seek the advice and the assistance of the Town Counsel as necessary. The Commission shall issue a written Advisory Opinion, but shall not name the individual who requested the opinion and cause it to be circulated to town departments, boards and commissions.
  - b. The individual(s) who sought the Advisory Opinion and acted on it in good faith and any other Town officer(s), employee(s) or agents who, having obtained a copy thereof acted on

the Advisory Opinion in good faith and in comparable factual circumstances, shall not be determined to have violated this Ordinance. The Commission may, at any time, modify or revoke an Advisory Opinion. In such event, it shall provide written notice of its action by posting the decision in the Office of the Town Clerk and circulating the decision in all departments, boards and commissions of the Town. No person shall follow or rely on an Advisory Opinion after the date of its modification, amendment or revocation.

In the event that a Town employee, official or appointee determines that he or she faces a situation in which some action or non-action by that individual will effect the Town and that individual believes that he or she may have a conflict or apparent conflict and time is of the essence, that individual may obtain from the chairman of the Commission a written temporary advisory opinion. Reliance thereon shall mean that that individual shall not be found to have violated this Ordinance. The Commission shall be convened within 15 days and shall review the facts and circumstances of the temporary advisory opinion and shall either ratify or modify that opinion. Upon the action of the Commission, the temporary opinion as ratified or modified, shall be issued by the Commission as an Advisory Opinion.

## **SECTION 5 – COMPLAINTS**

### **A. CONFIDENTIAL PHASE**

**During Phases A and B** – The provisions of subsections (a) to (e), inclusive of C.G.S. Section 1-82a as amended (attached hereto) shall apply to allegations before any such agency of such conduct, influence or activities, to an investigation of such allegations conducted prior to a probable cause finding, and to a finding of probable cause or no probable cause. Any Town officer, employee or agent involved in or learning of a complaint whether against him/her or another shall treat such information as confidential. The Complainant and Respondent shall also treat the complaint and the processes in Phases A and B as confidential.

#### **Phase A – Initial Determination:**

1. Complaints: Upon receipt of a written complaint from any person on a form prescribed by the Commission, signed under penalty of false statement, the Commission shall notify the Complainant and Respondent by registered or certified mail, of the receipt of the complaint. The Commission shall then meet to determine if there is sufficient evidence to warrant an investigation. If the Commission, by a vote of no fewer than 4 members determines that the complaint does not warrant an investigation, the complaint shall be dismissed and notice of dismissal shall be mailed, Registered or Certified mail, to the Complainant and the Respondent.
2. Timetable:
  - a. Notice of Receipt – Mail within 5 business days of receipt.
  - b. Initial Meeting – within 15 business days of receipt of complaint. There may be one continued meeting provided it occurs within 15 business days of Initial Meeting.
  - c. Vote at or before the adjournment of the initial or continued meeting.
  - d. Notice of Dismissal – mail within 5 business days of vote.

## **Phase B – Probable Cause – Investigation**

1. If the Commission in Phase A does not dismiss the complaint, the Commission shall notify the Complainant and any Respondent against whom such complaint is made by Registered or Certified mail. A copy of such complaint shall accompany such notice. The Commission shall have the power to hold hearings, administer oaths, examine witnesses, receive oral and documentary evidence and to subpoena witnesses to compel attendance and to require the production of any books, documents and electronic data in whatever form which the Commission deems relevant.

In the event of a hearing during the investigation, the Complainant and the Respondent shall have the following rights:

- a. To appear before the Commission and be heard;
- b. To be represented by legal counsel; and
- c. To examine and cross-examine witnesses

Additionally, the Respondent shall, at least seven (7) days prior to the commencement of any hearing herein, be provided with a list of the Commission's intended witnesses.

The Commission shall conclude its investigation and shall thereupon vote on the question of whether there exists probable cause to believe the respondent is in violation of the Ordinance. If the Commission, by a vote of no less than 4 members, determines that probable cause exists to believe the respondent is in violation of any provision of this Ordinance, the Complainant and Respondent shall be notified of the findings and a summary of the reasons in writing, by Registered or Certified mail. In the event probable cause is not found, the Complainant and Respondent shall be so notified by Registered or Certified mail.

2. Timetable
  - a. Notice of Decision to Investigate – mail within 5 business days of Vote required in Phase A.
  - b. Initial Investigative meeting – within 15 business days of date of mailing of Decision to Investigate. There may be one or more continuances for the investigation meeting, provided that the required vote herein above taken no later than 45 days from the date of the Initial Investigative meeting.
  - c. Vote at or before the 45<sup>th</sup> day from the date of the Initial Investigative meeting.
  - d. Notice of No Probable Cause mail within 5 business days of the probable cause vote.

## **B. PUBLIC PHASE**

### **Phase C – Adjudication of Violation**

1. If after its investigation in Phase B above the Commission finds that probable cause of a violation exists: (a) it shall notify the Complainant and the Respondent by Certified or Registered mail; and (b) the entire record of the investigation shall be made available to the public. The Commission shall thereupon convene to determine whether there has been a violation of this Ordinance. The Commission shall have the same powers as specified in Phase B. The Complainant and the Respondent shall have the rights specified in Phase B

plus either or both may request that the Commission compel by subpoena attendance of witnesses and production of books, documents, records and papers as may reasonably be required, which request(s) shall be honored unless deemed unreasonable by the Commission.

The Commission shall make a stenographic or tape recorded record of all proceedings pursuant to this Phase.

The Commission shall conclude its deliberation and thereupon vote on the question of whether the respondent is in violation of any provision of this Ordinance. A vote of no less than 4 members is required. If the Commission fails to find that the Respondent has violated this Ordinance, the Commission shall dismiss the complaint. Regardless of the decision, the Commission shall notify the Complainant and Respondent of its decision by Certified or Registered mail.

2. Timetables:

- a. Notice of Probable Cause – mail within 5 business days of the date of the Vote in Phase B.
- b. Record of Investigation – deliver to Town Clerk for public review within 5 business days of Vote in Phase B.
- c. Initial meeting within 15 business days of date of mailing of Notice of Probable Cause. There may be one or more continuances upon the Commission's or the partner's request, provided that the required conclusion of deliberation and/or Vote herein above be taken no later than 60 days from the date of the Initial meeting held pursuant to Phase A.
- d. Vote – at or before the 60<sup>th</sup> day from the date of the Initial meeting of this Phase.
- e. Notice of Decision mail within 5 business days of the Vote in Phase C.

**C. APPEAL**

The Respondent if aggrieved by the finding and decision may appeal there from to the Superior Court in accordance with the provisions of C.G.S. Section 4-183 (attached).

**D. BIAS OR LACK OF FOUNDATION**

1. If any complaint brought under the provisions of this Ordinance is made with the knowledge that it is made without foundation in fact, the respondent shall have a cause of action against the complainant who signed the written complaint for damages caused thereby and if the respondent prevails in such action, he or she may be awarded by the court the costs of such action together with reasonable attorney fees, reached in the decision for damages caused thereby. If the Town officer, employee or agent prevails, he or she may be awarded the costs of such action together with the reasonable attorney fees.
2. If a decision reached by the Commission is found by a court of law to have been reached with deliberate bias or without foundation in fact, the Town officer, employee or agent

against which the decision was made shall have cause of action against the Commission members who reached the decision for damages caused thereby. If the Town officer, employee or agent prevails, he or she may be awarded by the court the costs of such action together with reasonable attorney fees.

**E. COMPLAINTS - Limitation Period**

Complaints must be made under this section within one year from the date the alleged violation is discovered but in no event, longer than two years after the violation alleged in the complaint has been committed.

**SECTION 6 – PENALTIES**

- A. Any Town officer, employee or agent found by the Commission to have willfully and knowingly violated any of the provisions of this Ordinance shall be guilty of a misdemeanor, punishable by a monetary fine of not less than ten (10) nor more than one hundred dollars. Any such penalties may be enforced by citation issued by the First Selectman or by the Board of Selectmen in the event the penalty is imposed on the First Selectman, provided that not less than five (5) days prior to the issuance of a citation, a written notice, specifying the specific violation and penalty is sent to the Respondent by certified, return receipt mail.
- B. Upon finding a respondent in violation of the Ordinance, the Commission shall within five business days of the probable cause hearing advise the Board of the Commission's finding and its recommended disciplinary action. In the case of a town employee, the Commission shall be consistent in its recommendations with all personnel rules and regulations, and all bargaining unit agreements.

**SECTION 7 – DEFINITIONS**

**Board**

Means Board of Selectmen

**Board or Commission**

For the purposes of this Ordinance, the terms shall include Town board, commission, agency, committee or any other body elected or appointed, whether permanent or ad hoc, which can conduct Town business, the Board and/or the Commission, where appropriate

**Business**

Means any entity through which business for profit or not for profit is conducted including a corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization or self-employed individual

**Business Interest**

Means a business of which the person or member of his immediate family is a director, officer, owner, employee, compensated agent, or holder of stock which constitutes five percent or more of the total outstanding stock of any class

**Commission**

Means the Ethics Commission

**Confidential Information**

Means information, whether transmitted orally or in writing, which is obtained by reason of the public position or office held and is of such nature that it is not, at the time of transmission, a matter of public record or public knowledge

**Financial Gain**

Means the expectation, whether or not realized, of money, goods, materials, services and/or gifts of any value

**Financial Interest**

Means any interest with a monetary value of \$1000.00 or more which generates a financial gain or loss of \$1000.00 or more in a calendar year

**Immediate Family**

Means any parent, spouse, children or dependent residing in the individual's household

**Person**

An individual, corporation, company, business, firm, partnership or similar business entity

**Personal Interest**

Means an interest in any action taken by the municipality in which an individual will derive a non-financial benefit or detriment but which will result in the expenditure of municipal funds.

**Political Gain**

Enhancement or attainment of political position or office or higher political office in the Town

**Receipt**

Means the next business day after physical delivery to the Town Clerk of a written Complaint addressed to the Ethics Commission, whether by personal delivery or U.S. Postal delivery

**SECTION 8 – EFFECTIVE DATE**

This Ordinance shall be effective 15 days after publication.

**SECTION 9 – MISCELLANEOUS**

1. Statutory Authority and Basis – The Ordinance is created under the authority of C.G.S. Section 7-148h and as amended (attached). Any provision which is contrary to or outside the authority granted therein or in any other statute or by common law shall be deemed deleted. The remaining provision shall remain in full force and effect.

**Sec. 1-64. Uniform interpretation.** This chapter shall be so interpreted as to make uniform the laws of those states which enact it.  
(1969. P.A. 270. S. 8.)

**Sec. 1-65. Short title: Uniform Recognition of Acknowledgments Act.** This chapter may be cited as the "Uniform Recognition of Acknowledgments Act".  
(1969.P.A. 270. S. 9.)

## CHAPTER 9\*

## CODE OF ETHICS

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\*See chapter 10.

**Sec. 1-66.** Transferred to Chapter 10, Sec. 1-84.

**Sec. 1-67. General Assembly member not to act on legislation in which he has interest.** Section 1-67 is repealed.  
(1971, P.A. 822. S. 2: P.A. 77-600. S. 13. 15.)

**Sec. 1-68.** Transferred to Chapter 10, Sec. 1-85.

**Secs. 1-69 to 1-78. Joint legislative ethics committee.** Sections 1-69 to 1-78, inclusive, are repealed.  
(1971. P.A. 822. S. 4-13: P.A. 77-600. S. 13, 15: 77-605. S. 20. 21.)

## CHAPTER 10\*

## CODE OF ETHICS

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\*Cited. 39 CS 99.

## PART 1\*

## CODE OF ETHICS FOR PUBLIC OFFICIALS

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\*Code of ethics for public officials. Secs. 1-79-1-89 cited. 18 CA 212. 213.

**Sec. 1-79. Definitions.** The following terms, when used in this part, shall have the following meanings unless the context otherwise requires:

- (a) "Blind trust" means a trust established by a public official or state employee or member of his immediate family for the purpose of divestiture of all control and knowledge of assets.
- (b) "Business with which he is associated" means any sole proprietorship, partnership, firm, corporation, trust or other entity through which business for profit or not for profit is conducted in which the public official or state employee or member of his immediate family is a director, officer, owner, limited or general partner, beneficiary of a trust or holder of stock constituting five percent or more of the total outstanding stock of any class, provided a public official or state employee, or member of his

Immediate family is a director, officer, owner, limited or general partner, beneficiary of a trust or holder of stock constituting five percent or more of the total outstanding stock of any class, provided, a public official or state employee, or member of his immediate family, shall not be deemed to be associated with a not for profit entity solely by virtue of the fact that the public official or state employee or member of his immediate family is an unpaid director or officer of the not for profit entity. "Officer" refers only to the president, executive or senior vice president or treasurer of such business.

(c) "Candidate for public office" means any individual who has filed a declaration of candidacy or a petition to appear on the ballot for election as a public official, or who raised or expended money in furtherance of such candidacy, or who has been nominated for appointment to serve as public official, but shall not include a candidate for the office of senator or representative in Congress.

(d) "Commission" means the State Ethics Commission established in section 1-80.

(e) "Gift" means anything of value, which is directly and personally received, unless consideration of equal or greater value is given in return. "Gift" shall not include:

- (1) A political contribution otherwise reported as required by law or a donation or payment as described in subdivision (9) or (10) of subsection (b) of section 9-333b;
- (2) Services provided by persons volunteering their time;
- (3) A commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business;
- (4) A gift received from (A) an individual's spouse, fiancé or fiancée, (B) the parent, brother or sister of such spouse or such individual, or (C) the child of such individual or the spouse of such child;
- (5) Goods or services (A) which are provided to the state (i) for use on state property, or (ii) to support an event or the participation by a public official or state employee at an event, and (B) which facilitate state action or functions. As used in this subdivision, "state property" means (i) property owned by the state, or (ii) property leased to an agency in the Executive or Judicial Department of the state;
- (6) A certificate, plaque or other ceremonial award costing less than one hundred dollars;
- (7) A rebate, discount or promotional item available to the general public;
- (8) Printed or recorded informational material germane to state action or functions;
- (9) Food or beverage or both, costing less than fifty dollars in the aggregate per recipient in a calendar year, and consumed on an occasion or occasions at which the person paying, directly or indirectly, for the food or beverage, or his representative, is in attendance;
- (10) Food or beverage or both, costing less than fifty dollars per person and consumed at a publicly noticed legislative reception to which all members of the General Assembly are invited and which is hosted not more than once in any calendar year by a lobbyist or business organization. For the purposes of such limit, (A) a reception hosted by a lobbyist who is an individual shall be deemed to have also been hosted by the business organization which he owns or is employed and (B) a reception hosted by a business organization shall be deemed to have also been hosted by all owners and

employees of the business organization who are lobbyists. In making the calculation for the purposes of such fifty-dollar limit, the donor shall divide the amount spent on food and beverage by the number of persons whom the donor reasonably expects to attend the reception;

- (11) Food or beverage or both, costing less than fifty dollars per person and consumed at a publicly noticed reception to which all members of the General Assembly from a region of the state are invited and which is hosted not more than once in any calendar year by a lobbyist or business organization. For the purposes of such limit, (A) a reception hosted by a lobbyist who is an individual shall be deemed to have also been hosted by the business organization which he owns or is employed by, and (B) a reception hosted by a business organization shall be deemed to have also been hosted by all owners and employees of the business organization who are lobbyists. In making the calculation for the purposes of such fifty-dollar limit, the donor shall divide the amount spent on food and beverage by the number of persons whom the donor reasonably expects to attend the reception. As used in this subdivision, "region of the state" means the established geographic service area of the organization hosting the reception;
- (12) A gift, including but not limited to, food or beverage or both, provided by an individual for the celebration of a major life event;
- (13) Gifts costing less than one hundred dollars in the aggregate or food or beverage provided at a hospitality suite at a meeting or conference of an interstate legislative association, by a person who is not a registrant or is not doing business with the State of Connecticut;
- (14) Admission to a charitable or civic event, including food and beverage provided at such event, but excluding lodging or travel expenses, at which a public official or state employee participates in his official capacity, provided such admission is provided by the primary sponsoring entity;
- (15) Anything of value provided by an employer of (A) a public official, (B) a state employee, or (C) a spouse of a public official or state employee, to such official, employee or spouse, provided such benefits are customarily and ordinarily provided to others in similar circumstances; or
- (16) Anything having a value of not more than ten dollars, provided the aggregate value of all things provided by a donor to a recipient under this subdivision in any calendar year shall not exceed fifty dollars.

(f) "Immediate family" means any spouse, children or dependent relatives who reside in the individual's household.

(g) "Individual" means a natural person.

(h) "Member of an advisory board" means any individual (1) appointed by a public official as an advisor or consultant or member of a committee, commission or council established to advise, recommend or consult with a public official or branch of government or committee thereof, (2) who receives no public funds other than per diem payments or reimbursement for his actual and necessary expenses incurred in the performance of his official duties and (3) who has no authority to expend any public funds or to exercise power of the state.

(i) "Person" means an individual, sole proprietorship, trust, corporation, limited liability company, union, association, firm, partnership, committee, club or other organization or group of persons.

(j)“Political contribution” has the same meaning as in section 9-333b except that for purposes of this part, the provisions of subsection (b) of that section shall not apply.

(k)“Public official” means any statewide elected officer, any member or member-elect of the General Assembly, any person appointed to any office of the legislative, judicial or executive branch of state government by the Governor, with or without the advice and consent of the General Assembly, any sheriff or deputy sheriff, any person appointed or elected by the General Assembly or by any member of either house thereof, and any member or director of a quasi-public agency, but shall not include a member of an advisory board, a judge of any court either elected or appointed or a senator or representative in Congress.

(l)“Quasi-public agency” means the Connecticut Development Authority, Connecticut Innovations, Incorporated, Connecticut Health and Education Facilities Authority, Connecticut Higher Education Supplemental Loan Authority, Connecticut Housing Finance Authority, Connecticut Housing Authority, Connecticut Resources Recovery Authority, Connecticut Hazardous Waste Management Service, Lower Fairfield County Convention Center Authority, Capital City Economic Development Authority and Connecticut Coastline Port Authority.

(m)“State employee” means any employee in the executive, legislative or judicial branch of state government, whether in the classified or unclassified service and whether full or part-time, and any employee of a quasi-public agency, but shall not include a judge of any court, either elected or appointed.

(n)“Trust” means a trust in which any public official or state employee or member of his immediate family has a present or future interest which exceeds ten per cent of the value of the trust or exceeds fifty thousand dollars, whichever is less, but shall not include blind trusts.

(o)“Business organization” means a sole proprietorship, corporation, limited liability company, association, firm or partnership, other than a client lobbyist, which is owned by, or employs, one or more individual lobbyists.

(p)“Client lobbyist” means a person on behalf of whom lobbying takes place and who makes expenditures for lobbying and in furtherance of lobbying.

(q)“Necessary expenses” means a public official’s state employee’s expenses for an article, appearance or speech or for participation at an event, in his official capacity, which shall be limited to necessary travel expenses, lodging for the nights before, of and after the appearance, speech or event, meals and any related conference or seminar registration fees.

(r)“Lobbyist” and “registrant” shall be construed as defined in section 1-91.

(P.A. 77-600, S. 1, 15; 77-605, S. 14, 21; P.A. 79-143, S. 1,9; P.A. 81-395, S. 6, 9; P.A. 82-423, S. 1,8; P.A. 83-249, S. 1, 14; P.A. 84-335, S. 1, 4; P.A. 86-99, S. 29, 34; P.A. 88-139, S. 1; 88-225, S. 1, 14; P.A. 89-245, S. 1; 89-360, S. 8, 45; 89-369, S. 1; June Sp. Sess. P.A. 91-9, S. 54, 63; June 12 Sp. Sess. P.A. 91-1, S. 1, 20, 22; P.A. 92-149, S. 7, 12; P.A. 93-413, S. 13, 16; P.A. 95-79, S. 3, 4, 189; June 13 Sp. Sess. P.A. 97-5, S. 17, 19; June 18 Sp. Sess. P.A. 97-6, S. 1, 14; P.A. 98-179, S. 13, 30.)

History: P.A. 77-605 redefined “political contribution”, P.A. 79-493 redefined “candidate for public office”, “gift”, “immediate family”, “member of an advisory board” and “Public official” and included treasurers as officers of businesses in Subdiv. (a); P.A. 81-395 substituted reference to Sec. 9-335(18) for reference to Sec. 9-348q(a) in Subdiv. (i); P.A. 82-423 amended Subdiv. (d) to change food and beverage exception from under twenty-five dollars to under fifty dollars; P.A. 83-249 amended Subdiv. (i) to broaden the definition of “political contribution”; P.A. 84-335 amended Subdiv. (j) to include sheriffs and deputy sheriffs in definition of “public official”, P.A. 86-99 amended definition of “political contribution” to reflect technical changes made in chapter 150; P.A. 88-139 added definitions of “blind trust” and “trust” redefined “business with which he is associated” to include references to sole proprietorships, firms, corporations, trusts.

(P.A. 77-600. S. 4. 15; 77-605. S. 16. 21: 77-614. S. 486. 587. 610: P.A. 78-303. S. 85. 136: P.A. 79-493. S. 4. 9: P.A. 81-296. S. 1: P.A. 83-249.S. 5. 14:83-586.S.2. 14: June Sp. Sess. P.A. 83-15. S. 1. 2: P.A. 84-52.S. 1: 84-519.S. 1: P.A. 85-290.S. 1: June 12 Sp. Sess. P.A. 91-1.S. 14: P.A. 92-29.S. 1: P.A. 94-132.S. 1: P.A. 96-37.S. 1.)

History: P.A. 77-605 removed subpoena power and permission to use services of state police from investigation process in Subsec. (a) and placed these provisions in Subsec. (c) under the hearing process: P.A. 77-614 and P.A. 78-303 placed the state police within the department of public safety, effective January 1, 1979: P.A. 79-493 required concurring vote of four members for finding probable cause; P.A. 81-296 added Subsec. (c) establishing a three-year time limit for complaints: P.A. 83-249 made technical change in Subsec. (a): P.A. 83-586 amended Subsec. (b) by adding provisions concerning publication of commission findings and confidentiality of record; June Sp. Sess. P.A. 83-15 amended Subsec. (d) to provide for state reimbursement of legal expenses of respondent in some instances: P.A. 84-519 amended section to grant subpoena power to commission at all stages of investigation, to require commission to meet prior to commencing investigation and to exempt such meetings from freedom of information act, and deleted provision authorizing commission witnesses to be paid witness fees awarded court witnesses: P.A. 85-290 amended Subsec. (a) to require that commission notify persons under evaluation within five business days after a commission staff member's first contact with a third party concerning the matter: June 12 Sp. Sess. P.A. 91-1 amended Subsecs. (b) and (c) to require trial referee or senior judge, instead of commission, to make determinations re violations: P.A. 92-29 amended Subsecs. (b) and (c) by eliminating references to senior judges: P.A. 94-132 amended Subdiv. (1) of Subsec. (a) by deleting provisions re meeting to determine whether sufficient evidence exists to warrant inquiry, changing notice deadline from five days after meeting to five days after receipt of issuance of complaint, and making technical grammatical changes, amended Subdiv. (2) of Subsec. (a) by adding "of an alleged violation of this part" after "investigation", deleting provision re deadline for adoption of regulations, and adding provisions re record of proceedings and list of intended witnesses, amended Subsec. (b) by specifying trial referee has no vote in commission decision, adding "of the commission held" after "all hearings" giving commission, rather than trial referee, the same powers as under Subsec. (a) adding provisions re List of intended witnesses and vote required for finding of violation, changing publisher of finding a memorandum from trial referee to commission, and deleting provision re commission aggrieved by finding and memorandum, amended Subsec. (c) by deleting provision re trial referee overturning finding by commission, changing finding that may be overturned by court from one of trial referee to one of commission, and making technical charges, and added new Subsec. (c) re individuals who disclose information to commission: P.A. 96-37 amended Subsec. (b) by changing "state trial referee" to judge trial referee".

Cited. 222 C. 799. 815 Cited. 224 C. 29. 37

**Sec. 1-82a. Confidentiality of complaints, evaluations of possible violations and investigations. Publication of findings.** (a) Unless the commission makes a finding of probable cause, a complaint alleging a violation of this part shall be confidential except upon the request of the respondent. A commission evaluation of a possible violation of this part prior to the filing of a complaint by the commission shall be confidential except upon the request of the subject of the evaluation. If the evaluation is confidential, any information supplied to or received from the commission shall not be disclosed to any third party by a subject of the evaluation, a person contacted for the purpose of obtaining information or by a commission or staff member. No provision of this subsection shall prevent the Ethics Commission from reporting the possible commission of a crime to the Chief State's Attorney or other prosecutorial authority.

(b) An investigation conducted prior to a probably cause finding shall be confidential except upon the request of the respondent. If the investigation is confidential, the allegations in the complaint and any information supplied to or received from the commission shall not be disclosed during the investigation to any third party by a complainant, respondent, witness, designated party, or commission or staff member.

(c) Not later than three business days after the termination of the investigation, the commission shall inform the complainant and respondent of its finding and provide them a summary of its reasons for making that finding. The commission shall publish its finding upon the respondent's request and may also publish a summary of its reasons for making such finding.

(d) If the commission make a finding of no probable cause, the complaint and the record of its investigation shall remain confidential, except upon the request of the respondent and except that some or all of the record may be used in subsequent proceedings. No complainant, respondent, witness, designated party, or commission or staff member shall disclose any third party information learned from the investigation.

(c)The agency may, without further proceedings, modify a final decision to correct any clerical error. A person may appeal that modification under the provisions of section 4-183 or, if an appeal is pending when the modification is made, may amend the appeal.

(P.A. 88-317, S. 21, 107; P.A. 89-174, S. 4, 7.)

History: P.A. 88-317 effective July 1, 1989, and applicable to all agency proceedings commencing on or after that date; P.A. 89-174 renumbered Subdivs. In Subsec. (a) to add Subdiv. (2) authorizing agency to reconsider final decision on its own initiative, amended Subsec. (b) by substituting "final decision" for "order" and made minor changes in wording throughout section.

Cited. 232 C. 181, 185, 191. Cited. 234 C. 411, 412, 420-423. Cited. 235 C. 128, 135. Cited. 238 C. 361. Cited. 239 C.32.

Cited. 30 CA 738, 739.

Subsec. (a):

Subdiv. (1) cited 232 C. 181, 191; 234 C. 411, 421. Cited. 238 C. 361.

Cited. 37 CA 653, 669, 670; judgment reversed, see 238 C. 361 et seq.

Subsec. (b):

Cited. 227 C. 545, 556, 559. Cited. 236 C. 722, 730. Proceeding on plaintiff's motions under the section did not give rise to a contested case within meaning of Uniform Administrative Procedure Act; therefore denial of plaintiff's motion was not appealable to the Superior Court; judgment of Appellate Court in *Fairfield v. Connecticut Siting Council* 37 CA 653 et seq. reversed. 238 C. 361.

Cited. 37 CA 653, 654, 656-659, 662, 664-668, 670; judgment reversed, see 238 C. 361 et seq.

Subsec. (c):

Cited. 37 CA 653, 670; judgment reversed, see 238 C. 361 et seq.

**Sec. 4-182. Matters involving licenses.** (a) When the grant, denial or renewal of a license is required to be preceded by notice and opportunity for hearing, the provisions of this chapter concerning contested cases apply.

(b)When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license shall not expire until the application has been finally determined by the agency, and, in any case the application is denied or the terms of the new license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

(c)No revocation, suspension, annulment or withdrawal of any license is lawful unless, prior to the institution of agency proceeding, the agency gave notice by mail to the licensee of facts or conduct which warrant the intended action, and the license was given an opportunity to show compliance with all lawful requirements for the retention of the license. If the agency finds that public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

(1971. P.A. 854, S. 17.)

Cited. 171 C. 691, 695. Cited. 172 C. 263. Cited. 173 C. 462, 465. Cited. 186 C. 153, 156. Cited. 191 C. 173, 175. Cited. 207 C. 77, 84; *id.*, 698, 702. Cited. 213 C. 184, 185, 212, 215. Cited. 239 C. 32.

Cited. 1 CA 1, 2. Cited. 9 CA 622, 625, 627. Cited. 27 CA 495, 496; judgment reversed, see 225 C. 499 et seq.

Subsec. (a):

Cited. 211 C. 508, 534. Cited. 213 C. 184, 213, 215.

Cited. 40 CS 226, 227.

Subsec. (c):

Cited 207 C. 698, 700, 702. Cited. 211 C. 508, 509, 512, 534. Cited. 214 C. 560, 565, 566, 572. Cited. 220 C. 86, 92, 93. Cited. 233 C. 618, 620. Cited. 235 C. 128, 138, 139, 141.

Cited. 14 CA 552, 554. Cited. 24 CA 662, 663; judgment reversed, see 223 C. 618 et seq. Cited. 34 CA 343, 345. Cited. 37 CA 777, 782, 783.

**Sec. 4-183. Appeal to Superior Court.** (a) A person who has exhausted all administrative remedies available within the agency and who is aggrieved by a final decision may appeal to the Superior Court as provided in this section. The filing of a petition for reconsideration is not a prerequisite to the filing of such an appeal.

- (b) a person may appeal a preliminary, procedural or intermediate agency action or ruling to the Superior Court if (1) it appears likely that the person will otherwise qualify under this chapter to appeal from the final agency action or ruling and (2) postponement of the appeal would result in an inadequate remedy.
- (c) Within forty-five days after mailing of the final decision under section 4-180 or, if there is no mailing, within forty-five days after personal delivery of the final decision under said section, a person appealing as provided in this section shall serve a copy of the appeal on the agency that rendered the final decision at its office or at the office of the Attorney General in Hartford and file the appeal with the clerk of the superior court for the judicial district of Hartford or for the judicial district wherein the person appealing resides or, if that person is not a resident of this state, with the clerk of the court for the judicial district of Hartford. Within that time, the person appealing shall also serve a copy of the appeal on each party listed in the final decision at the address shown in the decision, provided failure to make such service within forty-five days on parties other than the agency that rendered the final decision shall not deprive the court of jurisdiction over the appeal. Service of the appeal shall be made by (1) United States mail, certified or registered, postage prepaid, return receipt requested, without the use of a sheriff or other officer, or (2) personal service by a proper officer or indifferent person making service in the same manner as complaints are served in ordinary civil actions.
- (d) The person appealing, not later than fifteen days after filing the appeal, shall file or cause to be filed with the clerk of the court an affidavit, or the sheriff's return, stating the date and manner in which a copy of the appeal was served on each party and on the agency that rendered the final decision, and, if service was not made on a party, the reason for failure to make service. If the failure to make service causes prejudice to any party to the appeal or to the agency, the court, after hearing, may dismiss the appeal.
- (e) If service has not been made on a party, the court, on motion, shall make such orders of notice of the appeal as are reasonably calculated to notify each party not yet served.
- (f) The filing of an appeal shall not, of itself, stay enforcement of an agency decision. An application for a stay may be made to the agency, to the court or to both. Filing of an application with the agency shall not preclude action by the court. A stay, if granted, shall be on appropriate terms.
- (g) Within thirty days after the service of the appeal, or within such further time as may be allowed by the court, the agency shall transcribe any portion of the record that has not been transcribed and transmit to the reviewing court the original or a certified copy of the entire record of the proceeding appealed from, which shall include the agency's findings of fact and conclusions of law, separately stated. By stipulation of all parties to such appeal proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record.
- (h) If, before the date set for hearing on the merits of an appeal, application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the agency, the court may order that the additional evidence be taken before the agency upon conditions determined by the

be, by reason of his official activity. Any such elected municipal official does not have an interest which is substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed by the laws of this state, if any benefit or detriment accrues to him, his spouse, a dependent child, or a business with which he, his spouse or such dependent child is associated as a member of a profession, occupation or group to no greater extent than to any other member of such profession, occupation or group. Any such elected municipal officer who has substantial conflict may not take official action on the matter.

(P.A. 79-618. S. 3; P.A. 89-229. 2. 2, 4; June 12 Sp. Sess. P.A. 91-1. S. 19.)

History: P.A. 89-229 specified the circumstances under which the provisions of Subsecs. (a) to (e), inclusive, of Sec. 1-82a are to apply; June 12 Sp. Sess. P.A. 91-1 added Subsec. (b) re conflicts of interest.

Cited. 180 C. 243. 251.

**Sec. 7-148i. Discriminatory practices defined. Boards authorized.** Any town, city or borough, by charter or ordinance, may adopt a code of prohibited discriminatory practices and may establish or designate a board, commission, council, committee or other agency to investigate any allegation of discriminatory practice. For the purposes of sections 7-148i to 7-148n, inclusive, and subparagraph (B) of subdivision (9) of subsection (c) of section 7-148, "discriminatory practice" means a violation of section 46a-58, 46a-59, 46a-60, 46a-64, 46a-64c or 46a-66.

(P.A. 80-403. S. 1, 10; P.A. 81-472, S. 4. 159; P.A. 86-403. S. 11. 132; P.A. 92-257. S. 7.)

History: P.A. 81-472 made technical changes; P.A. 86-403 made technical changes; P.A. 92-257 added reference to Sec. 46a-64c.

Cited. 183 C. 495, 501, 502.

**Sec. 7148j. Powers of boards.** Any board, commission, council, committee or other agency established or designated pursuant to sections 7-148i to 7-148n, inclusive, and subparagraph (B) of subdivision (9) of subsection (c) of section 7-148, may be given the following powers: (1) The power to issue subpoenas or subpoenas duces tecum, enforceable upon application to the Superior Court, to compel the attendance of persons at hearings and the production of books, documents, records and papers; (2) the power to issue written interrogatories and require written answers under oath thereto, enforceable upon application to the Superior Court; (3) the power to hold hearings relating to any allegation of discriminatory practice which it has found reasonable cause to believe has occurred and to issue any appropriate orders including those authorized by section 46a-86; and (4) the power to petition the Superior Court for enforcement of any order issued by it upon a finding that a violation of the local code of prohibited discriminatory practices has occurred including the power to petition the superior court for temporary injunctive relief upon a finding that irreparable harm to the complainant will otherwise occur or for any other relief authorized by sections 46a-89 and 46a-90a.

(P.A. 80-403, S. 2, 10; P.A. 86-403, S. 12. 132; P.A. 94-163.)

History: P.A. 86-403 made technical changes; P.A. 94-163 authorized boards to issue orders under Sec. 46a-86 and to petition superior court for relief under Secs. 46a-89 and 46a-90a.

Cited. 183 C. 495, 501.

**Sec. 7-148k. Complaints. Hearings.** Any complaint filed pursuant to sections 7-148i to 7-148n, inclusive, and subparagraph (B) subdivision (9) of subsection (c) of section 7-148 shall be made under oath. No finding of a violation of a local code of prohibited discriminatory practices shall be made except after a hearing. The respondent at any such hearing shall be given reasonable advance written notice of the hearing, shall be entitled to be represented by counsel, and shall be permitted to testify and present

and cross-examine witnesses. The decision resulting from the hearing shall be in writing and shall include written findings of the facts upon which the decision is based.

(P.A. 80-403, S. 3, 10; P.A. 86-403, S. 13, 132.)

History: P.A. 86-403 made technical changes.

Cited. 183 C. 495, 501, 502.

**Sec. 7-148l. Appeals.** Any person aggrieved by any order of the board, commission, council, committee or other agency established or designated pursuant to sections 7-148i to 7-148n, inclusive, and subparagraph (B) of subdivision (9) of subsection (c) of section 7-148 may appeal to the State Commission on Human Rights and Opportunities. Any such appeal shall be filed within thirty days of the mailing of the written decision.

(P.A. 80-403, S. 4, 10; P.A. 86-403, S. 14, 132.)

History: P.A. 86-403 made technical changes.

Cited. 183 C. 495, 501.

**Sec. 7-148m. Actions of State Commission on Human Rights and Opportunities to supersede local action.** Any action by the State Commission on Human Rights and Opportunities which involves the same parties and subject matter as an action filed with a local commission on equal rights and opportunities shall supersede the action brought with the local commission, except that the State Commission on Human Rights and Opportunities may admit into evidence the results of any investigation of a complaint filed with the local commission, or the decision entered on such a complaint by the local commission, and accord to such investigation or such decision the weight that may be appropriate under the facts and circumstances of the case.

(P.A. 80-403, S. 5, 10.)

Cited. 183 C. 495, 501, 502.

**Sec. 7-148n. Local boards may assume powers to investigate discriminatory practices.** Any board, commission, council, committee or other agency which has been established or designated to investigate allegations of discriminatory practices by the charter or an ordinance of any town, city or borough prior to May 23, 1980, may assume the powers granted to such agencies under sections 7-148i to 7-148n, inclusive, and subparagraph (B) of subdivision (9) of subsection (c) of section 7-148 if the charter or ordinance creating or designating such agency is not in conflict with the provisions of sections 7-148i to 7-148n, inclusive, and subparagraph (B) of subdivision (9) of subsection (c) of section 7-148.

(P.A. 80-143, S. 6, 10; P.A. 86-403, S. 15, 132.)

History: P.A. 86-403 made technical changes.

Cited. 183 C. 495, 501, 502.

**Secs. 7-148o to 7-148q.** Reserved for future use.

**Sec. 7-148r. Municipal fee for access to computer assisted mass appraisal system database.** Any municipality may by ordinance impose a reasonable fee for public access to its computer database developed pursuant to section 12-62f for the purpose of revaluation.

(P.A. 95-283, S. 5, 68.)

History: P.A. 95-283, S. 5 effective July 6, 1995.

## **BURLINGTON TOBACCO VENDING MACHINE ORDINANCE**

### Section 1: The Town of Burlington finds:

- (1) Sections 53-344 and 53-344a of the Connecticut General Statutes make it unlawful for any person engaged in the manufacture or sale of cigarettes to sell, barter, give or deliver cigarettes to any individual under the age of 18 years; and
- (2) Cigarettes are the most heavily advertised consumer product in the United States and the tobacco industry spends more than \$8.24 billion on advertising and promotion of cigarettes; and
- (3) Connecticut medical costs related to treating smoking related diseases exceeds \$1 billion every year; and
- (4) Tobacco kills more people than AIDS, alcohol, car accidents, murder, suicide, drugs and fire combined; and
- (5) More than 3 million young people under the age of 18 consume more than 947 million packs of cigarettes annually in the United States, yielding gross sales to the tobacco industry each year of approximately \$1 billion; and
- (6) In Connecticut nearly one of every three high school students and 13% of middle school children used tobacco within the last 30 days; and
- (7) Every year, 12,000 Connecticut children become daily smokers; and
- (8) The average start smoking age in Connecticut is 11 years old; and
- (9) Current laws and regulations have proved ineffective and inadequate in preventing the illegal purchase of cigarettes by children under the age of 18 years, particularly from cigarette vending machines; and
- (10) Conn. Gen. Stat. § 12-289a(h) authorizes a town or municipality to ban or significantly restrict the placement of vending machines for cigarettes, tobacco or smokeless tobacco products.

Section 2: No person shall dispense, or cause to be dispensed, cigarettes, tobacco, or smokeless tobacco products from vending machines at any location within the Town of Burlington. A vending machine means a machine used for the purpose of automatically merchandising packaged cigarettes, tobacco, or smokeless tobacco products after the proper amount of payment by the purchaser.

Section 3: Penalty for Violation: The penalty for each violation of this Ordinance shall be \$100.00 per occurrence.

Section 4: Enforcement: It shall be the duty of the Constable of the Town under the direction of the Resident State Police/Chief of Police to enforce the provision of this Ordinance.

This Ordinance shall be effective fifteen (15) days after publication of approval.

Voted at a Special Town Meeting on November 26, 2001

Published in the Bristol Press on December 4, 2001

Effective Date: December 26, 2001

# **TAX RELIEF FOR VOLUNTEER FIREFIGHTERS**

## **SECTION I**

### **PURPOSE**

The purpose of this Ordinance is to provide tax relief for those who volunteer their services as firefighters for the Town and thereby to help retain the Town's existing volunteer firefighters and attract new firefighters.

## **SECTION II**

### **ESTABLISHMENT OF TAX RELIEF PROGRAM**

Pursuant to Section 10 of Public Act 00-120, the Town of Burlington hereby authorizes annual exemptions in the assessed value of the real or personal property of a volunteer firefighter. No such exemption shall exceed an amount which when multiplied by the then-applicable mil rate of the Town would provide a reduction in the property taxes of an eligible volunteer firefighter of more than one thousand dollars.

## **SECTION III**

### **REGULATIONS**

The Board of Selectman shall, by the adoption of regulations, establish a range of exemptions and the eligibility criteria for such exemptions, up to the maximum amount permitted by this Ordinance.

## **SECTION IV**

### **APPLICABILITY AND EFFECTIVE DATE**

This Ordinance shall be applicable to assessment years commencing October 1, 2001, and shall be effective 15 days after publication.

Adopted: 1/28/2002  
Publication: 2/3/2002 Bristol Press  
Effective: 2/18/2002

**AN ORDINANCE REQUIRING ALL DOGS ON UNRESTRICTED PUBLIC LAND WITHIN THE  
TOWN OF BURLINGTON TO BE LEASHED**

BE IT ORDAINED: By the Board of Selectmen for the Town of Burlington that the following Ordinance is hereby created requiring all dogs on public property or private property open to the public to be controlled by leash.

**Section 1: The Town of Burlington finds:**

- (1) Dogs bite over four million people each year. The Center for Disease Control and Prevention considers the situation to be an epidemic.
- (2) Dogs controlled by a leash whenever they are taken to public property or any private property open to the public will prevent them from harming or interfering with other animals, people or property. It will also prevent them from becoming lost or from being injured by vehicles or other animals.
- (3) Owners should not assume that their dogs will always act predictably in unusual circumstances or with unfamiliar people. In such situations, there is a greater risk of dogs biting or attacking people and therefore additional precautions are recommended.
- (4) It is necessary in order to ensure public health and safety to restrict some public property from any access by dogs or other pets, including dogs or pets on lease. Such areas will be marked as "No Pets Permitted".
- (5) The Constitution and the laws of the State of Connecticut grant to the Town of Burlington powers, especially police power, to enact reasonable legislation and measures to protect the safety and welfare of the public.

**Section 2: Definitions**

- (1) "At Large" means being on any public property unrestrained by a leash or on private property without permission of the person who owns or has a right to possess or use the property.
- (2) "Leash" means any rope, leather strap, or other material not exceeding six feet in length, being held in the hand of a person actually controlling the dog to which it is attached.
- (3) "Owner" means any person or organization that owns, possesses, or has custody of a dog.
- (4) "Public Property" as used herein shall include any property owned in fee simple by the Town of Burlington or the State of Connecticut and open to the public.

- (5) "Restricted Public Property" as used herein shall mean any Public Property upon which dogs and other pets are not permitted, whether leashed or unleashed. Such areas include Town of Burlington sports fields and sports fields situated on land owned by the State of Connecticut, which fields are under the supervision or control of the Town of Burlington. Other Restricted Public Property shall consist of those areas marked as "No Pets Permitted".

**Section 3: All Dogs Prohibited from Being "At Large"**

- (1) Any person owning or having custody or control of a dog shall prevent the dog from being At Large.
- (2) Any person owning or having custody or control of a dog that is lawfully on any public property or private property open to the public, shall keep the dog either on a Leash, under direct and effective control.
- (3) Dogs are not permitted to run At Large. A dog which is off the premises of the owner or the premises of a person having its custody and is not on a Leash, or is on a Leash which exceeds or can be extended to exceed six feet in length, is prima-facie running At Large.
- (4) Dogs are not permitted on Restricted Public Property. A dog which is on Restricted Public Property, whether leashed or not, is prima-facie running At Large.
- (5) The provisions which apply to the owner of a dog apply equally to any person having custody or possession of a dog.
- (6) Any service dog or dog engaged in field trials, training or legal hunting may run At Large, provided it is under control of its owner or custodian.

**Section 4: Penalty for Violation.** The penalty for each violation of this Ordinance shall be \$100.00 per occurrence.

**Section 5: Enforcement.** It shall be the duty of the Constable of the Town of Burlington under the direction of the Resident State Police/Chief of Police, the Dog Warden and Assistant Wardens to enforce the provisions of this Ordinance.

Effective 15 Days after Publication

Published: Farmington Valley Post – June 13, 2001

Effective Date: June 28, 2002

**ORDINANCE REGARDING**  
**ADULT-ORIENTED ESTABLISHMENTS**

**BE IT ORDAINED** by the Town Meeting of the Town of Burlington in meeting duly assembled that, pursuant to the Charter of the Town as amended, the following Ordinance is adopted.

SECTION 1: PURPOSE: The intent of this section is to regulate uses which, by their very nature, are recognized to have serious and undesirable secondary effects – such as, but not limited to, an increase in crime and/or prostitution – upon an area, particularly when several such uses are concentrated. Special regulations of these uses are necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the area for which the adult-oriented establishment is located or its surrounding neighborhoods. The regulation of such uses is for the purpose of preventing a concentration of these uses in any one area and promoting the public health and safety of the Town of Burlington.

SECTION 2: DEFINITIONS: For the purpose of applying the provisions of this section the terms below shall be defined as follows:

- A. ADULT-ORIENTED ESTABLISHMENT – An adult-oriented establishment is any business or operation where any employee, operator, independent contractor, patron, visitor or owner exposes his or her specified anatomical area and/or performs, demonstrates or depicts specified sexual activities in the sale or rental of a service or product for the observation or use by patrons, including but not limited to massage establishments or conforms to one or more of the following definitions:

Adult Bookstore or Adult Video Store  
Adult Arcade  
Adult Cabaret  
Adult Model Studio  
Adult Motel  
Adult Paraphernalia Store  
Adult Theater or Adult Motion Picture Theater  
Sexual Encounter Center

- B. ADULT BOOKSTORE OR ADULT VIDEO STORE – A business having a portion of its stock in trade in books, films, photographs, tapes, periodicals and digital or analogue CDs characterized by an emphasis on depicting or describing specified sexual activity or specified anatomical areas, or defines itself as such by advertising as an adult oriented business to the general public.
- C. ADULT ARCADE – An establishment where, for any form of consideration or gratuity, one or more motion picture projectors, slide projectors or similar machines, for viewing by five or fewer persons each, are used to show films, slides or other photographic reproductions including but not limited to computer images which are characterized by an emphasis on depicting or describing specified sexual activity or specified anatomical areas.

- D. ADULT CABARET – A nightclub, bar, restaurant, theater or similar establishment which features performances which are characterized by the exposure of specified anatomical areas and/or an emphasis of depicting or describing specified sexual activities; or defines itself as such by advertising as an adult oriented business to the general public.
- E. ADULT MODEL STUDIO – Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity. Excluded from this definition are any licensed educational institutions where the exposure of specified areas is associated with a curriculum or program.
- F. ADULT MOTEL – A commercial establishment which offers public accommodations, for any form of consideration or gratuity, and provides patrons with closed circuit television transmissions, images transmitted by computer, films, video cassettes, slides or other photographic reproductions which are characterized by an emphasis of depicting or describing specified sexual activity or specified anatomical areas and which advertises the availability of this type of material by means of a sign(s) visible from a public right of way or by means of off premises advertising in newspapers, magazines, leaflets, radio or television; offers a sleeping room for rent for a period of time less than ten hours or allows a tenant or occupant to sub-rent a sleeping room for a time period less than ten hours; or defines itself as such by advertising as an adult oriented business to the general public.
- G. ADULT PARAPHERNALIA STORE – A business having a portion of its stock in trade paraphernalia, devices or equipment characterized by an emphasis on depicting or describing specified sexual activity or used in connection with specified sexual activity; or defines itself as such by advertising as an adult oriented business to the general public.
- H. ADULT THEATER OR ADULT MOTION PICTURE THEATER – A theater, concert hall, auditorium or similar establishment which, for any form of consideration or gratuity, regularly features live performances or the presentations of films, video cassettes, slides or similar photographic reproductions characterized by an emphasis on depicting or describing specified sexual activity or specified anatomical areas.
- I. SEXUAL ENCOUNTER CENTER – A business that regularly offers for any form of consideration, activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude. This definition does not apply to any treatment or examination of another person for a bona fide medical purpose when such treatment or examination is conducted in a manner substantially consistent with reasonable medical practices.
- J. ESTABLISHMENT OF AN ADULT-ORIENTED ESTABLISHMENT – Includes any of the following:
  - a. The opening or commencement of any such establishment as a new establishment;
  - b. The conversion of an existing establishment, whether or not adult-oriented establishment, to any of the adult-oriented establishments defined herein;
  - c. The addition of any of the adult-oriented establishments defined herein to any other business or operation; or

- d. The relocation of any adult-oriented establishment.
- K. SPECIFIED ANATOMICAL AREAS – Are less than completely and opaquely covered human genitals, pubic region, buttock, and female breasts below a point immediately above the top of the areola; and the human male genitals in a discernibly turgid state even if completely and opaquely covered.
- L. SPECIFIED SEXUAL ACTIVITY – Include human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, pubic region, buttock or female breasts.

SECTION 3: PERMITTED USE: Adult Oriented-Establishments shall ONLY be permitted within an Industrial Zone as established by the Zoning Regulations of the Town of Burlington and upon the approval or modification and approval of the Commission of an application for a special permit use submitted to the Planning and Zoning Commission by the owners of the land. Such use is to be conducted by the owner of the land or their representative. In addition to the specific requirements listed in this Section, the Planning and Zoning Commission must find that the application complies with the standards set forth in those Regulations, as amended, for application procedures, hearing and notice requirements for special permits.

- A. The Zoning Regulations notwithstanding, no building or use of land for the establishment of an adult-oriented establishment shall be approved in the Town of Burlington unless the following requirements are met:
  - 1. No adult-oriented establishment shall be established on a lot if any portion of such lot is situated within 1,000 ft. radius of any lot used or approved to be used for a day care, nursery, public or private school primarily attended by persons 18 years of age and younger, playground, house of worship or library.
  - 2. No adult-oriented establishment shall be established on a lot if any portion of such lot is situated within 1,000 ft. radius of any lot used or approved to be used for an adult oriented establishment.
  - 3. No adult-oriented establishment shall be established on the same lot that is used or approved to be used for an adult-oriented establishment.
  - 4. No adult-oriented establishment shall be established on a lot if any portion of such lot is situated within a 1000 ft. radius of any lot located in a residential zoning district.
- B. No alcoholic beverages shall be sold or consumed within adult-oriented establishments.
- C. Adult-oriented establishments shall be so designed as not to permit the view of any sexual aids or paraphernalia; films, books, tapes, periodicals, CDs, drawings or advertisements depicting specified anatomical areas or specified sexual activity from a sidewalk, street, driveway or parking area.

D. Any signs located inside or outside an adult-oriented establishment visible from a sidewalk, street, driveway or parking area shall not visually depict, describe or name any specified anatomical area or specified sexual activity.

SECTION 4: HOURS OF OPERATION: At the time of the public hearing the Commission may require the submission of projected hours of operation. The Commission shall review the impact of such schedule of hours on the immediate neighborhood as well as current and projected traffic circulation patterns. As part of the special permit, reasonable limitations on hours of operation may be imposed for public health and safety.

SECTION 5: SEVERABILITY. The provisions of this Ordinance are declared to be severable, and the invalidity of any portion thereof shall not affect the validity of the remainder.

SECTION 6: PENALTY: Any activity, use or conduct in violation of this Ordinance shall be a unique and single act. Each day or part of a day during which such activity, use or conduct takes place shall constitute a separate and distinct violation. Penalties, including monetary sanctions, shall be at the statutory rate as then applicable.

SECTION 7: EFFECTIVE DATE: This Ordinance shall take effect after passage and fifteen (15) days after publication.

Published in the Tri Town Post on June 16, 2006

Effective Date: July 1, 2006

**AN ORDINANCE CONCERNING THE DESIGNATION OF THE INLAND WETLANDS &  
WATERCOURSES COMMISSION AS THE AQUIFER PROTECTION AGENCY**

**BE IT ENACTED BY THE TOWN OF BURLINGTON:**

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; and

WHEREAS, it has been determined that it is in the best interest of the Town of Burlington to designate the Burlington Inland Wetlands & Watercourses Commission as the Town’s aquifer protection agency.

**NOW THEREFORE BE IT ORDAINED BY THE TOWN OF BURLINGTON THAT:**

1. Designation and membership

- a. In accordance with the provisions of Conn. Gen. Stat. §22a-354a, *et seq.*, the Burlington Inland Wetlands & Watercourses Commission (“IWWC”) is hereby designated as the Aquifer Protection Agency (hereinafter the “Agency”) of the Town of Burlington.
- b. Members of the IWWC shall serve coexisting 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 complete the course in technical training formulated by the Commissioner of Environmental Protection of the State of Connecticut, pursuant to Conn. Gen. Stat. §22a-354v.

2. Regulations to be adopted

- a. The Agency shall adopt regulations in accordance with Conn. Gen. Stat. §22a-354p and R.C.S.A. §22a-354i-3. Said regulations shall provide for:
  - i. The manner in which boundaries of aquifer protection areas shall be established and amended or changed.
  - ii. Procedures for the regulation of activity within the area.
  - iii. The form for an application to conduct regulated activities within the area.
  - iv. Notice and publication requirements.
  - v. Criteria and procedures for the review of applications.
  - vi. Administration and enforcement.

3. Inventory of Land Use

- a. 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.
- b. Not later than three months 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. State. §22a-354f. Such inventory shall be completed not more than one year after authorization of the Agency. [Conn. Gen. State. §22a-354e].

This Ordinance shall be effective on February 9, 2007.

Published in the Tri-Town Post January 25, 2007

Effective Date 15 Days after Publication: February 9, 2007

**AN ORDINANCE REGARDING MAINTENANCE OF PHASE II STORM WATER DRAINAGE  
DETENTION BASINS AND SIMILAR STRUCTURES**

BE IT ORDAINED:

PURPOSE: Federal and State Laws and Regulations mandate that drainage designs comply with Federal Clean Water Act of 1977, Phase II, Final Rule, concerning storm water. The Town of Burlington encourages the use of any approved water quality control options specified in the Federal and State Laws. Such structures control the quantity of flow and contain sand, silt, dirt and other solids. For maximum performance, these structures require substantial periodic maintenance.

However, for some land subject development and construction, producing zero increase in the rate of discharge of water from one property to another compels drainage designs that provide for the inclusion of Detention Basins, Separators or similar earthen or other solid embankments, dams or other "Stormwater Pollutant Removal Mechanisms as listed in Table 3-2 of the 2004 CT. Storm Water Quality Manual". The purpose of this Ordinance is set forth the Town's policy as to such structures and the costs associated with and created by their use and required maintenance.

POLICY: Should the design requirements of the Laws and Regulations require the construction of structures such as Detention Basins, Separators or similar earthen or other solid embankments, dams or other "Stormwater Pollutant Removal Mechanisms" designed in compliance with the *CT. D.E.P. Storm Water Phase II (MS4) Program* based on the Federal Clean Water Act of 1977 as amended by the Water Quality Act of 1987 (P.L. 100-4), Section 402 – Nation Pollution Discharge Elimination Systems (NPDES), Phase II, Final Rule ("Facility or Facilities"), the Town of Burlington will not accept title to such Facilities as additions to its municipally owned drainage system as "improvements."

Such Facilities require special, periodic maintenance to clean out sand, silt, dirt, debris or other foreign material in order to keep the structure operating as designed. Most of these Facilities are not located within roads or streets that are designed and planned to become public roads of the Town of Burlington and are not within the road drainage system regularly accepted by the Town. Additionally, such Facilities may impose excessive, unbudgeted costs upon the taxpayers of the Town. Finally, such Facilities, if not maintained, may fail, imposing possible further liability on the Town.

As it is in the best interest of its citizens and the Town to insure that the required maintenance is performed and as its Highway Department has the technical and physical ability to provide the maintenance required of these Facilities, it is, subject to provision for the capitalization of the costs of periodic maintenance, deemed appropriate that the Town provide the maintenance of designated Facilities. However, the Town finds that it is not reasonable to expect or require individual homeowners or limited groups of homeowners to provide the periodic maintenance that these systems require or pay for the cost thereof.

Therefore, it has been and is the position of the Town that the costs of this periodic maintenance ought to be placed upon those persons causing the need for this maintenance and who benefit from these Facilities rather than upon the taxpayers as a whole. Future costs of the maintenance of these Facilities shall be an expense of those land owner(s), developer(s), or subdivider(s) benefiting from the development of the property upon which the Facilities are located. Provision for this future cost shall be accomplished by the establishment of a fund reasonably calculated to generate sufficient income to pay the cost of using the Highway Department to maintain these Facilities, (herein "Maintenance Fund").

DEFINITIONS:

*Clean Water Regulations-Phase II.* Clean Water Regulations promulgated by the Connecticut Department of Environmental Protection that define the standards for design of drainage systems discharging into the waters of the State of Connecticut.

*Detention Basin:* A drainage structure to avoid downstream flash flooding, receiving and collecting storm and drainage water, whether surface or subsurface, within a defined area and releasing that water in a controlled manner essentially equivalent to the rate of flow from property in its natural state prior to development.

*Land Owner, Developer or Subdivider:* The person, individual or business who owns the land upon which any Facility is to be constructed or who has applied to a land use board or commission for a permit or other approval which includes construction of any Facility or has received application approval or been granted a permit by one or more of the land use agencies or commissions of the Town of Burlington to develop property including the installation of one or more Facilities. The term or terms, singular or plural, Land Owner, Developer or Subdivider, are like terms with the same meaning herein.

*Separator:* A drainage structure designed to collect water in a confined area and cause solid particles of sand, silt, dirt and foreign material to be separated from the water before the water is released downstream from the confined area.

IDENTIFICATION OF FACILITIES: Prior to approval of any development project by any Town land use boards or commissions (“agencies”), a developer shall, with the assistance of the Town Engineer, identify any Facilities as specified in this Ordinance that will require special periodic maintenance in the future.

PAYMENT OF THE MAINTENANCE FUND AND TRANSFER EASEMENT: As conditions precedent to temporary or final approval from any land use agencies, the developer shall be responsible for:  
A) Preparing and executing an access easement and, B) The establishment with the Town of the Maintenance Fund.

- A. The access easement shall be from an accepted Town road to the Facility for maintenance and repair purposes including a designated easement area around the perimeter of the Facility in favor of the Town. The proposed deed of easement must be acceptable to the Town Counsel. Delivery to the Town of an executed and accepted deed of easement is also a condition precedent to acceptance of any drainage system and of responsibility on the part of the Town for periodic maintenance.
- B. The Town Engineer and the Foreman of the Highway Department shall establish an annual cost (“Cost”) to perform the required periodic maintenance on the Facilities. The Town Treasurer, with input from the Town Engineer, shall then calculate a sum necessary to capitalize that annual cost based upon the following formula. The Cost shall become the numerator of a fraction the denominator of which shall be a sum arrived at by the subtraction of the yearly average of the Consumer Price Index (“CPI”)\* from the yearly average yield of 10 year U.S. Treasury Notes (“Notes”)\*\*. The resulting quotient, after dividing the numerator by the

denominator, shall be the sum required to be deposited with the Town as the Maintenance Fund.

\*The yearly average of the CPI shall be determined by taking each published yearly average beginning with 1953 up to and including the most recent published yearly average, adding the averages together and dividing the total by the number of years included.

\*\*The yearly average yield of the Notes shall be determined by taking each published yearly average yield beginning with 1953 up to and including the most recent published yearly average yield, adding the average yields together and dividing the total by the number of years included.

The Developer shall pay the Town such sum before temporary or final approval by Town agencies, the acceptance by the Town of the drainage system and before any performance bond is reduced to a maintenance level.

The Town shall forthwith deliver the full sum to the Treasurer who shall deposit that sum in a separately identified account referred to as the "Maintenance Fund for  (name of project or subdivision – phase as appropriate) , shown on a map or plan entitled " \_\_\_\_\_", dated \_\_\_\_\_, 20\_\_ and recorded in the office of the Town Clerk at map volume \_\_\_\_, page \_\_\_\_\_. Such a fund shall be maintained indefinitely for the purpose of providing revenue to pay for the periodic maintenances required. Funds shall not be commingled with the general funds or investments of the Town but may be commingled with maintenance funds from similar projects. The capital shall not be used for any operating expense.

**MAINTENANCE RESPONSIBILITY:** Upon establishment of the Maintenance Fund by the land developer; completion of any required performance bond period; and, acceptance by the Town of the drainage system within which are located such Facilities, the Town shall thereafter assume full maintenance and repair responsibility for the identified Facilities, but not title thereto. There shall be no further accounting as to the cost of maintenance of any particular Facility or rebate if the expense is less than the income or additional charge if the expense is greater.

**NOTE:** This policy does not apply to reads, piped drainage systems within roads including off road discharges not pertaining to any Facilities. Establishment of such a Fund does not constitute acceptance of title to the Facilities referred to above the Town.

**ADMINISTRATION:**

- (A) The Board of Selectmen shall control the Maintenance Fund and shall direct the income as appropriate to the Highway Department for the purpose of providing maintenance to the identified Facilities.
- (B) There shall be no accounting among developers or properties that have contributed to this Fund and no requirement that the maintenance be provided to particular Facilities except as determined by the Highway Department.

**SEVERABILITY:** If any provision of this Ordinance or the application thereof shall be held invalid or unenforceable, the remainder of this Ordinance shall not be affected thereby; and each remaining term and provision hereof shall be deemed valid and shall be enforced to the fullest extent permitted by law.

DETENTION BASIN MAINTENANCE AND FUND (EFFECTIVE \_\_\_\_\_, 2008)

This Ordinance shall be effective on March 21, 2008 which is 15 days after publication

**APPROVAL RECORD FOR ORDINANCES**

Board of Selectmen Approved: February 12, 2008

Board of Selectmen Recommend Adoption: February 12, 2008

Town Meeting Notice Published: February 14, 2008

Approved by Town Meeting: March 3, 2008

**ORDINANCE ESTABLISHING A CONSERVATION COMMISSION FOR THE TOWN OF  
BURLINGTON, CONNECTICUT**

BE IT ORDAINED, That the Town of Burlington (“Town”), by Town Meeting duly assembled, pursuant to the powers conferred thereon by Title 7, Chapter 97 of the Connecticut General Statutes (“C.G.S.”) and the Charter of the Town of Burlington (the “Charter”), adopts the following Ordinance establishing a Conservation Commission.

**Section 1 – Purpose**

The Conservation Commission shall be a standing advisory body to the Board of Selectmen (the “Board”) which may:

1. Conduct research into the utilization and possible utilization of land areas of the Town and may coordinate the activities of unofficial bodies organized for similar purposes;
2. Advertise, prepare and distribute books, maps, charts, plans and pamphlets as necessary for its purposes;
3. Propose a greenways plan for inclusion in the Plan of Conservation and Development of the Town prepared pursuant to section 8-23;
4. Inventory natural resources and formulate watershed management and drought management plans consistent with water supply management plans prepared pursuant to section 25-32d;
5. 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, and may from time to time recommend to the Planning & Zoning Commission plans and programs for the development, protection and use of such areas;
6. Make recommendations to the Planning & Zoning Commission, Inland Wetlands and Watercourse Commission and other Town agencies on proposed land use changes;
7. Upon approval of the Board of Selectmen and after obtaining Town Meeting approval, recommend rules and regulations, including but not limited to the establishment of reasonable charges for the use of land and easements, for any of its purposes as set out in this Ordinance; and,
8. Supervise and manage Town owed open space or park property upon delegation of such authority by the entity which has supervisory or management responsibilities for such space or property.

The Commission shall keep records of its meetings and activities as required by Chapter 14 of the C.G.S. and shall make recommendations to other boards and commissions of the Town as directed by the Board from time to time.

**Section 2 – Appointments**

Seven regular members shall be by appointment by the Board of Selectmen and shall serve in a manner consistent with the Charter and shall have one vote each. There shall be one ex officio member without voting rights who shall be a Selectman chosen by the Board. Terms for regular members shall be for alternating two year periods: initially three members shall serve for one year, four members for two years. Thereafter, any appointment shall be for two years but, in the case of a replacement for a vacancy created by whatever reason, the term shall be for the remainder of the vacant term.

### Section 3 – Receipt of Gifts

The Conservation Commission shall not have the power or authority to receive gifts of real estate, any interest in real estate or other gifts in the name of the Town of Burlington or the Conservation Commission or in any other capacity, except to the extent that such receipt of gifts or interest may be expressly approved by the Board, in a manner consistent with the Charter. The Conservation Commission may propose to the Board for acquisition parcels of land, interests in land or other gifts which may be offered or available to the Town.

### Section 4 – Funding

The Board may provide such funding for the expenses of the Conservation Commission as the Board shall determine.

### Section 5 – Conduct of Meetings

Meetings of the Conservation Commission should be conducted according to the Statutes, the Charter and Robert’s Rules of Order.

### Section 6 – Conflict of Interest

No member of the Conservation Commission shall participate in any decision, hearing or vote in contravention of Section 10 of the Charter.

### Section 7 – Severability

The provisions of this Ordinance are declared to be severable and the invalidity of any portion hereof shall not affect the validity of the remainder.

### Section 8 – Effective Date

The foregoing Ordinance shall become effective fifteen (15) days after any publication thereof in a newspaper having general circulation in Burlington.

November 9, 2006

Adopted at Special Town Meeting: October 23, 2006

**AN ORDINANCE AUTHORIZING A PROGRAM OF PROPERTY TAX RELIEF**  
**TOWN OF BURLINGTON**

**BE IT ORDAINED BY THIS TOWN MEETING:**

**SECTION 1 – PURPOSE**

The purpose of this Ordinance is to enhance the property tax credit provided to certain residents age 65 or older or, permanently totally disabled taxpayers in the Town by the State of Connecticut. This Ordinance provides additional Town property tax credit to such taxpayers with respect to real property owned and occupied by such taxpayers as their principal residence. The program is enacted pursuant to the option provided to municipalities under Section 12-129n of the Connecticut General Statutes.

**SECTION 2 – ELIGIBILITY**

To be eligible a Town resident and taxpayer must meet the eligibility requirements of Section 12-129n of the Connecticut General Statutes, as it may be amended from time to time. The resident of his/her spouse must have been a taxpayer of the Town for two years immediately preceding the commencement of his/her receipt of this tax credit. Property tax credits will only be given with respect to real property owned and occupied by the taxpayer as his/her principal residence. Additionally, all taxes relating to all real property owned by the resident taxpayer or spouse must have been paid in full for the two years immediately preceding the commencement of the receipt of property tax benefits during such period.

**SECTION 3 – MAXIMUM INCOME REQUIREMENTS**

The maximum income requirements and tax credits are as shown on the attached chart. For the purposes of this Ordinance, income shall include income or potential income that an applicant is entitled to receive, but chooses to not request, receive or accept, including but not limited to, undistributed income from investment retirement accounts, trusts, annuities, stocks, bonds, certificates of deposit and other similar investments. In addition to federal income tax returns or other evidence of qualifying income required to be provided with the application, each applicant shall also provide a certification as to potential income that such applicant is entitled to receive, and all records or reports related thereto. The provision for determining potential income shall specifically exclude life insurance.

**SECTION 4 – ADMINISTRATION**

The Tax Assessor shall adopt such rules, regulations and procedures as deemed necessary or appropriate for the purpose of implementing and administering the program authorized by this Ordinance. All such rules, regulations and procedures shall be kept on file at the office of the Tax Assessor.

SECTION 5 – GRAND LIST

The program authorized by this Ordinance shall first become effective for taxes due on the Grand List of October 1, 2007.

SECTION 6 – BIENNIAL REVIEW OF THE PROGRAM

There shall be a biennial review of the program described in this Ordinance. Not later than June 30 biennially, beginning on June 20, 2009, the Board of Selectmen shall appoint a five member committee. This committee will prepare a report to be presented to the Board of Selectmen containing its recommendations for the continuance, modification or cancellation of the program and such other information requested by the Board of Selectmen no later than August 31 of such year.

SECTION 7 – SAVINGS CLAUSE

In any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holdings shall not affect or impair any other section, clause, provision or portion of this Ordinance.

SECTION 8 – EFFECTIVE DATE

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

**Property Tax Relief Maximum Income Requirements and Tax Credits**

| <b>INCOME</b>   | <b>MARRIED</b> | <b>UNMARRIED</b> |
|-----------------|----------------|------------------|
| 11,000 – 14,400 | 1,250.00       | 1,000.00         |
| 14,400 – 19,400 | 1,000.00       | 750.00           |
| 19,400 – 24,200 | 750.00         | 550.00           |
| 24,200 – 28,800 | 550.00         | 450.00           |
| 28,800 – 35,300 | 450.00         | 300.00           |
| 35,350 – 40,000 | 300.00         | 300.00           |
| 40,000 – 50,000 | 300.00         | 250.00           |

This Ordinance shall be effective on October 18, 2007

**AMENDMENT TO AN ORDINANCE AUTHORIZING A PROGRAM OF PROPERTY TAX RELIEF**

**BE IT ORDAINED BY THIS TOWN MEETING:**

**THAT** the following Amendments to the Ordinance Authorizing a Program of Property Tax Relief, effective October 18, 2007, are approved:

1. The chart entitled "Property Tax Relief Maximum Income Requirements and Tax Credits" shall be amended as follows:

**Property Tax Relief Maximum Income Requirements and Tax Credits Shall be Amended as Follows:**

| <b>INCOME LIMITS</b> | <b>MARRIED</b> | <b>UNMARRIED</b> |
|----------------------|----------------|------------------|
| 11,000 – 14,400      | 1,375.00       | 1,000.00         |
| 14,400 – 19,400      | 1,100.00       | 825.00           |
| 19,400 – 24,200      | 825.00         | 605.00           |
| 24,200 – 28,800      | 605.00         | 495.00           |
| 28,800 – 35,300      | 495.00         | 330.00           |
| 35,350 – 40,000      | 330.00         | 330.00           |
| 40,000 – 50,000      | 330.00         | 275.00           |

2. In all other respects, the Ordinance remains in effect.

These Amendments to the Ordinance above identified, with an effective date of October 18, 2007, shall be effective on February 26, 2010.

**AMENDMENT TO AN ORDINANCE AUTHORIZING A PROGRAM OF PROPERTY TAX RELIEF**

**BE IT ORDAINED BY THIS TOWN MEETING:**

**THAT** the following Amendments to the Ordinance Authorizing a Program of Property Tax Relief, effective October 18, 2007, are approved:

1. The chart entitled "Property Tax Relief Maximum Income Requirements and Tax Credits" shall be amended as follows:

**Property Tax Relief Maximum Income Requirements and Tax Credits Shall be Amended as Follows:**

| <b>INCOME LIMITS</b> | <b>MARRIED</b> | <b>UNMARRIED</b> |
|----------------------|----------------|------------------|
| 11,000 – 14,400      | 1,375.00       | 1,000.00         |
| 14,401 – 19,400      | 1,100.00       | 825.00           |
| 19,401 – 24,200      | 825.00         | 605.00           |
| 24,201 – 28,800      | 605.00         | 495.00           |
| 28,801 – 35,300      | 495.00         | 330.00           |
| 35,301 – 40,000      | 330.00         | 330.00           |
| 40,001 – 50,000      | 330.00         | 275.00           |

2. In all other respects, the Ordinance remains in effect.

These Amendments to the Ordinance dated October 18, 2007, shall be effective thirty (30) days after publication.

**AN ORDINANCE AUTHORIZING A PROGRAM OF ADDITIONAL EXEMPTION FOR VETERANS**  
**TOWN OF BURLINGTON**

**BE IT ORDAINED BY THIS TOWN MEETING:**

**SECTION 1 – PURPOSE**

The purpose of this Ordinance is to provide additional exemption respecting property tax for any veteran entitled to an exemption from property tax in accordance with subdivision (19) of Section 12-81 provided such veteran’s qualifying income does not exceed the applicable maximum amount as provided under Sections 12-811. The exemption is enacted pursuant to the option provided to municipalities under Section 12-81f of the Connecticut General Statutes.

**SECTION 2 – ELIGIBILITY**

To be eligible a veteran and taxpayer must meet the eligibility requirements of Section 12-81f of the Connecticut General Statutes (Conn. Gen. Stats.), as it may be amended from time to time. The veteran and taxpayer must have been a taxpayer of the Town for two years immediately preceding the commencement of his/her receipt of this exemption. This exemption will only be given with respect to real property owned and occupied by the veteran and taxpayer as his/her principal residence. Additionally, all taxes relating to all real property owned by the veteran and taxpayer must have been paid in full for the two years immediately preceding the commencement of the receipt of property tax benefits during such period.

**SECTION 3 – MAXIMUM INCOME REQUIREMENTS**

The qualified income requirements are set forth in Conn Gen. Stats. Sections 12-811 as it may be from time to time amended. For the purposes of this Ordinance, income shall include income or potential income that an applicant is entitled to receive, but chooses to not request, receive or accept, including but not limited to, undistributed income from investment retirement accounts, trusts, annuities, stocks, bonds, certificates or deposit and other similar investments. In addition to federal income tax returns or other evidence of qualifying income required to be provided with the application, each applicant shall also provide a certification as to potential income that such applicant is entitled to receive, and all records or reports related thereto. The provision for determining potential income shall specifically exclude life insurance.

**SECITON 4 – ADMINISTRATION**

The Tax Assessor shall adopt such rules, regulations and procedures as deemed necessary or appropriate for the purpose of implementing and administering the program authorized by this Ordinance. All such rules, regulations and procedures shall be kept on file at the office of the Tax Assessor.

SECTION 5 – GRAND LIST

The program authorized by this Ordinance shall first become effective for taxes due on the Grand List of October 1, 2007.

SECTION 6 – BIENNIAL REVIEW OF THE PROGRAM

There shall be a biennial review of the program described in this Ordinance. Not later than June 30 biennially, beginning on June 20, 2009, the Board of Selectmen shall appoint a five member committee. This committee will prepare a report to be presented to the Board of Selectmen containing its recommendations for the continuance, modification or cancellation of the program and such other information requested by the Board of Selectmen no later than August 31 of such year.

SECTION 7 – SAVINGS CLAUSE

If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holdings shall not affect or impair any other section, clause, provision or portion of this Ordinance.

SECTION 8 – EFFECTIVE DATE

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

**Property Tax Exemption Against Assessed Value**

**Veteran                      Burlington’s Veteran’s Exemption against Assessed Value**

|                            |             |
|----------------------------|-------------|
| Each Qualifying<br>Veteran | \$10,000.00 |
|----------------------------|-------------|

This Ordinance shall be effective on October 18, 2007

**AMENDMENT TO ORDINANCE AUTHORIZING A PROGRAM OF ADDITIONAL EXEMPTION  
FOR VETERANS**

**BE IT ORDAINED BY THIS TOWN MEETING:**

**THAT** the following Amendments to the Ordinance Authorizing a Program of Additional Exemption for Veterans, effective October 18, 2007, are approved:

1. **SECTION 3 – MAXIMUM INCOME REQUIREMENTS** shall be amended as follows:  
The qualified income requirements are the higher of those set forth in Conn. Gen. Stats. Sections 12-811 as it may be from time to time amended or in the chart contained herein below entitled “Burlington Veteran’s Maximum Annual Income Limit”. For the purposes of this Ordinance, income shall include income or potential income that an applicant is entitled to receive, but chooses to not request, receive or accept, including but not limited to, undistributed income from investment retirement accounts, trusts, annuities, stocks, bonds, certificates of deposit and other similar investments. In addition to federal income tax returns or other evidence of qualifying income required to be provided with the application, each applicant shall also provide a certification as to potential income that such applicant is entitled to receive, and all records or reports related thereto. The provision for determining potential income shall specifically exclude life insurance.
  
2. The chart entitled “Property Tax Exemption Against Assessed Value” shall be amended as follows:

**Maximum Income Limit & Property Tax Exemption Against Assessed Value**

| <b>Veteran</b>          | <b>Burlington Veteran’s Maximum Annual Income Limit</b>      |
|-------------------------|--|
| Each qualifying Veteran | \$50,000.00  |
| <br>                    |  |
| <b>Veteran</b>          | <b>Burlington Veteran’s Exemption Against Assessed Value</b> |
| Each qualifying Veteran | \$10,000.00  |

3. In all other respects, the Ordinance remains in effect.

These Amendments to the Ordinance above identified, with an effective date of October 18, 2007, shall be effective on February 26, 2010.

**AN ORDINANCE ESTABLISHING CERTAIN LAND USE FEES**

**BE IT ENACTED BY THE TOWN OF BURLINGTON:**

WHEREAS, it is deemed appropriate to assess reasonable administrative costs resulting from applications for town commission, board or agency approval of various land use activities, including base application fees for processing and administrative handling as may be required with regard to Zoning, Subdivision, Re-subdivision, Inland Wetlands & Water Course and Zoning Board of Appeals regulations against those who initiate, precipitate and benefit by that development, construction and use;

NOW THEREFORE, pursuant to Connecticut General Statutes Section 8-1c, the Town of Burlington adopts an Ordinance setting forth its base application fees in connection with various land use activities proposed and within the jurisdiction of a commission, board or agency of the Town, all is herein provided.

**SECTION 1**

**PLANNING AND ZONING\***

Fees:

**Zoning:**

|  |          |
|--|----------|
| Bond Reduction-                                  | \$50.00  |
| Earth Removal – Requires Special Permit          |          |
| Earth Removal – Renewal                          | \$200.00 |
| Regulation or Zoning Map Change                  | \$200.00 |
| Site Plan Review – Entire Site Area              |          |
| Less than ½ Acre                                 | \$200.00 |
| ½ Acre or More                                   | \$300.00 |
| Site Plan Modification – Total Modification Area |          |
| Less than ½ Acre                                 | \$100.00 |
| ½ Acre or More                                   | \$200.00 |
| Special Permit (Includes Publication Cost)       | \$300.00 |

**Subdivision and Re-Subdivision:**

|  |   |          |
|--|---|----------|
| Fee – If New Road  | Per 100 Linear Foot<br>Or Portion Thereof | \$200.00 |
| Existing Town/State Road                                     | Per Lot                                   | \$200.00 |
| Subdivision Re-Approval/Modification<br>(Not Re-Subdivision) | Per Request                               | \$100.00 |

**WETLANDS AND WATERCOURSES\***

|   |                 |
|---|-----------------|
| <b>Pre-Activity Review</b>  | <b>Existing</b> |
| Uses as of right or non-regulated   | \$0.00          |
| <b>Application for:</b>   |                 |
| <b>Single Residential Lot</b>   |                 |
| <b>Or</b>   |                 |
| <b>Forestry Clearing by a Licensed Forester</b>   |                 |
| Under 25 Acres Total Property   | \$50.00         |
| Between 25 and 50 acres   | \$100.00        |
| 50 Acres or More  | \$150.00        |
| <b>Note: For Forestry Clearing – Additional Fee of \$100.00 will be collected for <u>each</u> Wetlands crossing</b> |                 |
| <b>Application for Commercial Property or Residential Sub-development</b>   |                 |
| Under 25 Acres Total Property   | \$200.00        |
| 25 Acres or More, Less than 50 Acres  | \$300.00        |
| 50 Acres or More Total Property   | \$400.00        |
| <b>Public Hearing, All Types of Activity</b>  | \$100.00        |

**ZONING BOARD OF APPEALS\***

|                         |         |
|-------------------------|---------|
| <b>All Applications</b> | \$85.00 |
|-------------------------|---------|

**\*IN ADDITION TO FEES LISTED**, the town building department shall collect all other fees or surcharges required by the Connecticut General Statutes, including the state department of environmental protection land use fees.

**Section 2: EXPERTS**

Nothing herein shall be construed as prohibiting any commission, board or agency of the Town from requiring that an applicant or permittee, at its or their sole expense, provide professional consultant reports, results or certifications as to conditions before or after construction or tests nor shall this ordinance impact bonding requirements set forth in any of the Town’s land use regulations.

**Section 3: EXEMPTIONS**

The Town of Burlington and all of its boards, commissions, and agencies are exempt from the payment of any and all of the fees or deposits required by this Ordinance. Charities, churches and non-profit organizations are not exempt.

**Section 4: SEVERABILITY**

Should any provision of this Ordinance subsequently be declared void or voidable by a court of law, the remainder of the provisions shall remain in full force and effect and the improper provision shall be of no force or affect.

This Ordinance shall be effective as provided by law or if designated, on October 18, 2007

Passed at Town Meeting: October 1, 2007

Published: October 3, 2007

Effective Date: October 18, 2007