

**Proposed Code Adoption Ordinance  
Town of Burlington**

Be it enacted and ordained by the Town of Burlington:

§ 1-1. Adoption of Code.

The compilation of the ordinances of the Town of Burlington, codified and consolidated into chapters and sections in the form attached hereto and made a part hereof, and consisting of Chapters 1 through 300, together with an Appendix, is hereby approved, adopted, ordained and enacted as the "Code of the Town of Burlington, Connecticut," hereinafter called the "Code." All provisions contained in the compilation provided for herein and known as the "Code of the Town of Burlington" shall be in force and effect on and after the effective date of this ordinance.

§ 1-2. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Town.

§ 1-3. Repealer.

- A. All ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Town of Burlington which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. The following ordinances are specifically repealed:
  - 1) Board of Finance, dated July 30, 1927.
  - 2) Alcoholic beverages, dated July 6, 1935
  - 3) Change in election date, dated September 13, 1950, and amended February 27, 1951, and June 4, 1968.
  - 4) Surety bonds for Constables, dated October 1, 1951.

## Code Adoption Ordinance

- 5) Fish and game, dated June 3, 1953.
- 6) Old Age and Survivors Insurance System for employees, dated October 1, 1953, and amended March 29, 1985.
- 7) Creating a Zoning Board of Appeals for the Town of Burlington, dated January 24, 1957, and amended February 2, 1961, and December 21, 1964.
- 8) Sewer Commission, dated June 1, 1971, and amended September 5, 1985.
- 9) An ordinance extending to four years the terms of office of the Town Clerk and the Registrars of Voters, dated March 23, 1973.
- 10) Board of Admission of Electors, dated January 21, 1975.
- 11) An ordinance concerning solar energy, dated May 17, 1977
- 12) Ordinance on use of Town landfill with windshield stickers, dated November 7, 1986.
- 13) Tobacco vending machine ordinance, dated November 26, 2001.

### § 1-4. Severability.

If any clause, sentence, paragraph, section, article or part of this ordinance or of any ordinance appearing in the Code or included in this Code through supplementation, or the application thereof to any person or circumstances, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof or the application thereof to other persons and circumstances but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof and the persons and circumstances directly involved in the controversy in which judgment shall have been rendered.

### § 1-5. Copy of Code on file.

A copy of the Code has been filed in the office of the Town Clerk of the Town of Burlington and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Town Clerk of the Town of Burlington, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-6. Amendments to Code.

Any and all additions, deletions, amendments or supplements to any of the ordinances in the Code of the Town of Burlington, or any new ordinances, when enacted or adopted in such form as to indicate the intention that they be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be included in the Code as amendments and supplements thereto.

§ 1-7. Code to be kept up-to-date.

It shall be the duty of the Town Clerk or designee to keep up-to-date the certified copy of the Code of the Town of Burlington required to be filed in the office of the Town Clerk for use by the public. All changes in said Code and all ordinances adopted by the Town subsequent to the enactment of this ordinance in such form as to indicate the intention that they be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes until such changes are included as supplements to said Code.

§ 1-8. Sale of Code; supplementation.

Copies of the Code, or any chapter or portion of it, may be purchased from the Town Clerk of the Town of Burlington or an authorized agent of the Town Clerk upon the payment of a fee to be set by the Town. The Town Clerk may also arrange for procedures for the periodic supplementation thereof.

§ 1-9. Penalties for tampering with Code.

Any person who, without authorization from the Town Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the Town of Burlington, or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Town of Burlington to be misrepresented thereby, or who violates any other provision of this ordinance, shall, upon conviction thereof, be subject to a fine of not more than \$100.

§ 1-10. Changes in previously adopted ordinances.

- A. In compiling and preparing the ordinances for publication as the Code of the Town of Burlington, no changes in the meaning or intent of such ordinances have been made, except as provided in Subsection B of this section. Certain other minor nonsubstantive corrections were made in one or more of said ordinances. It is the intention of the Town Meeting that all such changes be adopted as part of the Code as if the ordinances had been previously formally amended to read as such.
- B. The amendments as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter

## Code Adoption Ordinance

and section number references are to the ordinances as they have been renumbered and appear in the Code.)

### § 1-11. Rules of construction.

Whenever any words in any section of this Code import the plural number, the singular number shall be deemed to be included, and whenever the singular number shall be used, it shall be deemed to include the plural. Any word of masculine gender includes the feminine and the neuter and may refer to a corporation or to a board or other body or assemblage of persons, and when the sense so indicates, words of the neuter gender may refer to any gender. Words used in the present tense include the future.

### § 1-12. When effective.

This ordinance shall take effect upon passage and publication as required by law.

**Schedule A**  
**(As referenced in § 1-10B)**

Throughout the Code, references to "chairman" are amended to "chairperson"; references to "Building Official" are amended to "Building Inspector"; and references to the Connecticut Department of Environmental Protection are amended to the Connecticut Department of Energy and Environmental Protection.

Chapter 21, Economic Development Commission.

The sections titled "Number of members" and "Appointment and term of office of members" are combined as § 21-2 and amended to read as follows: "The Economic Development Commission shall be appointed as provided in Chapter 5 of the Town Charter."

Chapter 25, Elections.

Section 25-2 is amended to update the reference to C.G.S. § 9-169A to § 9-169.

Chapter 29, Ethics, Code of.

Section 29-3F is amended as follows: "Hereafter, each new Town officer, employee or agent elected, appointed or hired thereafter shall be furnished with a copy of this chapter at or before the time of hire or retention and assuming the duties of the office or position to which he/she is assigned."

Sections 29-3G, 29-5C and 29-8 are amended to delete "(attached)" after the statutory references in these sections.

Section 29-5A is amended to delete "(attached hereto)" after the reference to C.G.S. § 1-82a.

Chapter 42, Health Department.

Section 42-1 is amended to update the reference to Chapter 336 of the statutes to Chapter 368F.

Chapter 48, Inland Wetlands and Watercourses Commission.

Section 48-1 is amended to read as follows:

## Code Adoption Ordinance

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 Chapter 440, Wetlands and Watercourses, of the Connecticut General Statutes and shall retain its powers as Conservation Commission as heretofore authorized. Said Commission shall be appointed as provided in Chapter 5 of the Charter.

### Chapter 60, Library.

Section 60-2 is amended to read as follows: "The Board of Library Directors shall be appointed as provided in Chapter 5 of the Charter."

### Chapter 77, Parks and Recreation Commission.

Chapter 77 is amended to add "and Section 5-7 of the Town Charter" in § 77-1 and to delete the following section:

Commencing with the first regularly scheduled meeting after the effective date hereof, the Commission shall consist of nine 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.

### Chapter 82, Planning and Zoning Commission.

Section 82-1 is amended to read as follows: "Pursuant to the authority granted by Chapters 124 and 126 of the Connecticut General Statutes, there is hereby created a Planning and Zoning Commission with all the powers and duties specified in Chapters 124 and 126, as amended, for the Town of Burlington."

Section 82-2 is amended to read as follows: "The Planning and Zoning Commission shall be elected as provided in Chapter 3 of the Charter."

Section 82-3 is amended to change "the Board" to "the Commission."

Chapter 95, Senior Citizens, Commission on.

Section 95-1 is amended to read as follows: "There shall be established a commission for the study of the needs of and the coordination of programs for the aging. The Commission on Senior Citizens shall be appointed as provided in Chapter 5 of the Charter."

Section 95-5 is amended to change "Commission on Senior Citizens' Services" to "Commission on Senior Citizens."

Chapter 122, Adult-Oriented Establishments.

The definition of "adult-oriented establishment" in § 122-2 is amended to delete "including but not limited to massage establishments."

Section 122-5 is amended to revise the last sentence to read as follows: "The penalty for a violation of this chapter shall be \$100 per occurrence, enforced through the State of Connecticut Centralized Infractions Bureau by the issuance of an infraction ticket pursuant to C.G.S. § 51-164n."

Chapter 156, Cemeteries.

Section 156-2 is amended to read as follows: "The penalty for a violation of this chapter shall be \$100 per occurrence, enforced through the State of Connecticut Centralized Infractions Bureau by the issuance of an infraction ticket pursuant to C.G.S. § 51-164n."

Chapter 177, Fires and Fire Prevention.

Section 177-5 is amended to read as follows: "The penalty for a violation of this article shall be \$100 per occurrence, enforced through the State of Connecticut Centralized Infractions Bureau by the issuance of an infraction ticket pursuant to C.G.S. § 51-164n."

Chapter 181, Floodplain Management.

The definition of "accessory use of structure" in § 181-3 is amended as follows:

ACCESSORY USE OF OR STRUCTURE – A use of or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

## Code Adoption Ordinance

The definition of "development" in § 181-3 is amended as follows: "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."

The definition of "start of construction" in § 181-3 is amended to revise the last sentence as follows:

Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure.

Section 181-4 is amended to read as follows:

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 September 26, 2008, which map and any revisions thereto 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 titled "Flood Insurance Study for the Town of Burlington, Connecticut," dated September 26, 2008, revised September 16, 2011, which study and accompanying Flood Insurance Rate Maps and any revisions thereto are hereby adopted by reference and declared to be part of these regulations.

Section 181-8C is amended to delete "Inland Water Resources Management Division" after the reference to the State Department of Energy and Environmental Protection.

Section 181-16 is amended to delete "or imprisoned for not more than 10 days for each day of violation, or both."

### Chapter 188, Hawkers and Peddlers.

Sections 188-7A(9) and 188-9A(1) and (3) are amended to change "license" to "permit."

Section 188-9B is amended to change "licensee" to "permittee."

### Chapter 260, Streets and Sidewalks.

Article I is amended to change "Selectmen" to "Board of Selectmen or its designee" in § 260-1 and to revise § 260-2 to read as follows: "The penalty for a violation of this article shall be \$100 per occurrence, enforced through the State of Connecticut Centralized Infractions Bureau by the issuance of an infraction ticket pursuant to C.G.S. § 51-164n."



Section 260-6 is amended to read as follows: "The penalty for a violation of this article shall be \$100 per occurrence, enforced through the State of Connecticut Centralized Infractions Bureau by the issuance of an infraction ticket pursuant to C.G.S. § 51-164n."

Chapter 269. Taxation.

Article I is amended as follows:

~~The Town shall comply with the provisions of Chapter 40 of the Connecticut General Statutes, Revision of 1949, and begin a new fiscal year on July 1 of each year, commencing with the year 1951.~~ The general property tax for each year is to become due on July 1 of each year, except when the tax due is in excess of ~~\$50~~ \$100, 1/2 of the total tax shall be due on July 1 and 1/2 on January 1.

Article II is amended to change "Assessors" to "Assessor" and to change "State Tax Commissioner" to "Commissioner of Revenue Services."

**Chapter DL**  
**DISPOSITION LIST**

**§ DL-1. Disposition of legislation.**

The following is a chronological listing of legislation of the Town of Burlington reviewed for codification, indicating for each piece of legislation its location in the Code or the reason for exclusion.

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**§ DL-1. Disposition of legislation.**

**KEY:**

- NCM = Not Code material (legislation is not general or permanent in nature).  
 REP = Repealed effective with adoption of Code; see Ch. 1, Art. I.

<b>Adoption/Effective Date</b>	<b>Subject</b>	<b>Disposition</b>
7-30-1927	Board of Finance	REP
7-6-1935	Sale of Alcoholic Beverages on Sunday	REP
9-13-1950	Election Date	REP
2-27-1951	Election Date Amendment	REP
2-27-1951	Fiscal Year and Property Tax Due Date	Ch. 269, Art. I
10-1-1951	Surety Bonds for Constables	REP
6-3-1953	Fish and Game	REP
10-1-1953	Participation in Old Age and Survivors Insurance System	REP
6-7-1955	Development Commission (now Economic Development Commission)	Ch. 21
11-4-1955	Bazaars and Raffles	Ch. 137
1-24-1957	Zoning Board of Appeals	REP
1-24-1957	Zoning Board (Planning and Zoning Commission)	Ch. 82
10-5-1959	Dissolve Planning Commission; Designate Zoning Board as Planning and Zoning Commission	Ch. 82
6-7-1960	Bingo	Ch. 142
12-8-1960	Excavation and Obstruction of Streets	Ch. 260, Art. I

<b>Adoption/Effective Date</b>	<b>Subject</b>	<b>Disposition</b>
2-2-1961	Elimination of Filing Real Estate Tax Lists	Ch. 269, Art. II
2-2-1961	Elimination of Filing Motor Vehicle Tax Lists	Ch. 269, Art. II
2-2-1961	Zoning Board of Appeals Amendment	REP
2-2-1961	Planning and Zoning Commission Amendment	Ch. 82
11-6-1961	Economic Development Commission Amendment	Ch. 21
10-1-1962	Fiscal Year and Property Tax Due Date Amendment	Ch. 269, Art. I
1-18-1963	Parking	Ch. 288, Art. I
1-18-1963	Peddlers and Hawkers	Superseded 6-20-2017; see Ch. 188
10-5-1964	Justices of the Peace	Repealed 6-24-1996; see Ch. 54
12-21-1964	Library	Ch. 60
12-21-1964	Voting District and Polling Place	Ch. 25, Art. I
12-21-1964	Zoning Board of Appeals Amendment	REP
12-21-1964	Planning and Zoning Commission Amendment	Ch. 82
5-5-1966	Economic Development Commission Amendment	Ch. 21
2-13-1967	Adoption of State Building Code	Ch. 149, Art. I
2-13-1967	Cemeteries	Ch. 156
6-4-1968	Election Date Amendment	REP
8-20-1970	Outdoor Fires	Ch. 177, Art. I
9-1-1970	Conservation Commission (now Inland Wetlands and Watercourses Commission)	Ch. 48
6-1-1971	Sewer Commission	REP
12-22-1972	Inland Wetlands and Watercourses Commission Amendment	Ch. 48
12-22-1972	Planning and Zoning Commission Amendment	Ch. 82
3-23-1973	Acquisition and Lease of Old Tavern on the Town Green	NCM
3-23-1973	Board of Appeals	Ch. 149, Art. II

§ DL-1

## DISPOSITION LIST

§ DL-1

<b>Adoption/Effective Date</b>	<b>Subject</b>	<b>Disposition</b>
3-23-1973	Term of Office for Town Clerk and Registrars of Voters	REP
4-1-1973	Central Connecticut Regional Planning Agency	Repealed 6-3-2014; see Ch. 66
6-5-1973	Board of Appeals Amendment	Ch. 149, Art. II
3-1-1974	Water Supply System	Ch. 300, Art. I
4-2-1974	Due Date for Taxes on Motor Vehicles and Aircraft	Ch. 269, Art. III
4-2-1974	Inland Wetlands and Watercourses Commission Amendment	Ch. 48
9-26-1974	Parks and Recreation Commission	Ch. 77
1-21-1975	Parks and Recreation Commission Amendment	Ch. 77
1-21-1975	Application for Flood Insurance (Part A)	Ch. A401, Art. I
1-21-1975	Application for Flood Insurance (Part B)	Ch. A401, Art. II
1-21-1975	Board of Admission of Electors	REP
1-8-1976	Permit Fees	Superseded 4-16-1979; see Ch. 173, Art. I
1-8-1976	Hours for Referenda	Ch. 25, Art. II
6-1-1976	Economic Development Commission Amendment	Ch. 21
12-22-1976	Economic Development Commission Amendment	Ch. 21
5-17-1977	Exemption for Solar Energy	REP
4-16-1979	Permit Fees	Ch. 173, Art. I
4-16-1979	Commission on Senior Citizens	Ch. 95
5-29-1979	Health Department	Ch. 42
2-14-1981	Treasurer and Agent of Town Deposit Fund	Ch. 71, Art. I
2-14-1981	Appointment of Constables	Ch. 71, Art. II
8-17-1981	Floodplain Management	Superseded 10-5-1998; see Ch. 181
6-30-1982	Commission on Senior Citizens Amendment	Ch. 95
6-30-1982	Parks and Recreation Commission Amendment	Ch. 77

<b>Adoption/Effective Date</b>	<b>Subject</b>	<b>Disposition</b>
10-4-1982	Waiver of Certain Property Taxes	Ch. 269, Art. IV
12-13-1982	Street Numbers	Ch. 260, Art. II
10-3-1983	Sewerage System Charges	Ch. 248, Art. I
3-20-1984	Junked Motor Vehicles	Ch. 288, Art. II
3-29-1985	Participation in Old Age and Survivors Insurance System Amendment	REP
8-19-1985	Agreement for Municipal Solid Waste Disposal and Resource Recovery	NCM
1985	Ratification of Agreement	NCM
9-5-1985	Solid Waste Collection and Disposal	Superseded 6-5-2018; see Ch. 296, Art. II
9-5-1985	Sewer Commission Amendment	REP
10-1-1985	Exemption for Blind Persons	Ch. 269, Art. V
4-3-1986	Parks and Recreation Commission Amendment	Ch. 77
4-3-1986	Economic Development Commission Amendment	Ch. 21
11-7-1986	Use of Town Landfill with Windshield Stickers	REP
1-29-1990	Injuries Caused by Dogs	Superseded 6-20-2017; see Ch. 131, Art. I
2-28-1991	Recycling	Superseded 6-5-2018; see Ch. 296, Art. II
6-3-1996	Littering, Dumping and Mixing of Solid Waste and Recyclables	Ch. 296, Art. I
6-24-1996	Justices of the Peace	Ch. 54
11-25-1997	Bristol Resource Recovery Facility	NCM
6-2-1998	Exemption for Ambulance-Type Vehicles	Ch. 269, Art. VI
10-5-1998	Floodplain Management	Ch. 181
11-18-1999	Code of Ethics	Ch. 29
11-26-2001	Tobacco Vending Machines	REP
1-28-2002	Tax Relief for Volunteer Firefighters	Ch. 269, Art. VII
6-28-2002	Dog Control	Superseded 6-20-2017; see Ch. 131, Art. I
7-1-2006	Adult-Oriented Establishments	Ch. 122

§ DL-1

## DISPOSITION LIST

§ DL-1

<b>Adoption/Effective Date</b>	<b>Subject</b>	<b>Disposition</b>
10-23-2006	Conservation Commission	Ch. 12
2-9-2007	Aquifer Protection Agency	Superseded 1-22-2018; see Ch. 5
10-1-2007	Land Use Fees	Ch. 173, Art. II
10-18-2007	Property Tax Relief	Ch. 269, Art. VIII
10-18-2007	Exemption for Veterans	Ch. 269, Art. IX
3-3-2008	Stormwater Management	Ch. 256, Art. I
2-26-2010	Property Tax Relief Amendment	Ch. 269, Art. VIII
2-26-2010	Exemption for Veterans Amendment	Ch. 269, Art. IX
6-5-2012	Code of Ethics Amendment	Ch. 29
12-6-2012	Charter	Charter
6-3-2014	Northwest Hills Council of Governments	Ch. 66
6-20-2017	Advertising Matter and Newspapers	Ch. 123
6-20-2017	Alarm Systems	Ch. 125
6-20-2017	Possession or Consumption of Alcoholic Beverages on Town Property	Ch. 126, Art. I
6-20-2017	Dogs	Ch. 131, Art. I
6-20-2017	Drones	Ch. 164
6-20-2017	Hawkers and Peddlers	Ch. 188
6-20-2017	Parks and Public Places	Ch. 230
6-20-2017	Sidewalk and Hydrant Maintenance	Ch. 260, Art. III
1-22-2018	Aquifer Protection Agency	Ch. 5
6-5-2018	Appointment of Constables Amendment	Ch. 71, Art. II
6-5-2018	Recyclables and Solid Waste	Ch. 296, Art. II

Order ID: 6254848

GROSS PRICE \* : \$94.26

PACKAGE NAME: Legal Notice Zoned Daily

Product(s): Hartford Courant, Affidavits, MyPublicNotices.com

AdSize(s): 1 Column

Run Date(s): Tuesday, April 30, 2019

Color Spec. B/W

Preview

**LEGAL NOTICE  
TOWN OF BURLINGTON  
ADOPTION OF ORDINANCE**

Pursuant to the provisions of Section 8-6G of the Charter of the Town of Burlington at the Special Town Meeting held on April 23, 2019 the following ordinance was adopted.

The Proposed Code Adoption Ordinance is a compilation of the ordinances of the Town of Burlington, codified and consolidated into chapters and sections consisting of Chapters 1 through 300, together with an Appendix. Certain Ordinances remained as previously adopted; other Ordinances were proposed to be amended and obsolete Ordinances were repealed.

In accordance with the Town Charter and with Section 7-157(b) of the Connecticut General Statutes, the foregoing summary has been provided in lieu of publishing the ordinance in full. This document is prepared for the benefit of the public, solely for purposes of information, summarization and explanation. This document does not represent the intent of the Board of Selectmen, or the Legislative Town Meeting of the Town of Burlington, for any purpose. Copies of the entire text of all approved Ordinances are available for inspection at the Burlington Town Hall in the Office of the Town Clerk.

The foregoing ordinance will take effect 15 days after publication of this notice.

Dated at Burlington, Connecticut, this 30th day of April, 2019

Mary-Jane Ugalde  
Burlington Town Clerk

