

## **Chapter 1**

### **GENERAL PROVISIONS**

**[HISTORY: Adopted by the Town of Redding as indicated in article histories. Amendments noted where applicable.]**

#### **ARTICLE I Adoption of Code**

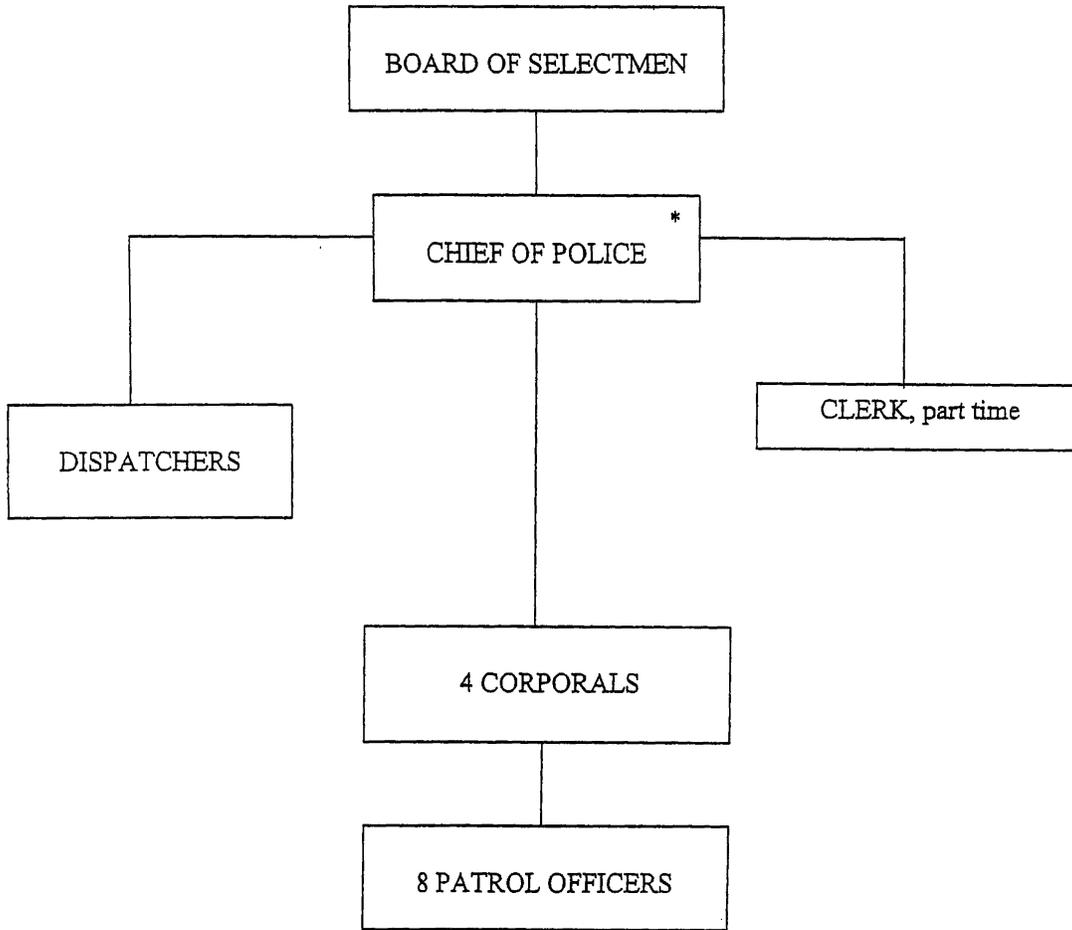
**[An ordinance adopting the Code of the Town of Redding and making certain substantive changes to existing ordinances of the Town will be proposed before the Town Meeting. Upon final adoption, it will be included here as Article I of this chapter.]**

POLICE DEPARTMENT AND PUBLIC SAFETY

105 Attachment 1

Town of Redding

**Proposed Table of Organization for an Autonomous Redding Police Department  
2002-2003**



\* Reporting to the First Selectman on a daily basis.

1. Notation: future year staffing needs, such as a full-time clerk and one detective, may be considered during annual budget deliberations.

## Chapter 105

### POLICE DEPARTMENT AND PUBLIC SAFETY

**[HISTORY: Adopted by the Town of Redding 2-5-2002. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Alarm systems — See Ch. 160.

#### **§ 105-1. Administration.**

The Town will prepare a job description for a Chief of Police responsible for administrative control and direction of the activities of the Redding Police Department and related public safety functions and for establishing policies, procedures and programs consistent with ordinances, the Connecticut General Statutes, and the Collective Bargaining Agreement between the Town and Redding Police Union Local 2907 and Connecticut Council of Police Unions No. 15 (the "Collective Bargaining Agreement"). The Chief of Police shall be a Town department head and shall report to the Board of Selectmen and daily to the First Selectman.

#### **§ 105-2. Appointment of Chief of Police.**

The Town will appoint a Chief of Police, who will be a Town employee and will be subject to a contract of employment and to applicable sections of the General Statutes pertaining to Chiefs of Police.

#### **§ 105-3. State trooper contract canceled.**

Upon selection of a Chief of Police, the Town will give the required 30 days' notice to the Department of Public Safety, Division of State Police, State of Connecticut, that the resident state trooper contract will be canceled.

#### **§ 105-4. Department established.**

Upon cancellation of the resident state trooper contract, the Redding Police Department will be considered a duly established municipal police department, with all the authority provided by the General Statutes.

#### **§ 105-5. Authority of police officers; current officers.**

The officers of the Redding Police Department shall have all such authority with respect to service of criminal process and the enforcement of criminal laws as is vested by the Connecticut General Statutes in police officers and constables. In creating the Redding Police Department, the Town will exercise its managerial rights and will not materially affect the terms and conditions of employment provided for in the Collective Bargaining

Agreement. The persons currently employed as police officers will become and remain members of the Police Department without loss of or prejudice to rank, seniority, pay, pension or any other existing rights or benefits held by them.

**§ 105-6. Repealer; emergency communications center.**

The Public Safety Ordinance of July 30, 1997, as amended, and the resolution to establish a Police Advisory Board of March 31, 1967, are repealed and replaced with this chapter. The Town will continue to maintain its emergency communication center to operate an E-911 public safety answering service. The Chief of Police will be the manager and department head of the emergency communications center. The Town will continue to be a party to the interlocal agreement with Redding Fire District 1, West Redding Fire Department District 2, and Georgetown Fire District for the purpose of emergency communications. The Public Safety Commission will be eliminated as of the effective date of the appointment of the Chief of Police, and the Chief of Police will become the Town's representative with respect to the interlocal agreement with the fire districts. The position of emergency communications center supervisor is eliminated, and the duties of the position will be executed by the Chief of Police.

**§ 105-7. Special or auxiliary police officers.**

The Town may continue to appoint special police officers or auxiliary police officers as it shall deem necessary. Such special officers shall not be employees of the Town or members of the Police Department but shall be under the supervision of the Chief of Police.

**§ 105-8. Budget.**

The operations of the Police Department will be financed from the general revenues of the Town, and the Police Department shall appear as an item in the annual budget.

**§ 105-9. Police assistance agreements.**

The Town is authorized to enter into police assistance agreements as provided by C.G.S. § 7-277a.

## Chapter 10

### BOARDS, COMMISSIONS AND COMMITTEES

[HISTORY: Adopted by the Town of Redding as indicated in article histories. Amendments noted where applicable.]

#### ARTICLE I

##### **Board of Finance** [Adopted 9-9-1931]

##### **§ 10-1. Establishment; powers and duties.** <sup>1</sup>

The Town of Redding does hereby establish a Town Board of Finance, the members of which Board shall be elected at the next Annual Town Meeting. The powers and duties of said Board shall be as defined in Title 7, Chapter 112 of the Connecticut General Statutes, as amended.

#### ARTICLE II

##### **Board of Education** [Adopted 9-9-1931; amended 9-1-1943]

##### **§ 10-2. Membership; election.** <sup>2</sup>

On and after the next annual Town election, the Town Board of Education shall consist of seven residents of the Town of Redding, and the members of said Board shall be elected in accordance with the provisions of C.G.S. § 9-205, as amended.

#### ARTICLE III

##### **Zoning Commission** <sup>3</sup> [Adopted 1-31-1964]

##### **§ 10-3. Alternate members.**

The Board of Selectmen shall appoint three alternate members to the Redding Zoning Commission for a four-year term beginning February 1, 1964.

#### ARTICLE IV

##### **Planning Commission** <sup>4</sup>

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: Special Act No. 552, An Act Making the Zoning Commission and Zoning Board of Appeals of the Town of Redding Bipartisan Bodies Elected Biennially," approved by the Town Meeting 8-24-1951, is included in Ch. A500 of this Code.

4. Editor's Note: Special Act No. 71, An Act Making the Planning Commission of the Town of Redding a Bipartisan Body Elected Biennially, approved by the Town Meeting 7-5-1957, is included in Ch. A500 of this Code.

[Adopted 1-31-1964]

**§ 10-4. Alternate members.**

The Board of Selectmen shall appoint three alternate members to the Planning Commission for a four-year term beginning February 1, 1964.

ARTICLE V  
**Conservation Commission**  
[Adopted 1-31-1964; amended 10-8-1976]

**§ 10-5. Establishment; purpose.**

In accordance with the authority granted by the Connecticut General Statutes, the Town of Redding establishes a Conservation Commission for the development and conservation of natural resources, including water resources, within its territorial limits.

**§ 10-6. Membership; terms of office.**

The Commission shall consist of seven members to be appointed by the First Selectman. From and after the expiration of the terms of the present members of the Commission, two members shall be appointed to serve a term of four years each, two members to serve a term of three years each, two members to serve a term of two years each, and one member to serve a term of one year. Thereafter, each of their appointed successors shall serve terms of four years each. The Commission members shall continue to hold office until they are reappointed or until new appointments have been made.

**§ 10-7. Appointments.**

The appointments are to be made on November 1, 1976, and each November 1 thereafter.

ARTICLE VI  
**Board for Admission of Electors**  
[Adopted 11-23-1970]

**§ 10-8. Membership.**

The Board for Admission of Electors shall consist of the Town Clerk and the Registrars of Voters as defined in C.G.S. § 9-15a(a).

ARTICLE VII  
**Park and Recreation Commission**  
[Adopted 4-2-1971]

**§ 10-9. Establishment; membership.**

The Town of Redding does hereby establish a Park and Recreation Commission consisting of nine members who shall be electors of the Town. The First Selectman shall be an ex officio member of the Commission without voting privileges.

**§ 10-10. Appointment; terms of office; vacancies; removal.**

- A. The Board of Selectmen of the Town of Redding shall appoint the members of the Commission. Three members of the Commission shall serve until June 30, 1972, three members shall serve until June 30, 1973, and three members shall serve until June 30, 1974. Upon expiration of these terms their appointed successors shall serve for terms of three years each commencing the first day of July following the June 30 termination date.
- B. Vacancies shall be filled by the Board of Selectmen for the unexpired time of any term.
- C. Any members of the Commission may be removed by the Board of Selectmen for cause.

**§ 10-11. Officers; compensation.**

- A. The Commission shall each July elect its own Chairman and such other officers as it shall from time to time determine, except its first officers shall be elected in May 1971.
- B. Members of the Commission shall serve without pay.

**§ 10-12. Meetings.**

The Commission shall hold regular monthly meetings. Special meetings may be called by the Chairman and by the Chairman upon the request of any three members who shall state the reason for the special meeting. A majority of the members of the Commission shall constitute a quorum for any meeting.

**§ 10-13. Powers and duties.**

- A. The Commission is charged with the control, development, management, operation and maintenance of a system of Town recreation programs, parks, recreational areas and facilities and is charged with the supervision, development and maintenance of the playgrounds, swimming pools, recreation centers and other recreation and park activities, areas and facilities and shall have the power to expend for these purposes any funds appropriated in accordance with law for such purposes.
- B. It may conduct all its activities on properties under its control or on other public properties with the consent of the authority in control thereof and on private property with the consent of the owners.
- C. The Commission, subject to the approval of the Board of Selectmen, has the power to employ such personnel who are properly qualified in experience and education in recreation and park work and such other personnel as it may deem necessary and proper.
- D. The Park and Recreation Commission, subject to the approval of the Board of Selectmen, shall have authority to make rules and regulations concerning the use of the park and recreation facilities under its control and supervision and also to make reasonable charges for the use of such property or programs as will provide for the

amusement, refreshment, safety, surety, and transportation of the public.

- E. The Commission shall be charged with the control, maintenance and development of public parks and recreational areas now in existence and those that may hereafter come into existence.
- F. The Commission shall be authorized to consider acceptance of all gifts, donations or devises of land or other personal property for park and recreational purposes and may recommend to the Town the acceptance or rejection thereof.

ARTICLE VIII  
**Water Pollution Control Commission**  
[Adopted 2-7-1991]

**§ 10-14. Creation; designation as Water Pollution Control Authority.**

The Town of Redding hereby creates a Water Pollution Control Commission, to be known as the "Redding Water Pollution Control Commission (RWPCC)," and designates said Commission as the Water Pollution Control Authority (WPCA) for the Town of Redding with all its powers, purposes and objectives set forth in Chapter 103 of the Connecticut General Statutes as amended by 1978 Public Act 154.

**§ 10-15. Membership; compensation; terms of office; vacancies.**

The Redding Water Pollution Control Commission shall be made up of seven members ("Commissioners"), each of whom shall be an elector of the Town of Redding appointed by its Board of Selectmen. Each Commissioner shall serve without compensation.

- A. On or before the 28th day of February 1991, the Board of Selectmen shall appoint one Commissioner, a member or designee nominated by the Planning Commission, who shall hold office for a term commencing March 1, 1991, and ending on February 28, 1992; one Commissioner, a member or designee nominated by the Zoning Commission, who shall hold office for a term commencing on March 1, 1991, and ending on February 28, 1993; one Commissioner, a member or designee nominated by the Conservation Commission, who shall hold office for a term commencing on March 1, 1991, and ending on February 28, 1993; one Commissioner, an at-large member of the public who shall be a resident of the Georgetown Fire District, who shall hold office for a term commencing on March 1, 1991, and ending on February 28, 1994; two Commissioners, both at-large members of the public, who shall hold office for a term commencing on March 1, 1991, and ending on February 28, 1995; and the First Selectman or his/her designee who shall serve from March 1, 1991 to November 30, 1991.
- B. A successor to each Commissioner, except the First Selectman or his/her designee, shall be appointed for a term of four years, effective on the expiration of the term of his/her predecessor and expiring on February 28 of the fourth year following the year of his/her 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 in the same manner as above, whose term shall

expire on the same day as the last day of the term of his/her predecessor. The successor to the First Selectman or his/her designee shall be appointed for a term of two years effective on expiration of the term of office of his/her predecessor and expiring on November 30 of the second year of his/her appointment.

**§ 10-16. Officers and employees; records.**

The Commission shall, at its first meeting, to be held not later than March 15, 1991, and at every second annual meeting held during the first 15 days of March in succeeding years, elect from among its number a Chairperson and a Vice Chairperson of the Commission who shall serve for a term of two years and shall appoint a Clerk who may be, but need not be, a Commissioner. The Chairperson shall not be the First Selectman or the chairperson of an existing land use board or commission. The Commission may employ legal counsel, professional engineers, and such other persons as it shall 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 and all other professional assistants and employees of the Commission. The Clerk shall keep a complete record of the proceedings of the Commission and shall give such notice of its meetings to the Town Clerk and file with the Town Clerk such record of its proceedings as may be prescribed by law. The Commission's records shall be open for public inspection at all reasonable hours.

**§ 10-17. Meetings.**

The first meeting of the Commission shall be called by the First Selectman and thereafter meetings of the Commission shall be called by the Chairperson or by any two Commissioners. Notice of the call of any meeting of the Commission shall be effective as to its members if all Commissioners shall have received such notice not less than 36 hours prior to the date of such meeting.

**§ 10-18. Annual report; budget.**

The Commission shall maintain proper accounting and financial records and shall make an annual report to the Board of Selectmen. The Commission shall prepare, annually, a budget of estimated revenues and expenditures for the ensuing fiscal year.

**§ 10-19. Removal of members.**

A Commissioner may be removed for neglect of duty or misconduct in office by the WPCA. Such Commissioner may request a hearing by the Board of Selectmen conforming to recognized standards of due process of law, including, without limitation, an opportunity to review the charges made against such Commissioner not less than 10 days prior to the date on which said charges shall be subject to such a hearing. The Board of Selectmen may confirm the removal or restore the Commissioner to office.

**§ 10-20. Water pollution control plan.**

The Commission shall prepare and periodically update a water pollution control plan for

the Town of Redding in the manner provided by C.G.S. § 7-246. Such periodic updating shall be accomplished not less frequently than every five years after the completion of the initial plan, and in addition to the filing requirements of said statute, the Commission shall file a copy of said plan and any periodic update with the Town Clerk. The WPCA shall be guided by the Town Plan of Development.

**§ 10-21. Rules and regulations.**

The Water Pollution Control Authority may prescribe all necessary rules and regulations to carry out its functions.

**§ 10-22. Collection of charges.**

The Tax Collector of the Town of Redding is hereby designated as the collector of sewage system connection and use charges pursuant to C.G.S. § 7-258.

**§ 10-23. Revenues and expenditures.**

- A. Revenues and expenditures of the Water Pollution Control Authority may be made through the general fund if approved by the Board of Selectmen and submitted to the Board of Finance and the Town Meeting in accordance with the Town's normal budgeting process and the provisions of law as govern the same. The Redding Water Pollution Control Commission, before making application for any state or federal funds, must obtain approval for the application from the Board of Selectmen, the Board of Finance and the legislative body of the Town.
- B. All revenues from the benefit assessments and fee charges, and the proceeds of the sale of notes and bonds, shall be held and accounted separately from the other funds of the Town. Expenditures by the Water Pollution Control Commission must be approved by the Board of Selectmen and the Board of Finance.

ARTICLE IX  
**Building Committee**  
**[Adopted 3-28-1991]**

**§ 10-24. Establishment; duties; membership.**

A Standing Building Committee shall be established to oversee construction of Town projects, as referred to the Committee by the Board of Selectmen. Duties shall include, but not be limited to, overseeing the development of project plans and specifications, obtaining bids, hiring of architects, etc. The Committee will consist of from three to seven standing members appointed by the Board of Selectmen for a term of three years and up to two members to represent special interests in the project under consideration.

## **Chapter 118**

### **REGIONAL SCHOOL DISTRICT**

**[HISTORY: Adopted by the Town of Redding 5-11-1957. Amendments noted where applicable.]**

#### **§ 118-1. Established.**

At a referendum vote on May 11, 1957, the Town of Redding voted to adopt the resolution that it join with the Town of Easton in the establishment of a Regional School District with the school located in the Town of Redding for the purpose of providing the necessary facilities and administering Grades 7 through 12 of the public schools. This act was taken subsequent to the approval of a Town Meeting on April 26, 1957, that the Town submit the aforesaid resolution to the referendum vote on May 11, 1957.

## **Chapter 136**

### **SOCIAL SECURITY**

**[HISTORY: Adopted by the Town of Redding 3-28-1952. Amendments noted where applicable.]**

#### **§ 136-1. Participation in Old Age and Survivors Insurance System.**

The Town shall apply for membership and participate in the Old Age and Survivors Insurance System under Title II of the Social Security Act as amended in accordance with Public Act 277 of the 1951 Public Acts, as of April 1, 1952.

## Chapter 160

### ALARM SYSTEMS

**[HISTORY: Adopted by the Town of Redding 3-8-2001. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Police Department and public safety — See Ch. 105.

#### § 160-1. Purpose.

The purpose of this chapter is to govern the use of permissible telephone burglary, fire, medical, and robbery type alarm systems, establish fees, provide for a method of limiting and controlling false alarms and provide for penalties for violations of this chapter.

#### § 160-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**ALARM ADMINISTRATOR** — The Chief of Police or his designee.<sup>1</sup>

**ALARM SYSTEM** — That assembly of mechanical equipment and/or electrical/electronic device(s) which is designed and used for the detection of a burglary, fire or medical alarm occurring in or at any dwelling, structure or facility which emits an audible signal and/or transmits information to a central station alarm company. Such information is intended to evoke a response from local public safety resources.

**ALARM USER** — The person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility, whether residential, commercial or otherwise, in which an alarm system is installed and maintained.

**BURGLAR ALARM** — Any mechanism, equipment or device designed to transmit an audible alarm to the exterior of a dwelling or other building.

**FALSE ALARM** — The activation of an alarm system to which emergency personnel and apparatus respond, i.e., police, fire, and EMS, and which is not caused by a criminal act, smoke, fire or other hazard or emergency. Excluded from this definition is any activation resulting from a verified malfunction of telephone equipment, power outage, lightning strike, extreme weather condition or cataclysmic event, an alarm intentionally caused by the resident, owner, or an employee, acting under the sincere belief that a need exists to call for emergency services, or subsequent alarms occurring within 24 hours after a false alarm. An alarm response that is canceled by the central station or by the

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1. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

alarm user prior to the time police, fire or EMS personnel reach the alarmed premises shall not be considered a false alarm.

**FISCAL YEAR** — The twelve-month period beginning July 1 of any year and ending June 30 of the following year.

**PERMISSIBLE TELEPHONE ALARM SYSTEM** — Any mechanism, equipment or device which is designed to operate automatically through the use of public telephone facilities to transmit a signal, message or warning to another location. Automatic telephone dialing alarm systems that send messages directly to the Redding Communications Center are prohibited.

**§ 160-3. Exterior audible alarm systems.**

Except as otherwise provided by law, no alarm system which produces an exterior audible sound shall be installed unless the operation of its exterior audible sound is automatically deactivated within 15 minutes. Within 60 days following the effective date of this chapter, preexisting alarm systems which produce exterior audible sound shall be adjusted so that they are automatically deactivated in accordance with the preceding sentence.

**§ 160-4. Power failures; inspections.**

Alarm systems shall be equipped or installed so that if a main source of power fails, the system will not cause a false alarm due to a power failure until at least four hours after the power failure. All systems installed after the effective date of this chapter must have an on-site inspection by their alarm company.

**§ 160-5. Penalties for false alarms.**

- A. Upon receipt of a third false alarm within the course of a single fiscal year the alarm user shall be notified in writing that a penalty will be imposed on said user if any additional false alarms occur during said fiscal year as follows:
  - (1) Fourth false alarm: \$50.
  - (2) Fifth false alarm: \$75.
  - (3) Sixth false alarm: \$100.
  - (4) Seventh false alarm: \$150.
- B. The First Selectman shall appoint three alarm hearing officers to serve for terms of two years.<sup>2</sup>
- C. If a false alarm penalty is imposed upon an alarm user said user may, within 10 days of receipt of notice, appeal the penalty charge by filling a written notice of appeal and request a hearing with the alarm hearing officers. The filing of a request for an appeal hearing shall stay the assessment of the penalty until the hearing

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2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

officers have rendered a final decision. A hearing shall be scheduled not less than 15 days nor more than 30 days from receipt of the appeal and shall be conducted by a hearing officer in accordance with C.G.S. § 7-152c, as amended.

**§ 160-6. Penalties for offenses.**

Any person or entity who or which performs or causes to be performed any of the items listed below shall be subject to a fine of \$25 for each such item listed below; the fine shall be paid within 30 days:

- A. Use of an exterior audible alarm system except as provided hereunder.
- B. Use of an automatic telephone dialing alarm system dialing directly to the communications center.
- C. Failure to install or maintain an auxiliary power source as required hereunder.
- D. Failure to make timely payment of penalties or fines. This charge shall be added to the original penalty or fine.

**§ 160-7. Confidential information.**

All information in the possession of the alarm administrator, the hearing officers, or the police, fire or EMS personnel concerning particular alarm users and particular alarm systems shall not be divulged without the written consent of the alarm user or users concerned, except information relating to dispatch statistics and the occurrence of false alarms. This provision shall not be construed to limit access to information as provided by law.

**§ 160-8. Liability.**

Except as expressly provided herein, the Town of Redding, its departments, officers, agents and employees shall be under no obligation whatsoever regarding the adequacy, operation or maintenance of any alarm system or of any alarm monitoring facility. No liability whatsoever is assumed for the failure of any such alarm system or monitoring facility or for failure to respond to alarms or for any other act or omission in connection with such alarm systems. Each alarm user shall be deemed to indemnify and hold harmless the Town of Redding, its departments, officers, agents and employees from liability in connection with said alarm user's alarm system.

**§ 160-9. Enforcement.**

The provisions of this chapter are designated for enforcement in accordance with C.G.S. §§ 7-148 and 7-152c, as amended. The Town of Redding may institute civil proceedings to enforce the provisions herein contained.

## Chapter 164

### ALCOHOLIC BEVERAGES

**[HISTORY: Adopted by the Town of Redding as indicated in article histories. Amendments noted where applicable.]**

#### ARTICLE I Sale on Sunday [Adopted 7-15-1955]

##### § 164-1. Sale authorized.

Alcoholic beverages may be sold in the Town of Redding on Sundays in accordance with the provisions of the General Statutes of Connecticut.

#### ARTICLE II Possession by Minors [Adopted 4-15-2004]

##### § 164-2. Purpose.

The purpose of this article is to address the issue that the unregulated possession of alcoholic liquor by persons under the age of 21 is detrimental to the general welfare, health and safety of the residents of the Town of Redding, especially its youth.

##### § 164-3. Definitions.

As used in this article, the following terms shall have the meanings indicated:

**ALCOHOLIC LIQUOR** — The same meaning as the same term which is defined in Title 30, § 30-1 of the Connecticut General Statutes, as amended.

**HOST** — To organize a gathering of two or more persons or to allow the premises under one's control to be used with one's knowledge for a gathering of two or more persons for personal, business, or social interaction.

**MINOR** — The same meaning as the same term which is defined in Title 30, § 30-1 of the Connecticut General Statutes, as amended.

##### § 164-4. Possession restricted.<sup>1</sup>

No minor shall be in possession of alcoholic liquors, whether in opened or in closed containers or otherwise, within the Town of Redding except when accompanied by or in the presence of his or her parent or legal guardian or spouse who has attained the age of

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<sup>1</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

21. This restriction shall apply to both public and private property. This section shall not apply to a person over age 18 who is an employee or permit holder under C.G.S. § 30-90a and who possesses alcoholic liquor in the course of such person's employment or business or a minor who possesses alcoholic liquor on the order of a practicing physician.

**§ 164-5. Hosting events.**

No person while in the Town of Redding shall host an event or gathering at which the host knowingly allows alcoholic liquor to be consumed by or dispensed to any minor unless said minor is accompanied by or is in the presence of his or her parent or legal guardian or spouse who has attained the age of 21. This restriction shall apply to both public and private property.

**§ 164-6. Penalties for offenses.**

Any person violating § 164-4 or 164-5 of this article shall be subject to a fine of \$90 for each offense.

## **Chapter 170**

### **ANIMALS**

**[HISTORY: Adopted by the Town of Redding as indicated in article histories. Amendments noted where applicable.]**

#### **ARTICLE I**

#### **Roaming at Large [Adopted 9-29-1978]**

##### **§ 170-1. Prohibited acts.**

No owner, keeper or person entitled to the custody of any horse, ass, mule, cattle, sheep, goat, swine, turkey or goose shall abandon such animal nor allow such animal to roam at large upon the land of another and not under the control of the owner, keeper or person entitled to custody, nor allow such animal to roam at large on any public highway, private way or common not attended or under the control of such owner, keeper or person entitled to custody.

##### **§ 170-2. Penalties for offenses.**

Any person who violates any provision of this article shall, for the first offense, be given a written warning, for the second offense shall be fined not more than \$25, and for any subsequent offense shall be fined not less than \$25 nor more than \$100.

## Chapter 178

### BAZAARS AND RAFFLES

**[HISTORY: Adopted by the Town of Redding 4-13-1956. Amendments noted where applicable.]**

#### **§ 178-1. Statute adopted.**

The Town voted to adopt the provisions of §§ 291D to 307D of the 1955 Supplement to the Connecticut General Statutes pertaining to bazaars and raffles.<sup>1</sup>

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<sup>1</sup>. Editor's Note: See now G.C.S. §§ 7-170 to 7-186, inclusive.

## **Chapter 186**

### **BINGO**

**[HISTORY: Adopted by the Town of Redding 8-1-1969. Amendments noted where applicable.]**

#### **§ 186-1. Statute adopted.**

The Town adopted the provisions of C.G.S. § 7-169, as amended, to permit the playing of bingo within the Town of Redding.

## Chapter 194

### BUILDING CONSTRUCTION

**[HISTORY: Adopted by the Town of Redding as indicated in article histories. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Building Committee — See Ch. 10, Art. IX.

Driveways — See Ch. 215.

Sewage disposal — See Ch. 352.

#### ARTICLE I

##### **Building on Unaccepted Streets**

**[Adopted 6-8-1962]**

##### **§ 194-1. Building permits restricted.**

No building permit shall be issued for the erection of buildings or structures on lots abutting unaccepted highways or streets in any subdivision pursuant to C.G.S. § 8-27, except that building permits shall be issued in subdivisions then laid out which have been approved by the Planning Commission.

##### **§ 194-2. Enforcement; penalties for offenses.**<sup>1</sup>

This article shall be enforced by the Zoning Commission of the Town of Redding. Any building erected in violation of this article shall be deemed an unlawful structure, and the Town may bring action to enjoin the erection of such structure or cause it to be vacated or removed. In addition, any person, firm or corporation erecting a building or structure in violation of this article may be fined not more than \$200 for each building or structure so erected.

##### **§ 194-3. Farm or accessory buildings.**

This article shall not prevent the issuance of a building permit for the construction of farm or accessory buildings which are not in violation of any lawful zoning or building regulations.

#### ARTICLE II

##### **State Building Code**

**[Adopted 6-26-1965]**

##### **§ 194-4. Code adopted.**

The Town voted to adopt the State Building Code as described in Chapter 354 of the

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<sup>1</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Connecticut General Statutes, Revision of 1958, as amended.<sup>2</sup>

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**2. Editor's Note: See now Ch. 541 of the Connecticut General Statutes.**

## Chapter 201

### BURNING, OPEN

**[HISTORY: Adopted by the Town of Redding 9-11-1970. Amendments noted where applicable.]**

#### **§ 201-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**OPEN BURNING** — Burning done under such conditions that the products of combustion are emitted directly into the ambient air space. "Open burning" shall also include burning done in simple outdoor structures, receptacles or other devices which are designed principally to contain the materials being burned or to minimize the risk of fire and which do not provide effective control of the air pollutants generated.

#### **§ 201-2. Permit required; restrictions.**

- A. Except as permitted herein, no person shall initiate open burning in any public or private area outside any building without first obtaining a permit from the Fire Marshal of the appropriate fire district or any agent authorized by him.<sup>1</sup>
- B. A permit shall be applicable only for the occasion or circumstances for which the application is approved and a new permit shall be required for all contemplated open burning not sanctioned by an existing permit.
- C. Permits may be issued no earlier than 24 hours prior to the effective permit hours.
- D. No fire for which a permit has been granted shall burn between 9:00 p.m. and 6:00 a.m. unless specifically authorized in the permit.
- E. No open burning of any type shall be ignited within 15 feet of any structure or accumulation of combustible material.
- F. No outdoor fire shall be left unattended at any time except in an approved type of incinerator.
- G. Permits may be revoked by the Fire Marshal or his authorized agent because of high air pollution potential as indicated hereafter, the creation of a nuisance or hazard by the open burning in question and any violation of the terms of any permit issued.<sup>2</sup>

#### **§ 201-3. Incinerators.**

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- A. No person shall conduct outdoor burning in any incinerator which has not been approved by the Fire Marshal or his authorized agent.<sup>3</sup>
- B. An approved outdoor incinerator shall mean any metal drum of adequate capacity, any masonry incinerator, or any steel or cast-iron receptacle with solid or perforated sides, fronts, and backs used to burn papers, rubbish and combustibles, with perforations not to exceed one square inch.
- C. Every approved outdoor incinerator must be equipped with a spark arrester or cover which shall be sufficient to prevent the escape of sparks and embers. Spark arrestors may be of perforated sheet metal or wire mesh screen, but said opening shall not exceed 1/4 square inch and the spark arrester must cover the entire opening of the incinerator.
- D. Draft doors or openings designed to create a draft or stimulate combustion must be protected with 1/4 square inch mesh wire screen.
- E. All incinerators must be emptied periodically to prevent choking or poor combustion.
- F. Incinerators for use within multiple-family dwellings and commercial and industrial establishments must be approved by the Fire Marshal and the State Public Health Department.<sup>4</sup>

**§ 201-4. Conditions for permit denial.** <sup>5</sup>

Open burning permits shall not be issued if the Fire Marshal or his authorized agent determines that:

- A. Garbage is to be burned;
- B. A practical alternative method is available for the disposables to be burned;
- C. A hazardous health condition will be created by such burning;
- D. A salvage operation by open burning would be conducted;
- E. The purpose of the burning would be to dispose of automobiles and accessories, scrap and waste materials derived from automobile salvage;
- F. A period of high air pollution potential, as designated by the State Commissioner of Public Health or his representative, exists;
- G. A period of high burning hazard, as designated by the State Forest Fire Warden or his representative, exists; or
- H. Burning is being conducted within a Town right-of-way.

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3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**§ 201-5. Conditions for burning without permit.**

Open burning may be conducted under the following circumstances without first acquiring a permit as required by § 201-2:

- A. The instruction of firefighters or industrial employees under the supervision of the Fire Chief or his appointed representative.
- B. The performance of an official duty of any public office if fire is necessary to thwart or prevent a hazard which cannot be properly managed by any other means or is necessary for the protection of public health.
- C. The cooking of food, provided that no smoke violation or other nuisance is created.
- D. Construction purposes, such as open burning in salamanders or other devices used by the workers for heating purposes and small fires kindled by contractors essential to street installation or paving activities, the repairing of utilities, or other similar work, provided that no smoke violation or other nuisance is created.<sup>6</sup>

**§ 201-6. Compliance with other laws.**

The provisions of this chapter do not obviate the necessity of complying with any other local or state laws or regulations. Permits will be required for:

- A. The burning of brush in the absence of municipal collection.
- B. Recreational burning such as campfires.

**§ 201-7. Penalties for offenses.**<sup>7</sup>

Any person who violates any of the provision of this chapter shall be fined not more than \$250.

**§ 201-8. Liability.**

The Town of Redding and its officers, agents and employees shall not be held responsible for:

- A. Any damage which may be caused by an incinerator which has been approved, either as to the construction or location.
- B. Any damage caused by any open burning for which a permit has been issued.

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<sup>6</sup>. Editor's Note: Original § 5(e), Burning of leaves, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

<sup>7</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

## Chapter 215

### DRIVEWAYS

**[HISTORY: Adopted by the Town of Redding 2-4-1966. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Building construction — See Ch. 194.  
Road openings — See Ch. 340, Art. IV.

#### **§ 215-1. Street openings and excavations.** <sup>1</sup>

No person, firm or corporation shall hereafter open or excavate in any Town highway or use any part or portion thereof or excavate beneath any such street for purposes of constructing a driveway before first filing a written application with the Board of Selectmen of the Town of Redding; said application shall contain a statement of the street upon which the excavation or opening will be made, the nature of the work, and the time when the work will be completed. Before work is commenced, a performance bond shall be filed with said Board, with surety and conditions satisfactory to it, to guarantee completion of the work set forth in the application within the time specified therein. Said bond shall be released after the work has been satisfactorily completed.

#### **§ 215-2. Driveway construction.**

No person, firm or corporation shall hereafter construct, build or establish any driveway abutting or adjoining any Town highway before first filing a written application with the Board of Selectmen of the Town of Redding and having a written permit to proceed with the work from said Board. After securing said permit, the area from the existing paved or traveled portion of the Town highway to the applicant's property line shall be constructed in a manner satisfactory to said Board. Before work is commenced, a performance bond shall be filed with said Board, with surety and conditions satisfactory to it, to guarantee completion of the work set forth in the application within the time specified therein. Said bond shall be released after the work has been satisfactorily completed.

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<sup>1</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

## Chapter 230

### FEES

**[HISTORY: Adopted by the Town of Redding as indicated in article histories. Amendments noted where applicable.]**

#### ARTICLE I

##### **Motor Vehicle Registration**

**[Adopted 11-13-2003]**

##### **§ 230-1. Delinquent snowmobile or motor vehicle taxes.**

The Town of Redding, Connecticut, acting herein by a Town Meeting, adopts an amendment to C.G.S. § 12-146 (effective August 20, 2003) which will allow the Tax Collector to implement a five-dollar fee for motor vehicle registration clearance for snowmobile or motor vehicle taxes reported delinquent to the Department of Motor Vehicles.

#### ARTICLE II

##### **Land Use Applications**

**[Adopted 12-17-2003]**

##### **§ 230-2. Authorization and purpose.**<sup>1</sup>

The purpose of this article is to establish a schedule of fees, pursuant to C.G.S. § 8-1c, allowing land use applications to fund the actual municipal administrative costs of reviewing, evaluating and processing such applications.

##### **§ 230-3. Fee schedules.**

Fee schedules established by the Zoning Commission, Planning Commission, Zoning Board of Appeals and Conservation Commission (hereafter "land use agencies") are hereby ratified and incorporated into this article as the minimum fee schedule for land use agencies.<sup>2</sup>

##### **§ 230-4. Reimbursement for expenses.**

When the actual cost of processing a municipal land use application exceeds the minimum fee, the land use agencies shall bill the applicant for the actual excess amount, based on actual expenditures for technical review by consultants to the Town of Redding, with expertise including but not limited to engineering, traffic, environmental, planning and law. Expenses for such consultants as can be reasonably anticipated may be

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: Current fee schedules are on file at the Land Use Office.

estimated by the land use agencies upon receipt of the application, and this reasonable estimate, together with the application fee from the fee schedule, shall be paid forthwith, and the application shall be deemed incomplete until these fees have been submitted. Any consultant fees not expended on review of the application shall be refunded to the applicant upon conclusion of the application process. In the event that consultant costs are in excess of any estimated amount paid by the applicant, the land use agencies shall bill the applicant, who shall pay such additional costs prior to issuance of any permit or license sought. No application shall be deemed filed unless accompanied by the appropriate application fees.

## Chapter 280

### LITTERING

**[HISTORY: Adopted by the Town of Redding 11-15-1968. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Solid waste — See Ch. 360.

Storage of vehicles — See Ch. 394.

#### **§ 280-1. Short title.**

This chapter shall be known and may be cited as the "Redding Anti-Litter Ordinance."

#### **§ 280-2. Definitions.**

For the purpose of this chapter, the following terms shall have the meanings indicated:

**LITTER** — Garbage, refuse and rubbish such as animal and vegetable wastes resulting from handling, preparation, cooking and consumption of food, ashes, street cleanings, abandoned vehicles and vehicle parts, paper, wrappings, cardboard, cigarettes, cigars, metal or plastic cans, bottles and other beverage or food containers and all other material which, if thrown, dumped, deposited or scattered as herein prohibited, tends to create a danger to public health, safety or welfare.

**PERSON** — Any person, firm, partnership, association, corporation, company, or organization of any kind.

#### **§ 280-3. Litter on public property.**

No person shall throw, dump, deposit or scatter litter upon any road, street, sidewalk, or other public property within the Town, except in authorized dumps or receptacles.

#### **§ 280-4. Litter on private property.**

No person shall throw, dump, deposit or scatter litter on any private property within the Town.

#### **§ 280-5. Litter thrown by persons in vehicles.**

No person, while a driver or passenger in a vehicle, shall throw, dump, deposit or scatter litter upon any road, street, sidewalk, or public property within the Town or upon any private property adjacent or contiguous thereto.

#### **§ 280-6. Truck or vehicle loads causing litter.**

No person shall drive or move any truck or other vehicle within the Town unless such truck or vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown, scattered or deposited upon any road, street, sidewalk or other public property within the Town.

**§ 280-7. Distributing or posting commercial handbills on public property.**

No person shall distribute or post any commercial handbill upon any road, street, sidewalk or other public property within the Town.

**§ 280-8. Penalties for offenses.** <sup>1</sup>

Any person violating any of the provisions of this chapter shall be fined in an amount not exceeding \$250 for each offense.

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<sup>1</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

## **Chapter 29**

### **ELECTIONS**

**[HISTORY: Adopted by the Town of Redding as indicated in article histories. Amendments noted where applicable.]**

#### **ARTICLE I Town Officers [Adopted 10-4-1920]**

##### **§ 29-1. Biennial election.** <sup>1</sup>

The Town officers shall be elected biennially.

#### **ARTICLE II Referendum Voting Hours [Adopted 6-20-1980]**

##### **§ 29-2. Hours established.**

Pursuant to the authority of Title 7, §§ 7 and 148 of the Connecticut General Statutes, as amended, the hours for voting at a referendum, when such voting does not fall on the national, state or local election day, shall be between the hours of 6:00 a.m. and 8:00 p.m.

#### **ARTICLE III Voting Districts**

**[At the Annual Town Meeting held on October 4, 1915, a resolution was passed dividing the Town into two voting districts. At the Special Town Meeting held on February 18, 1988, it was approved to consolidate Voting District No. 1 and District No. 2 into a single voting district. The 1988 Town Meeting action was superseded by state-wide redistricting in 2001. See Chapter 142, Congressional, Senatorial and Assembly Districts, of the Connecticut General Statutes.]**

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<sup>1</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

## Chapter 306

### OPEN SPACE

**[HISTORY: Adopted by the Town of Redding 5-10-1968. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Park and Recreation Commission — See Ch. 10, Art. VII.

Alcoholic beverages — See Ch. 164.

Animals — See Ch. 170.

Littering — See Ch. 280.

Peddling and soliciting — See Ch. 320.

Trees — See Ch. 378.

#### **§ 306-1. Hours of use.**

Open space land shall be open to the general public daily from 1/2 hour after sunup until 1/2 hour before sunset. Fishermen may, in areas so posted, fish before and after these times. State or Town officials may close any portion of open space land or the use of its facilities when it appears that the capacity of an area has been filled or for any reason the use of the same would endanger the public safety.

#### **§ 306-2. Injury to structures, vegetation or birds.**

No person shall deface, remove, destroy or otherwise injure in any manner whatsoever any structure, rock, tree, flower, shrub, herb or moss, nor shall any songbirds and their nests be molested or disturbed at any time. Subject to the provisions of § 306-10, no person shall set or cause to be set any fire within five feet of any structure, tree, rock, flower or shrub on open space land.

#### **§ 306-3. Hunting, trapping or carrying of firearms.** [Amended 9-13-1968<sup>1</sup>]

Hunting, trapping or carrying of firearms is not permitted on any open space land except at such predetermined times in such areas as may be set aside by the Conservation Commission and posted for such purposes and subject to the rules and regulations set forth by the State Department of Environmental Protection.

#### **§ 306-4. Fishing.**<sup>2</sup>

Fishing, except in such areas as may be restricted by the Conservation Commission, is permitted on any open space land under the rules and regulations established by the State Department of Environmental Protection.

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**§ 306-5. Dogs and other pets.**

Dogs and other pets are permitted on open space land, provided that they are under the control of their owners and/or keepers at all times.

**§ 306-6. Notices and signs.**

No person shall erect or post any notice or sign upon open space land except such notices or signs as may be authorized by the Conservation Commission.

**§ 306-7. Disposal of refuse.**

A person shall not leave any litter on the grounds or on the waters of open space land but shall place such litter in the receptacles provided therefor. Any litter placed in receptacles must be placed in such a manner that it will not drop or be blown out by the elements.

**§ 306-8. Dumping prohibited.**

Dumping on any open space land is prohibited.

**§ 306-9. Horse, motorcycle or bicycle riding.**

Horse, motorcycle or bicycle riding is prohibited except on such trails as may be so posted by the Conservation Commission.

**§ 306-10. Fires.**

Fires may be kindled only at such times and such places as may be so designated by the Conservation Commission. The disposal of residue from charcoal fires and embers of other fires, except in receptacles or areas designated for such purposes, is prohibited.

**§ 306-11. Disorderly conduct.**

Disorderly conduct, intoxication and obscene or indecent behavior is prohibited, and all forms of rough play or activity creating hazards to human safety are prohibited.

**§ 306-12. Motor vehicles.**

Operation and parking of motor vehicles on any open space land are prohibited, except in designated parking areas.

**§ 306-13. Penalties for offenses.<sup>3</sup>**

Violation of any provision of §§ 306-1 through 306-12, inclusive, is sufficient cause for eviction, and any person who violates any provision of §§ 306-1 through 306-12, inclusive, shall be fined not more than \$90 for each violation.

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3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**§ 306-14. Swimming or bathing.** [Added 9-13-1968]

Swimming or bathing is prohibited except at such predetermined times and in such areas as may be set aside by the Conservation Commission and posted for such purposes.

**§ 306-15. Amendments.** [Added 9-13-1968]

The Board of Selectmen is authorized to make amendments to this chapter which are not inconsistent with any presently existing provision.

## Chapter 314

### PARKING

**[HISTORY: Adopted by the Town of Redding as indicated in article histories. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Storage of vehicles — See Ch. 394.

#### ARTICLE I Railroad Parking Lot [Adopted 4-22-1999]

##### **§ 314-1. Permits.**<sup>1</sup>

- A. All vehicles must have and display an annual permit or a current day permit (except the DOT parking area).
- B. Parking permits are available to all Connecticut residents on a first come, first served basis.
- C. The fees for a railroad parking permit shall be based on a twelve-month period (January 1 to December 31), prorated as required. The appropriate state sales tax shall be added to all fees. (Tax is not refundable.)
- D. Railroad parking permits shall not be issued to any Connecticut resident who is delinquent in his or her vehicle tax, police violations, tickets or any railroad parking fees, until such time as all are paid.
- E. Evidence of fraud in obtaining a permit will void that permit.
- F. Sale of a permit to an applicant in no way guarantees that person a place to park on any specific day.
- G. There will be a charge of \$5 for replacement of lost permits.

##### **§ 314-2. Maintenance of parking area.**

The railroad parking area shall be maintained by the Town of Redding.

##### **§ 314-3. Duration of parking limited.**

It is unlawful to park any vehicle in a space on a continuous basis for more than seven days unless prior written permission is obtained from the First Selectman.

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<sup>1</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**§ 314-4. Parking violations.**

- A. Parking spaces will be set aside for the general use of daily parking. A current day permit will be affixed to the windshield. Annual permit holders who park in the designated daily parking spaces will be subject to a fine of \$15 per occurrence.<sup>2</sup>
- B. Handicapped parking will be subject to the same permit requirements. There shall be a fine of \$25 for violation of handicapped parking area; the fine doubles after every 30 days, until paid, not to exceed \$200.
- C. The Police Department shall issue parking violations to any vehicle which obstructs the free movement of traffic. A fine of \$10 will be imposed and doubles every 30 days until paid, not to exceed \$100.
- D. All final parking violation disputes are to be settled by the First Selectman.

**§ 314-5. Vehicle impoundment or immobilization.**

- A. The First Selectman must be notified before implementing this policy.
- B. Any vehicle parked in the Railroad Parking Lot which has received five or more parking citations or railroad parking fees or any parking violation which is delinquent, unpaid, unsettled and uncontested may, by towing or otherwise, be removed for safekeeping by the direction of a police officer to a garage or other location. The vehicle may be immobilized in such manner as to prevent its removal.
- C. Prior mailing of notice.
  - (1) Within 24 hours prior to scheduling any vehicle on a list for impoundment or immobilization, the Police Department shall mail to the registered owner a list of all delinquent charges and a statement warning that such vehicle will be impounded or immobilized.
  - (2) If the owner fails to reclaim the vehicle within 60 days from the date of mailing, title to the vehicle shall rest in the Town of Redding and the vehicle will be sold at public auction.
  - (3) The owner shall be subject to all sums legally due to the Town of Redding plus a fine of \$100 before reclaiming vehicle.

**§ 314-6. Insurance.**

- A. The Town of Redding cannot carry insurance to cover property of a permittee who by accepting the permit assumes all risk of damage or loss of property and agrees to hold the Town of Redding harmless from any or all claims of such injury.
- B. Other insurance shall be obtained by the Town as required.

**§ 314-7. Fee schedule; use of permits; implementation; disposition of funds.**

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2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- A. The Board of Selectmen shall establish a fee schedule for permit and daily parking.
- B. Weekends (Saturday and Sunday) are free parking days.
- C. Permits may be used on any permit holder's owned vehicle(s).
- D. The Railroad Parking Manager as designated by the First Selectman shall implement this article.
- E. The railroad parking receipts are independent of the general fund but fall under the Town's Trust and Agency Policy.

## Chapter 320

### PEDDLING AND SOLICITING

**[HISTORY: Adopted by the Town of Redding 7-24-2003. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Bazaars and raffles — See Ch. 178.

#### **§ 320-1. Registration required.**

It shall be unlawful for any person over 16 years of age to solicit orders of purchase for immediate or future delivery of goods, wares, merchandise or services, including magazines and other printed material, from door to door or on any street or roadway within the Town of Redding without first registering with the Redding Police Department.

#### **§ 320-2. Registration procedure.**

Each person registering at the Redding Police Department shall be required to furnish the following:

- A. Complete name.
- B. Date of birth.
- C. Social security number.
- D. Physical description.
- E. Valid, state-issued photo identification.
- F. Corporate affiliation.
- G. Telephone number.
- H. Nature of goods or merchandise.
- I. A statement as to the time period during which the registrant intends to solicit.

#### **§ 320-3. Denial of authorization to solicit.**

Any person who has been convicted of a felony or violent misdemeanor or who violates any provision of this chapter shall be prohibited from such solicitation.

#### **§ 320-4. Hours of permitted solicitation.**

Any person who properly registers with the Redding Police Department may only solicit

between the hours of 9:00 a.m. and 8:00 p.m. on Monday through Saturday. There shall be no such solicitation on Sundays or legal holidays.

**§ 320-5. Certificate of registration.**

Upon proper completion of this registration process, the Chief of Police of the Redding Police Department or his designee shall issue a certificate which indicates that the bearer of said certificate properly registered with the Redding Police Department. This certificate shall include an expiration date.

**§ 320-6. Penalties for offenses.** <sup>1</sup>

Violation of this chapter shall be subject to a fine of not more than \$90.

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<sup>1</sup>. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ROADS

340 Attachment 1

**Town of Redding  
Application for Road Opening and/or Boring Permit**

Permit No. \_\_\_\_\_

APPLICANT \_\_\_\_\_

ADDRESS \_\_\_\_\_

\_\_\_\_\_ PHONE No. \_\_\_\_\_

CONTRACTOR \_\_\_\_\_

ADDRESS \_\_\_\_\_ PHONE No. \_\_\_\_\_

LOCATION OF OPENING \_\_\_\_\_ (Attach sketch)

PURPOSE OF OPENING \_\_\_\_\_

\_\_\_\_\_

CALL BEFORE YOU DIG No. \_\_\_\_\_

STARTING DATE \_\_\_\_\_ TIME TO COMPLETE \_\_\_\_\_

Before the issuance of a permit, I agree to furnish cash or a certified check in the amount required to reimburse and hold the Town of Redding harmless for any injuries and expenses and damages caused by the execution of the work and to perform the work according to the regulations of the Town of Redding.

Complete plans and specifications must be submitted upon the Highway Superintendent's request.

APPLICATION DATE \_\_\_\_\_ SIGNED \_\_\_\_\_

Applicant

This permit is good for only 60 days from date issued, but if the work specified herein is not completed within that time, this permit may be extended for an additional 60 days upon application to this office.

**FOR OFFICIAL USE ONLY**

**Police Department:**

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_  
(Chief of Police or His Designee)

**Fire Department:**

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_  
(Chief or His Designee)

**Department of Public Works:**

TYPE OF ROADWAY: \_\_\_ PRIMARY \_\_\_ SECONDARY PERMIT FEE \$ \_\_\_\_\_

Date Issued \_\_\_\_\_ Permit Issued By \_\_\_\_\_

Inspected and Approved by \_\_\_\_\_ Date \_\_\_\_\_

## ROADS

### *340 Attachment 2*

#### **Town of Redding**

#### **Bonds and Insurance**

#### **Types of Collateral/Bonds That Will Be Accepted for Projects**

The following types of collateral/bonds are acceptable for projects authorized by commissions/departments of the Town of Redding.

1. **Cash:** To be deposited in the appropriate Town account by the Treasurer.
2. **Certified Check:** Made payable to Town of Redding, to be deposited in the appropriate Town account by the Treasurer.
3. **Savings Passbook:** In the name of the Town and the applicant. A savings passbook will be accepted from any bank that is a qualified public depository for the Town of Redding (see attached list) and preferably located in southwestern Connecticut. Two signatures are required for withdrawal, the Treasurer and the applicant. The applicant's Tax ID Number must be on the passbook account. Two withdrawal slips, undated and signed by the applicant, must be submitted with the savings passbook. If the applicant is a corporation, a corporate signature authorization resolution is required.
4. **Surety Bonds, Underwritten by Insurance Companies:** A surety bond can only be accepted from an insurance company licensed to do business in the State of Connecticut whose unsecured senior debt or claims paying ability is rated at least Double A by Standard and Poor's, Moody's or Duff and Phelps and who has reported profitable operations for the two most recent fiscal years. Evidence of the insurance company's rating by one of the named credit rating services must be submitted to the Town along with the surety bond. If the corporation offering the obligation is a wholly owned subsidiary of the insurance company, then the insurance company must meet the above standard. The bond must be accompanied by a power of attorney for the issuing insurance company.

REDDING CODE

**Surety Bond  
License and/or Permit Term Bond**

Bond No. \_\_\_\_\_

KNOW ALL MEN BY THESE PRESENTS:

That we, \_\_\_\_\_ as Principal,  
and \_\_\_\_\_ incorporated under the laws of the  
State of \_\_\_\_\_ with principal office in \_\_\_\_\_  
as Surety, are held and firmly bound unto \_\_\_\_\_  
as Oblige, in the penal sum of \_\_\_\_\_ Dollars,  
lawful money of the United States, for which payment well and truly to be made, we bind  
ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally,  
firmly, by these presents.

WHEREAS, the above bounden Principal has obtained or is about to obtain from the said  
Oblige a license or permit for \_\_\_\_\_ and the term of said  
license or permit begins the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_  
and ends the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_

WHEREAS, the Principal is required by law to file with  
\_\_\_\_\_  
a bond for the above indicated term and conditioned as hereinafter set forth.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above  
bounden Principal as such licensee or permittee shall indemnify said Oblige against all loss,  
costs, expenses or damage to it caused by said Principal's noncompliance with or breach of any  
laws, statutes, ordinances, rules or regulations pertaining to such license or permit issued to the  
Principal, which said breach or noncompliance shall occur during the term of this bond, then  
this obligation shall be void, otherwise to remain in full force and effect.

PROVIDED, that if this bond is for a fixed term it may be continued by Certificate executed by  
the Surety hereon; and

PROVIDED FURTHER, that regardless of the number of years this bond shall continue or be  
continued in force and of the number of premiums that shall be payable or paid the Surety shall  
not be liable hereunder for a larger amount, in the aggregate, than the amount of this bond, and

PROVIDED FURTHER, that if this is a continuous bond and the Surety shall so elect, this  
bond maybe cancelled by the Surety as to subsequent liability be giving 30 days' notice in  
writing to said Oblige.

Signed, sealed and dated the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_

\_\_\_\_\_  
Principal  
By \_\_\_\_\_  
By \_\_\_\_\_  
Attorney-in-Fact

ROADS

**Town of Redding Qualified Public Depositories**

People's Bank

**Also Required:**

Certificate of insurance for all subcontractors  
W-9

REDDING CODE

**Cash Bond  
Town of Redding, Connecticut  
Road Opening Permit Bond**

\_\_\_\_\_  
Name of Permit Holder

Bond No. \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS

That we, \_\_\_\_\_ of the Town of \_\_\_\_\_  
County of \_\_\_\_\_ and State of Connecticut, as Principal, and  
\_\_\_\_\_ of the State of \_\_\_\_\_ and having an office  
and place of business at \_\_\_\_\_  
as surety, are held and firmly bound unto the Town of Redding, in the sum of  
\_\_\_\_\_ DOLLARS, (\$ \_\_\_\_\_), lawful money of  
the United States of America, to be paid to the Town of Redding, for which payment, well and  
truly to be made, we bind ourselves, our heirs, executors and administrators and assigns, jointly  
and severally by these presents, the said bond and surety to continue to be holden to the Town  
of Redding until consent to the cancellation thereof is given in writing by the Board of  
Selectmen or its authorized agent.

The condition of this obligation is such that:

WHEREAS the above named Principal has received, or may, upon his application, receive, a  
permit or permits from the Town of Redding to perform work on, about, or adjacent to a  
highway within said Town of Redding as is or may be particularly specified in said permit or  
permits, to which permit or permits reference is hereby made and are made a part hereof; and

WHEREAS the said Principal has undertaken and does hereby agree to comply with all the  
rules, regulations and restrictions of said Town of Redding in regard to said permit or permits.

NOW, THEREFORE, if the said Principal shall well and truly perform and fulfill all the  
undertakings, covenants, terms, conditions, and agreements specified in said permit or permits,  
and shall well and truly save harmless and indemnify the said Town of Redding from all  
damages and costs that the Town of Redding may suffer, be liable for, or be compelled to pay,  
or in fact does pay, for any injuries or damages which may be caused by any action or work  
being carried on either by the said Principal, his servants, agents or employees, under any  
permit or permits issued or which may be issued by said Town of Redding or its authorized  
agent, or by reason of negligence or violation of any law on the part of said Principal, his  
servants, agents or employees, and shall, further, indemnify said Town of Redding for any  
expenses that said Town of Redding may suffer, be liable for, or be compelled to pay, or in fact  
does pay, in refilling openings or excavation, in removing cable guard railings, in removing  
trees, tree stumps and other obstructions, in replacing drainage involving driveways, and in  
restoring pavements or sidewalks opened or excavated by said Principal, his servants, agents or

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employees to its former condition, then this obligation shall be void; otherwise, to remain in full force and effect.

All of the provisions of the foregoing are to be subject to the present statute laws of the State of Connecticut and to any change, alteration or repeal of any existing laws as may be enacted by any future session of the Legislature of the State of Connecticut.

IN WITNESS WHEREOF we have hereunto set our hands and seals the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed in the presence of:

1. \_\_\_\_\_ 1. \_\_\_\_\_  
Witness

2. \_\_\_\_\_ 2 \_\_\_\_\_  
Witness

## REDDING CODE

### **Insurance Clause Town of Redding**

Contractor shall not commence work under this contract until all insurance requirements have been met and approved by the Town under this section, nor shall the contractor allow any subcontractor to commence work on the subcontract until the subcontractor has obtained all the required insurance.

**A. Commercial general liability.**

1,000,000 combined single limit per occurrence for bodily injury, personal injury and property damage. Coverage shall include premises and operations, independent contractors, products and completed operations, contractual liability and broad form property damage coverage. If a general aggregate is used, the general aggregate limit shall apply either separately to the project or the general aggregate limit shall be twice the occurrence amount.

**B. Workers' compensation and employers liability.**

Statutory coverage in compliance with the compensation laws of the State of Connecticut. Coverage shall include employer's liability with minimum limits of \$100,000 each accident, \$500,000 disease-policy limit, and \$100,000 each employee.

**C. Automobile liability.**

\$1,000,000 combined single limit automobile liability insurance shall be maintained against claims for damages resulting from bodily injury, including wrongful death, and property damage which may arise from the operations of any owned, hired or nonowned automobiles used by or for the contractor in any capacity in connection with carrying out this contract.

**D. Minimum scope of insurance.**

All liability insurance policies shall be written on an occurrence basis only. All insurance coverage is to be placed with insurers authorized to do business in the State of Connecticut and must be placed with an insurer that has an A.M. Best's Rating of no less than A-, VII. All certificates of insurance shall be filed with the Town of Redding on the accord certificate of insurance form showing the specified insurance and limits. The Town of Redding shall be named as an additional insured. The contractor's insurer shall have no right of recovery of subrogation against the Town, and the contractor's insurance shall be primary coverage.

## ROADS

### *340 Attachment 3*

#### **Town of Redding**

#### **Hold Harmless Provision for State of Connecticut**

#### **Town of Redding**

The contractor shall at all times indemnify and save harmless the Town of Redding, and its respective officers, agents and employees, on account of any and all claims, damages, losses, litigation, expenses, counsel fees and compensation arising out of injuries (including death) sustained by the officers, agents, and employees of the Town of Redding, or by the contractor, his subcontractor or material men from injuries (including death) sustained or alleged to have been sustained by the public, any or all persons on or near the work, or by any other person or property, real or personal (including property of the Town of Redding), caused in whole or in part by the acts, omissions, or neglect of the contractor, including but not limited to any neglect in safeguarding the work or through the use of unacceptable materials in constructing the work of the contractor, subcontractor, material men or anyone directly employed by them or any of them while engaged in the performance of the contract, including the entire elapsed time from the date of the notice to proceed or the actual commencement of the work whichever occurs first until its completion as certified by the Town.

## ROADS

### *340 Attachment 4*

#### **Town of Redding**

#### **Road Construction Standards and Specifications**

##### **1. Staking and layout for street construction.**

All streets shall be laid out and staked by a licensed engineer or surveyor and shall be certified by him as to correctness of line and grade, of completed drainage and subgrade of road.

After the gravel road base has been completed, shoulders graded, monument set and guard rails, if required, installed, then an as-built plan and profile showing all improvements shall be submitted, and only after this as-built plan has been approved by the Highway Superintendent and Planning Commission shall the final surfacing of the road be applied subject to the conditions hereinafter specified.

Line and grade stakes shall be spaced not more than 50 feet apart and shall be set and maintained in good order during construction and until the as-built map has been submitted and accepted.

##### **2. Subgrade construction.**

After all underground piping and drainage and other underground structures and facilities have been installed, the subgrade of a street shall be shaped to proper grade and cross section at the required depth below finished grade. Fill under streets shall be of material acceptable to the Highway Superintendent and be free from loam, tree cuttings, stumps or frozen dirt and shall be thoroughly compacted. Soft areas shall be excavated, drained and filled with gravel or selected fill.

##### **3. Gravel base.**

After the subgrade has been shaped and checked for proper elevation and cross section by the contractor's engineer and inspected by the Highway Superintendent, a gravel base, 12 inches deep after compaction, shall be constructed of selected bank-run gravel, which shall be well graded from maximum four-inch coarse to sand consisting of sound, durable aggregate, free from thin shale, clay, loam or vegetable matter.

The gravel shall be placed and graded to proper grade and cross section and, when thoroughly compacted, shall be the thickness called for in the Town standard details. Rolling shall be done with a roller weighing not less than 10 tons.

The Highway Superintendent shall be given 48 hours' notice before any gravel is placed.

##### **4. Asphaltic-concrete paved surface.**

All new roads shall be blacktopped with asphaltic concrete. Prior to the application of this final surfacing, the gravel base shall have been in place one year and the subgrade shall

## REDDING CODE

have had an opportunity to demonstrate its adequacy to the satisfaction of the Highway Superintendent. Any areas that show excessive settlement shall have the gravel base removed and the subgrade soft spots excavated and backfilled with gravel. Also, if additional drainage is required to alleviate wet conditions which caused the settlement, such drainage shall be installed.

Streets with asphaltic concrete surfaces shall be paved with dense graded hot bituminous concrete mix proportions and in accordance with construction procedures as specified in Connecticut State Highway Form 808, Section 4.03, Hot Asphaltic Concrete, and Section 4.06, Dense Graded Bituminous Concrete Pavement.

Asphaltic concrete surface shall be at least two inches thick after rolling with a ten-ton roller and shall be true in section and profile with maximum depression of 1/4 inch when tested with a ten-foot-long straight edge.

The Board of Selectmen may permit oiled and sanded surfacing of roads, under certain conditions, such as repairs or extensions to existing oiled surfaced roads or when it is deemed in the best interests of the Town of Redding. The oiled surfacing specifications shall be determined by the Board of Selectmen.

The Highway Superintendent shall be given 48 hours' notice before paving operation begins.

### **5. Asphalt curbs and gutters.**

Where called for by plans, asphalt curbs and gutters shall be constructed of dense-mix asphaltic concrete of fine aggregate for curbs, in accordance with standard sections as shown on Town standard drawings. Curbs and gutters shall be laid true to section and line and on true grades.

### **6. Concrete curbs.**

Where called for by plans, concrete curbs shall be constructed of 3,000 pounds per square inch concrete of section shown on Town standard details. Slump shall not exceed four inches and concrete shall be thoroughly vibrated. Exposed faces shall be rubbed.

Forms for concrete curbs shall be set true to line and grade and properly and thoroughly braced. In hot drying weather, concrete shall be kept covered and moist for seven days.

Through expansion joints shall be provided on ten-foot centers of 1/4 inch premolded bitumastic expansion joint material.

The contractor shall notify the Highway Superintendent 48 hours in advance of placing concrete, and no concrete shall be placed until the forms have been inspected and approved and unless the Highway Superintendent or his representative is present. The Highway Superintendent has the right to request test cylinders to be made and the concrete tested to ensure compliance with concrete specifications.

## ROADS

No concrete shall be placed in freezing weather unless proper precautions are taken and then only with the approval of the Highway Superintendent.

### **7. Street shoulders.**

Street shoulders shall be constructed according to Town standard details, and except where gravel is called for disturbed areas shall be covered with a minimum of four inches of topsoil and a stand of grass to the full width of the right-of-way and as far beyond as the disturbed areas extend. No stumps shall be buried in shoulders, except that if existing trees have to be cut down, their stumps may be left in place when cut off and removed to a level 12 inches below finished grade.

### **8. Tree work.**

No trees may be trimmed or removed without the approval of the Highway Superintendent and the Tree Warden.

### **9. Drainage structures.**

Manholes, catch basins and headwalls shall be built in accordance with Town standards and placed according to location and elevations on approved plans. Where structures of special design, such as retaining walls, bridges or box culverts are required, they shall be designed by a licensed engineer and shall be submitted to the Highway Superintendent and Board of Selectmen.

### **10. Storm sewers and drains.**

- A. Sewers and drains shall be laid true to line and grade and shall be certified by a licensed engineer or surveyor that they are in accordance with approved plans and drawings.
- B. Pipe in streets shall be reinforced concrete pipe, state highway standard weight, unless heavier weight is required under major streets. Pipe shall be laid on firm ground free of frost and shall be firmly bedded. No rock over 12 inches in diameter shall be backfilled over pipe. Fill over pipe shall be thoroughly compacted to avoid future settlement.
- C. Subgrade drains, where required, shall be installed in accordance with Town standards and shall be properly located and graded to accomplish their function.
- D. No pipes shall be backfilled until inspected by the Highway Superintendent or his representative.

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**Road Opening Permit Fees**

25 feet curb to curb/four-foot-wide opening: fee of \$250; cash bond of \$1,200, to be held until 12 months after road cut is returned to original condition

After 25 feet: \$2.25 per foot

Bond per Road Opening Ordinance

## ROADS

### **Supplement to Road Construction Standards and Specifications**

#### Trench Repair and Roadway Overlay for Utility Installations

All work shall conform to Town of Redding standards and details. Where Town standards and/or details do not exist, construction materials and methods shall conform to the State of Connecticut Department of Transportation Standard Specifications for Roads, Bridges and Incidental Construction, Form 816 (2004) and supplements thereto dated or latest version thereof. Where Town standard details do not exist, standard details approved by CDOT may be substituted at the Town's discretion.

#### **1. Staking and layout for utility construction and roadway repairs.**

All underground conduits and other facilities shall be laid out and staked by a Connecticut-licensed land surveyor and shall be certified by him as to correctness of line and grade of completed installations.

After the trench repair has been completed, an as-built plan and profile showing all improvements shall be submitted, and only after this as-built plan has been approved by the Highway Superintendent and Planning Commission shall the final surfacing of the road be applied subject to the conditions hereinafter specified.

Line and grade stakes or markings shall be spaced not more than 50 feet apart and shall be set and maintained in good order during construction and until the as-built map has been submitted and accepted.

Existing pavement markings shall be located by a Connecticut-licensed land surveyor prior to disturbance. Pavement markings shall be restored in kind unless otherwise directed by the Town Engineer.

#### **2. Roadway subgrade – trench repair.**

After all underground conduit, structures and facilities have been installed; the subgrade for trench repair shall be shaped to proper grade and cross section at the required depth below finished grade. Fill under streets shall be of material acceptable to the Highway Superintendent and be free from loam, tree cuttings, stumps or frozen dirt, shall be thoroughly compacted, and shall conform to the requirements of CDOT's Standard Specifications for Roads, Bridges and Incidental Construction, Form 816 (2004) and supplements. Soft areas shall be excavated, drained and filled with gravel or selected fill.

#### **3. Gravel base – trench repair.**

After the subgrade for trench has been shaped and checked for proper elevation and cross section by the contractor's engineer and inspected by the Highway Superintendent, a rolled granular base, 12 inches in minimum thickness after compaction, shall be constructed of selected bank-run gravel per Section 3.02 of CTDOT's Form 816 or processed aggregate base per Section 3.04 of CTDOT's Form 816 and supplements.

## REDDING CODE

The gravel shall be placed and graded to match existing roadway grade and cross section and, when thoroughly compacted, shall be the thickness called for in the Town standard details or Town-approved project plans. Rolling shall be done with a roller weighing not less than 10 tons. Where rolling is not feasible due to trench width, a plate compactor may be employed with backfill placed in incremental lifts not to exceed six inches in thickness. Compaction shall be performed in accordance with the requirements of CTDOT's Form 816 and supplements.

### **4. Bituminous concrete paved surface.**

Mechanical sweeping, asphalt shimming and placing of wedge courses must be performed to the satisfaction of the Town Engineer prior to paving the surface, and material for tack coat must be applied per CTDOT's Form 816 and supplements.

All disturbed roads shall be overlaid with a minimum of 1 1/2 inches of bituminous concrete Class 2 unless otherwise directed by the Town Engineer or Highway Superintendent. Prior to the application of this final surfacing the gravel base for trench repair shall have been in place one year, or through a single winter/spring cycle only if approved by the Town Engineer or Highway Superintendent, and the subgrade shall have had an opportunity to demonstrate its adequacy to the satisfaction of the Highway Superintendent. Any areas that show excessive settlement shall have the pavement repair and gravel base removed and the subgrade soft spots excavated and backfilled with compacted gravel base prior to final paving. Also, if additional drainage is required to alleviate wet conditions which caused the settlement, such drainage shall be installed.

Streets with bituminous concrete surfaces shall be paved with dense graded hot bituminous concrete mix proportions and in accordance with construction procedures conforming to CTDOT's Form 816, Section 4.06, Bituminous Concrete, and supplements.

Bituminous concrete surface shall be minimum specified thickness after rolling with a ten-ton roller and shall be true in section and profile with maximum depression of 1/4 inch when tested with a ten-foot-long straight edge. Compaction shall be per CTDOT's Form 816 and supplements.

The Highway Superintendent shall be given 48 hours' notice before paving operation begins.

### **5. Curbing.**

Where called for on plans, asphalt, concrete or granite stone curbs shall be constructed per the Town's standard details. Where Town details do not exist, CTDOT details shall be substituted at the Town's discretion. Curbing shall be furnished and installed in accordance with the applicable sections of CTDOT's Form 816 and supplements, including but not limited to Section 8.11, Concrete Curbing, Section 8.13, Stone Curbing, and Section 8.15, Bituminous Concrete Curbing. Existing precast concrete curbing and stone curbing may be reset only if approved by the Town Engineer or Highway Superintendent in advance. Reset curb shall be in accordance with CTDOT's Form 816 and supplements. Curbs and gutters shall be laid true to section and line and on true grades and shall meet existing

## ROADS

curbs and drainage inlet structures with a smooth transition both vertically and horizontally.

### **6. Street shoulders.**

Street shoulders shall be constructed according to Town standard details, and except where gravel is called for disturbed areas shall be covered with a minimum of four inches of topsoil and a stand of grass to the full width of the right-of-way and as far beyond as the disturbed areas extend in order to meet overlay thickness. No stumps shall be buried in shoulders, except that if existing trees have to be cut down, their stumps may be left in place when cut off and removed to a level 12 inches below finished grade. Topsoil and turf establishment shall be per CTDOT Form 816, Section 9.44, Topsoil, and Section 9.50, Turf Establishment, and supplements.

### **7. Tree work.**

No trees may be trimmed or removed without the approval of the Highway Superintendent and the Tree Warden.

### **8. Drainage structures.**

Manholes, catch basins, miscellaneous utility structures and headwalls shall be built or reset in accordance with Town standards, or applicable sections of CTDOT's Form 816 and supplements, and placed according to location and elevations on approved plans. Structures in the pavement shall be set flush with finished grade matching both longitudinal and cross slope of the roadway. Necessary risers, rings or other means shall be employed to adjust structures to adequately meet final paving.

### **9. Driveways.**

Driveways shall be patched per Town standard for a distance required to match new pavement (overlay) with existing driveway and without causing ponding of water on driveways, at roadway, and without causing a reverse in the present flow of water between roadways and driveways when compared to existing condition. Minimum length of driveway apron repair shall be five feet unless otherwise approved by the Town Engineer or Highway Superintendent. Driveways shall be saw cut neat, and tack coat must be applied to saw cut edges prior to paving. Where disturbed by the construction, driveway base material shall be replaced with compacted gravel base or processed aggregate base per Town standards. CTDOT standard details shall apply where Town standards do not exist.

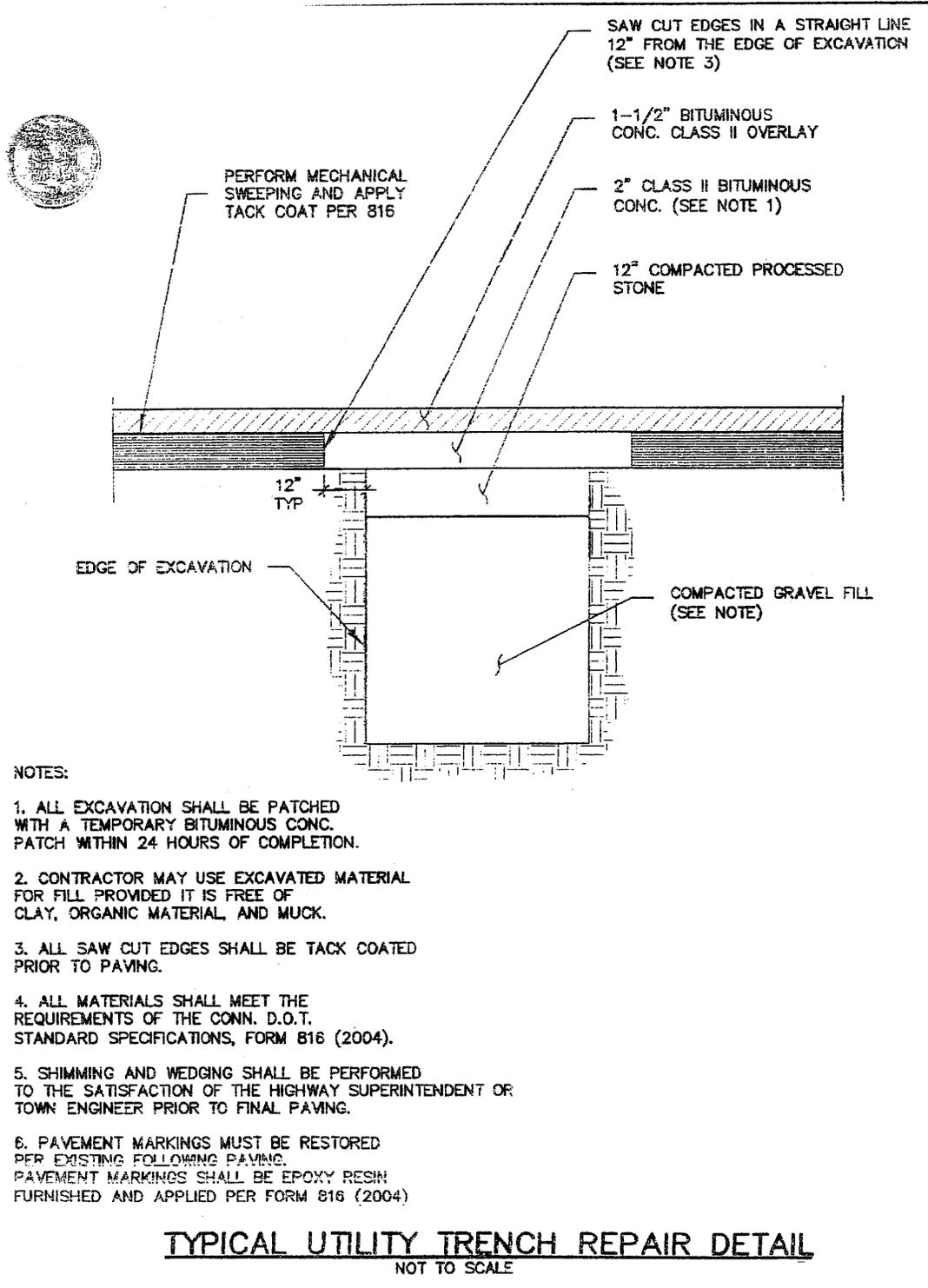
### **10. Pavement markings.**

Pavement markings shall be restored in place of existing following final paving. Pavement markings shall be epoxy resin per CTDOT's Form 816, Section 12.10 and supplements. Temporary pavement markings shall be installed as directed by the Town when final markings cannot be placed prior to opening the roadway to traffic.

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340 Attachment 5

Town of Redding



## Chapter 340

### ROADS

**[HISTORY: Adopted by the Town of Redding as indicated in article histories. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Building construction — See Ch. 194.  
Driveways — See Ch. 215.  
Parking — See Ch. 314.  
Storage of vehicles — See Ch. 394.

#### ARTICLE I Specifications [Adopted 5-15-1959]

##### **§ 340-1. Compliance required.**

Any road submitted to the Town for acceptance must be constructed in accordance with these specifications and must be approved by the Planning Commission.

##### **§ 340-2. Right-of-way; dead-end roads.**

Right-of-way for roads must be at least 50 feet in width. Road shall be in center of right-of-way unless otherwise determined by the Selectmen. Dead-end roads shall not exceed 750 feet in length and provision may be required for their projection to adjoining property. A dead-end road shall have a turnaround at its terminus with a radius of not less than 50 feet and such turnaround shall be paved in its entirety.

##### **§ 340-3. Travelled and oiled portions of roadway.**

The travelled portion of roadway shall be of gravel to a width of not less than 30 feet and the oiled portion shall be not less than 22 feet in width.

- A. The Selectmen may require that bank-run gravel be applied in two courses, each course to be not less than six inches in depth and each course to be rolled with a roller weighing not less than 10 tons. Minimum total depth of gravel shall be not less than 12 inches.
- B. That portion of roadway to be oiled shall be surfaced with not less than one inch of fine gravel, rolled, and not fewer than two coats of oil, quality and grade to be determined by the Selectmen.

##### **§ 340-4. Drainage.**

All roads must be installed with proper drainage. Culverts must be installed as the Selectmen shall determine. Culverts shall not be less than 15 inches in diameter. Larger

size may be required. Culverts shall be concrete or asphalt covered corrugated metal. Culverts shall be installed with head walls or facing walls of not less than six feet in length and 12 inches in thickness. Head walls shall be of concrete or stone set in cement mortar and shall be built upon footing not less than eight inches thick and 20 inches wide and in length not less than 12 inches longer than the head wall structure. Footing shall be of sufficient depth to preserve it from damage by frost. Culverts shall not be less than 18 inches below surface of road.

**§ 340-5. Grades.**

The roadway shall be graded so that crown of road is three inches higher than either edge. Grades shall be subject to the approval of the Selectmen and wherever possible shall not exceed 10%. Any change of course in roadway exceeding 10° shall be a curve with a radius of not less than 150 feet except where the grade exceeds 5%, in which case the radius shall not be less than 200 feet. Where intersecting roads form a Y, the radius of the curve within the fork shall not be less than 25 feet. Tangents between curves shall not be less than 150 feet in length.

**§ 340-6. Wooden bridges.**

Wooden bridges shall not be permitted.

**§ 340-7. Exceptions.**

In unusual circumstances, the Selectmen may make exceptions to these specifications.

**§ 340-8. Title and easements.**

Upon acceptance of any roadway by the Town, the Town shall receive title by warranty deed from the owner, free from all encumbrances, together with all necessary easements, including drainage easements, if any, over adjacent land.

ARTICLE II  
**Changes in Public Roads**  
**[Adopted 7-12-1976]**

**§ 340-9. Purpose and scope.**

This article establishes a procedure to be followed by the Selectmen in making changes or improvements in the public roads in the Town of Redding. Its purpose is to provide an orderly process for description of the changes, communication of the changes to the public, and final approval by the Selectmen before commitment of resources for construction begins.

- A. Specifically excluded from the procedure established by this article is all work on roads which is maintenance or repair, the purpose and effect of which is to restore roads to their original condition without making substantial changes in any of their design or construction.
- B. Specifically excluded from this article is commitment or expenditure of resources

for planning, engineering, design, estimating, surveying, boring, etc., in connection with proposed projects.

**§ 340-10. Procedure.**

Before the commitment or expenditure of any public resources for construction of the changes or improvements governed by this article, the Selectmen shall take the following steps:

- A. Identification of projects. The Selectmen shall organize groups of individual changes, which are governed by this article, into projects for the purpose of identification, planning, and control. For example, all the changes at an intersection to be reconstructed may constitute a single project, or widening, straightening, and grading of shoulders on part of a single road may constitute a project.
- B. Filing project descriptions. The Selectmen shall file with the Town Clerk, for public inspection, a description of each project identified in Subsection A above. A project description may be any fileable document or set of documents that is sufficiently complete and accurate to permit a person skilled in highway engineering and who is familiar with the site and neighborhood of the project to understand what the result of the project will be when it is constructed.
  - (1) The form of the project description does not matter and may vary with the nature of the project, so long as it meets the above condition for completeness and accuracy.
  - (2) Examples of project descriptions may range from brief written descriptions, sketches, or markup maps to formal engineering plans, surveys, and specifications, but these more formal plans are not required in the project description unless they have already been prepared in the course of the project or are essential to reasonably meet the conditions of completeness and accuracy.
- C. Publishing legal notice. The Selectmen shall publish a legal notice of a public hearing on the project or group of projects. The date of the public hearing shall be no less than 21 days nor more than 65 days from the legal notice or the filing of said plans, whichever is later.
- D. Holding a public hearing.
  - (1) The Selectmen shall conduct a public hearing on the projects listed in the legal notice. The purposes of this hearing include explaining the projects to the public, answering questions concerning the projects, hearing opinions and data about the projects, and discussing proposed changes in the projects or alternatives to the construction of the projects as filed.
  - (2) The hearing is for the exchange of information only, and except for the requirement of following the procedure established by this article it in no way limits the powers of the Selectmen to work the roads.
- E. Approving projects. After the public hearing, at a regular meeting of the Board of

Selectmen, or a special meeting called for the purpose, the Selectmen may approve any of the projects as described, or approve any project subject to modification, or they may cancel any project, as they in their judgment see fit.

- (1) If the Selectmen approve a project subject to modification, they shall amend the project description to reflect the modification and file the amended project description with the Town Clerk, but no further public hearing need be held.
  - (2) If the Selectmen do not approve a project within one year of the date of its public hearing, the project is automatically canceled. A canceled project must be treated as a new project if it is reactivated.
- F. Construction. After the steps of defining a project, filing a project description, holding a public hearing, approval, and filing an amended project description, if any, and not before the completion of these steps, the Selectmen may commit public resources, solicit bids, award contracts, purchase materials, direct Town employees to perform work, or proceed as they are otherwise empowered to construct the changes or improvements governed by this article, according to the project description as approved.
- G. Unexpected conditions. If, after the start of construction, unexpected conditions are found at the site which in the judgment of the Selectmen require a substantial departure from the project description, the Selectmen may approve such a departure necessary to accommodate the condition without further amendment of the project description, except that they shall attach a brief explanation of the departure to the project description.

#### **§ 340-11. Emergencies.**

If, in an emergency, the Selectmen find that delays caused by adherence to the procedure established by this article would cause an unwarranted threat to the health, safety or welfare of the public, the Selectmen are free to omit steps in the procedure established by this article and to proceed as they are otherwise empowered to make changes in roads to relieve that threat.

#### **§ 340-12. Applicability.**

Changes or improvements which are governed by this article include the following:

- A. Changes in width of the traveled way of a road.
- B. Relocation of the center line of a road for any purpose.
- C. Changes in vertical alignment or grade of a road.
- D. Reconstruction to alter the character of an intersection of roads.
- E. Cuts or grading of shoulders of a road to improve sight lines or for any other purpose.
- F. Changes of the drainage system of a road, including installation of new catch

basins, ditches, or culverts which substantially alter the places or amounts of water flow.

- G. Change in the type of surface of a road.
- H. Any substantial change in a public road or its right-of-way which is not bona fide maintenance or repair.

### ARTICLE III

#### Scenic Roads

[Adopted 1-17-1986; amended 3-12-2003]

#### § 340-13. Delegation of authority.

The authority to designate any highway or portion thereof as a scenic road is hereby delegated to the Planning Commission of the Town of Redding.

#### § 340-14. Designation criteria.

- A. No highway or portion thereof shall be designated as a scenic road if the abutting property contains intensive commercial development or if the highway itself has intensive vehicular traffic. Prior to designating a highway or portion thereof as a scenic road, the Planning Commission must first specifically find that at least one of the following criteria is met:
  - (1) The highway is unpaved;
  - (2) The highway is bordered by mature trees or stone walls;
  - (3) The traveled portion of the highway is no more than 20 feet in width;
  - (4) The highway offers scenic views;
  - (5) The highway blends naturally into the surrounding terrain; or
  - (6) The highway parallels or crosses over brooks, streams, lakes, or ponds.
- B. No highway or portion thereof may be designated as a scenic road by the Planning Commission pursuant to this article unless the owners of the majority of the lot frontage abutting the highway or portion thereof agree to the designation of the highway as a scenic road by filing a written statement of approval with the Town Clerk of the Town of Redding.

#### § 340-15. Procedure for designation.

- A. The Planning Commission on its own initiative may consider a highway or portion thereof for designation as a scenic road. Property owners through an initiator may petition the Planning Commission for a designation of a highway or portion thereof as a scenic road.
  - (1) The petition, in such form as the Planning Commission shall provide, shall state what highway or portion thereof is requested to be designated as a scenic

road and describe those characteristics of the highway which qualify it for scenic road status, as well as other characteristics which enhance the scenic character of the highway.

- (2) A documentary photographic record showing the status of the highway's edges at the time of the application shall be submitted with the petition.
  - (3) In cases where the Planning Commission is the initiator, the petition must contain the signature of the Planning Commission Chair. In cases where property owners, through an initiator, submit a petition, the petition must contain the name, address, and signature of the initiator, who must be a resident of Redding.
  - (4) Schedule A of the petition shall be signed by the owners of a majority of lot frontage abutting the highway or portion thereof in question, stating their address and indicating that they approve of designating the highway or portion thereof as a scenic road. The initiator shall determine the lot frontage along the highway or portion thereof in question and enter this information on Schedule A. Such ownership shall be verified by the Town Assessor.
  - (5) Each page of signatures in the petition shall also have a signed statement by the circulator of the petition that the circulator either knows each individual who signed the petition or that the signer satisfactorily identified himself or herself to the circulator
  - (6) Schedule B of the petition shall show the names and addresses of owners of lot frontage abutting the highway or portion thereof in question who did not sign the petition.
  - (7) An original and one copy of the petition shall be filed with the Town Clerk, who shall retain the copy and forward the original to the Planning Commission.
- B. In order to designate a highway or portion thereof a scenic road, the Planning Commission shall first hold a public hearing regarding the designation of such highway as a scenic road. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the Town of Redding at least twice in intervals of not less than two days, the first not more than 15 days nor less than 10 days and the last not less than two days prior to the date of such hearing. Simultaneously with the first publication, a copy of the notice shall be sent by the initiator by certified mail, return receipt requested, to the owners of all lots fronting the highway or portion thereof to be designated as a scenic road. Proof of mailings and receipts shall be provided to the Planning Commission.
- C. The Planning Commission shall act upon the designation within the period of time permitted under C.G.S. § 8-26d, as amended. Notice of the decision of the Commission shall be published in a newspaper having a substantial circulation in the Town of Redding within 15 days after such decision has been rendered. Such notice shall be a simple statement that the highway or a portion thereof was or was not designated as a scenic road by the Planning Commission, together with the date

of such action. The grounds for the designation or nondesignation shall be stated in the records of the Commission and shall include in as much detail as possible the special features which make the highway so designated scenic or the reasons for denying designation.

**§ 340-16. Rescission of designation; appeals.**

- A. The designation of a highway or a portion thereof as a scenic road may be rescinded by the Planning Commission using the above procedures and provided that the owners of the majority of the lot frontage abutting the highway or portion thereof concur with such rescission as set forth in this article.
- B. Any person aggrieved by a designation or refusal to designate a highway or portion thereof as a scenic road pursuant to this section or by any alteration or improvement of such highway may appeal such designation in the manner and utilizing the same standards of review provided for appeals from the decisions of the Planning Commission under C.G.S. § 8-28, as amended.

**§ 340-17. Application for alterations.**

- A. Preservation objective. No alteration shall be made to a scenic road without application to the Planning Commission. Routine maintenance and the regulation of future alterations and improvements of scenic roads shall be carried out so as to preserve to the highest degree possible the scenic characteristics that are indicated in the records of the Planning Commission as the basis for the designation.
- B. Hearing and decision responsibility. Any application for alteration or improvement to a scenic road, whether by public or private applicant, shall be submitted to the Planning Commission, which may hold a public hearing and shall submit findings of fact and a recommendation to the Board of Selectmen. Should the Planning Commission vote to maintain a scenic road without change, the Board of Selectmen may overturn that vote only by a unanimous vote of its own. The determination by the Board of Selectmen shall be based on the findings of fact of the Planning Commission and shall give important weight to the Commission's recommendation.
- C. Routine road maintenance. Such maintenance shall include removal of dead and seriously diseased or damaged trees and branches of trees; trimming of the tree branches that encroach on the traveled portion of the scenic road below the height needed to allow school buses and emergency vehicles to pass; trimming or removal of brush and removal of boulders or other obstacles that encroach on the traveled portion of the scenic road; necessary trimming for utility lines; trimming of brush to enhance and protect scenic views, stone walls, mature trees, and other characteristics of the scenic road set forth in the decision designating it a scenic road; correction of drainage problems; and graveling, retreatment, and repair of existing roadway surfaces.
- D. Natural disasters. In the case of a natural disaster in which a scenic road becomes impassable or unsafe for public travel and access must be provided, emergency repairs may be made as needed. Restoration of the scenic road shall be made in a

manner that will restore it to its scenic character prior to the natural disaster.

- E. Any action under Subsections A, B, C and D shall be taken in a manner which will avoid or reduce adverse effects on the characteristics of the scenic road that the Planning Commission specified in its decision designating the scenic road. Any reconstruction of a scenic road shall be done in similar manner with a view to restoring it to its scenic character at the time of designation.

**§ 340-18. Standards for alterations.**

When contemplating alterations to a scenic road for safety reasons and fire and police considerations, the following procedures shall be followed:

- A. Review of a suitable map showing all work and the manner in which the road's scenic features will be preserved and, where deemed necessary by the Planning Commission, of a technical report documenting the cited hazard and offering alternative solutions.
- B. Public hearing to allow full public participation when deemed appropriate by the Planning Commission.
- C. A decision-making process that not only reviews the specific safety features but also takes into account the overall impact of the possible change in a scenic road, as well as the public response to the change.
- D. The final decision shall minimize damage to the character of the scenic road. Stone walls that are removed or damaged without approval by the Planning Commission shall be rebuilt to replicate the appearance of the remaining adjacent or nearby walls. The removal or damage of mature trees or other distinctive environmental or historical features without the approval of the Planning Commission shall be subject to the imposition of appropriate measures intended to mitigate the removal or damage, as the Planning Commission may determine within the reasonable exercise of its discretion under this article.
- E. If the Planning Commission decides that alterations to a scenic road are required, then they shall be planned with due regard to the following parameters:
  - (1) Speed limits. Scenic values are correlated with lower speeds and are therefore encouraged. The lower speed shall be posted and suitably enforced.
  - (2) Curves. Scenic values are correlated with the existence of curves, which allow a constant unfolding of new and changing views. Curves shall not be eliminated unless they are found to constitute a hazard on the specific scenic road.
  - (3) Grades. Hills and valleys are correlated with scenic values. They shall not be destroyed by cuts and fills unless absolutely essential for safety.
  - (4) Widths. A narrow highway is correlated with high scenic beauty. Scenic roads should not be widened unless the amount of traffic, as determined by a factual study specific to the scenic road, is a threat to safety. For some scenic roads,

the amount of traffic that can be handled can be greatly increased by turnouts and bypasses constructed at intervals where they do least damage to scenic and other values.

- (5) Side slopes. Existing steepness and vegetation of side slopes are preferable to a reduction of gradient by extensive removal of soil and rock. This is especially true where the slope is fully stabilized and where it is rich with existing ground cover, shrubs and trees.
- (6) Vistas. Vistas of distant landscapes shall be preserved by suitable vegetation management techniques.
- (7) Utility lines. Wherever possible, utility lines should be put underground. Where they are overhead, the responsible public utility shall be requested to implement suitable vegetation management techniques which preserve wildflowers and shrubs within the utility's right-of-way or easement.
- (8) Vegetation. Vegetation on the side of the scenic road shall be managed in such a way as to preserve wildflowers, shrubs of ornamental and wildlife value, and trees. Overarching isolated trees and the canopy of a closed forest can have extremely high scenic value.
- (9) No application may be made for billboards, sand, gravel and salt piles, refuse disposal, and other unsightly structures or situations. They shall be forbidden.
- (10) Where possible, scenic and preservation easements should be acquired from adjacent owners to ensure the continuance of natural relief, desirable features, and scenic and historic values in the public interest.

**§ 340-19. Paving criteria.**

Paving of the unpaved traveled portion of a scenic road shall be permitted only if the owners of a majority of lot frontage along its unpaved portion indicate their approval of the paving by signing a written statement agreeing to the paving and filing it with the Town Clerk.

**§ 340-20. Rights of landowners.**

Nothing in this article shall be deemed to prohibit owners of land abutting the scenic road from maintaining and repairing their land abutting the right-of-way of the scenic road or from accessing their property by driveway or subdivision road by encroachment within the Town right-of-way, provided that such encroachment is constructed so as to safeguard the scenic features of the scenic road that were identified by the Planning Commission. Nothing herein shall prohibit landowners from permanently removing a portion of a stone wall in order to construct or improve a driveway or, in the case of a subdivision, to connect a subdivision road with a scenic road.

**§ 340-21. Enforcement.**

A. Pursuant to C.G.S. § 7-148(c)(10), the provisions of this article shall be enforced by

citation issued by the Redding Zoning Enforcement Officer. In carrying out these duties, the Zoning Enforcement Officer may seek the advice and assistance of the Redding Planning Commission.

- B. Violation of this article shall be subject to a fine as prescribed by statute and/or such other legal remedies as may be available to the Town.

ARTICLE IV  
**Road Openings**  
**[Adopted 3-31-2005]**

**§ 340-22. Purpose.**

The purpose of this article is to ensure that all construction performed by private contractors in Town of Redding roads is performed correctly and that the Town of Redding is held harmless for such work.

**§ 340-23. Permit required; application.**

- A. No person, firm or corporation shall open or excavate any public highway or right-of-way of the Town of Redding or commence any work pertaining to such opening or excavation without first obtaining a permit from the Highway Department.
- B. Before any permit is issued, the applicant shall file an application on a form prescribed by the Highway Department, post the bond and provide evidence of insurance as required by this article and pay the required fee. The fee charged for the roadway opening permit shall be set or amended by the Board of Selectmen

**§ 340-24. Performance bond.**

- A. Each applicant for a permit shall provide cash security or surety bonds underwritten by insurance companies in an amount determined by the Board of Selectmen or its authorized agent sufficient to ensure completion of the work and the proper restoration of any opening. The bond shall be in the name of the applicant as principal; except, however, that where the work is to be done by a contractor other than the applicant, it shall be in the name of the person or entity performing the work.
- B. The bond shall be for a period of 12 months after the work is completed, inspected and approved by the Highway Superintendent. Bond release shall be conditioned upon:
  - (1) The performance by the principal of all work for which the permit was issued, in accordance with specifications for such work as set out by the Highway Superintendent.
  - (2) The approval and acceptance by the Town of the restoration and the performance, after restoration, of any and all repairs required for the street or highway as a result of negligent or improper methods or materials or any other fault, defect or omission in the performance or restoration of any street

opening or excavation.

**§ 340-25. Liability insurance.**

Each applicant shall carry insurance as specified in the Insurance Clause as attached.<sup>1</sup>

**§ 340-26. Notification of commencement of work.**

After the permit has been obtained by the applicant, it will be the applicant's responsibility to notify the Town's Highway, Police and Fire Departments at least 24 hours prior to commencing work.

**§ 340-27. Warning signs and police supervision.**

During the course of work, adequate warning signs, including warning to turn off two-way radios and/or designated detour routes, lights and police supervision, if necessary, shall be provided by the applicant, at its own expense, subject to approval by the Chief of Police. At all times work must adhere to the Uniform Traffic Control Regulations of the Town of Redding.

**§ 340-28. Highway Superintendent to direct work.**

The person or firm to whom or to which the permit is issued shall execute the work diligently at all times, and the manner of working shall be under the immediate direction of the Highway Superintendent. Failure to conform to the direction of the Highway Superintendent shall be cause for revocation of the permit.

**§ 340-29. Construction procedures; maintenance requirements.**

In the case of highway excavation, the construction procedures established by the Highway Department shall be followed. The excavator shall, at all times, keep any adjacent highway areas free of loose material, and measures shall be taken to prevent excessive dusting to minimize the inconvenience to the adjacent landowners and the traveling public. Upon completion of the work covered by the permit, all disturbed surfaces shall be restored to their original condition, and the person or firm to whom or to which the permit was issued shall be responsible for maintaining the newly surfaced areas for a period of one year after the work is completed.

**§ 340-30. Emergencies.**

In case of an emergency, the First Selectman or the Highway Superintendent may authorize or ratify the opening of an excavation within a public highway without following the procedures and requirements of this article.

**§ 340-31. Excavated fill.**

All excavated fill from the road opening remains the property of the Town of Redding

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1. Editor's Note: See the appendix materials at the end of this chapter.

and shall be transported by the contractor to a location designated by the Town of Redding.

**§ 340-32. Hours of operation; enforcement.** [Amended 8-24-2005]

Hours of operation shall be set by the Redding Police Department on local roads, and on state roads by permit or in conjunction with the Department of Transportation and the Redding Police Department. Enforcement shall be under the jurisdiction of the Redding Police Department.

- A. Penalties. Any violation of any section of this article or any traffic control regulation of the Town of Redding shall be enforced by either civil or criminal penalty.
- B. Civil penalty. A civil fine not to exceed \$500 per hour for each occurrence shall be levied against those found by the Redding Police Department to be in violation.
- C. Criminal penalty. A fine not to exceed \$90 per occurrence shall be issued against those found in violation.

**§ 340-33. Inspection fees.**

The Town of Redding reserves the right to charge inspection fees as may be necessary.

**§ 340-34. Amendments.**

The Redding Board of Selectmen, authorized by the Annual Town Meeting to "work the roads," may amend this article at any time in the best interest of the Town of Redding.

## Chapter 352

### SEWAGE DISPOSAL

**[HISTORY: Adopted by the Town of Redding as indicated in article histories. Amendments noted where applicable.]**

#### ARTICLE I

##### **Sewage Facilities**

**[Adopted 6-8-1962]**

#### **§ 352-1. Approved facilities required.** <sup>1</sup>

No dwellings, apartments, boardinghouses, hotels, or commercial buildings, or additions thereto, shall be constructed in the Town of Redding unless the sewage facilities required in connection with the same have been approved by the Health Officer of the Town or any inspector appointed by him. The Health Officer or any inspector approved by him shall approve of such sewage facilities when such facilities meet the requirements of the Public Health Code of the State of Connecticut.

#### **§ 352-2. Application fee.** <sup>2</sup>

All applications for the approval of the sewage facilities shall be filed with the Health Officer or any inspector appointed by him. All applications for approval shall be accompanied by a plan of the proposed sewage facilities. The fee, which shall accompany said application, shall be as set by the Board of Selectmen, payable to the Town of Redding.

#### **§ 352-3. Penalties for offenses.** <sup>3</sup>

The owner or agent of any building who shall violate any provisions of this article shall be deemed guilty of a violation punishable by a fine of not to exceed \$250 for each and every day that such violation shall continue.

#### ARTICLE II

##### **Septage Management**

**[Adopted 12-11-1987]**

#### **§ 352-4. Applicability.**

This article governs the removal, transportation, and disposal of all materials removed from any septic tank, cesspool, privy and/or subsurface sewage disposal system, hereafter

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

known as "septage," generated in the Town of Redding. This article provides minimum operating and administrative standards for the removal and disposal of septage per Sections 19-13-B104b through 19-13-B104c of the Connecticut Public Health Code.

**§ 352-5. Permit required.**<sup>4</sup>

In accordance with Section 19-13-B104C(b)(2)(B) of the Connecticut Public Health Code, all organizations pumping septage within Redding shall first obtain a permit from the Health Officer or his agent. Application for the permit shall require presentation of a valid license to transport septage issued by the State of Connecticut in accordance with C.G.S. § 20-341d; application for the permit shall also require presentation of a valid permit for transport and disposal of septage issued by the City of Danbury Health Department. Renewal of permits shall be on a yearly calendar basis and applications shall be made on a form furnished by the Town.

**§ 352-6. Town sticker; vehicles; approvals required.**

- A. The Town shall issue a sticker which shall be displayed by the vehicles of each pumper permitted by the Town. The sticker shall include the name of the Town of Redding, the name of the permittee, the date of expiration of the permit, the number of the permit, and the current State of Connecticut motor vehicle registration number of the permittee's vehicle.
- B. All vehicles used for the collecting and transporting of septage shall bear the name of the organization conducting such activities. Such vehicles shall be maintained in a clean exterior condition at all times.
- C. Disposal of all septage shall be approved by the Redding Health Officer or his/her agent. Disposal of material other than domestic septage will require joint approval of the Health Officer and the Danbury Public Utilities Department. All permittees are required to allow spot sampling and inspection of truck tank contents by employees or agents of the City of Danbury.<sup>5</sup>
- D. Organizations authorized to pump septic systems in Redding and use the Danbury disposal facility shall first obtain septage discharge permits from the Redding Health Officer or his/her agent. All permits shall be numbered and bear the name of the Town of Redding. Two of the four copies of each permit shall be turned in to the operator of the disposal facility in Danbury prior to discharge.<sup>6</sup>

**§ 352-7. Procedures for payment.**

- A. Upon completion of pumping, the pumper shall sign the septage discharge permit and certify the number of gallons pumped. A copy of the permit is retained by the pumper, a copy is forwarded by the pumper to the property owner pumped, and two

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4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

copies are turned in to the operator of the disposal facility in Danbury. At the end of each calendar month, copies of all permits issued by Redding for septage pumped in Redding will be returned by Danbury to Redding.

- B. Pumpers shall be billed monthly by Danbury for their use of the Danbury disposal facility to dispose of septage generated in Redding.
- C. Fees charged to pumpers by Danbury for their use of the Danbury disposal facility shall be based upon permit copies documenting Redding septage processed at the Danbury disposal facility and a formula used to calculate Danbury's cost to process septage as agreed to by Redding in Schedule A of the Interlocal Agreement for Disposal of Septage Waste dated November 6, 1984.

**§ 352-8. Penalties for offenses.**

- A. The owner of any organization which pumps or disposes of septage without obtaining permits as described in this article and by instruction of the Health Officer is in violation of this article and shall be subject to a fine of \$50 for the first violation. Owners holding annual permits to pump who violate this article after the first violation shall be subject to termination of their permit for one year.<sup>7</sup>
- B. If a pumper licensed by the Town of Redding delivers to the Danbury disposal facility any discharge of material collected in the Town of Redding prohibited by Section 2.2 of the Interlocal Agreement for Disposal of Septage Waste, then the Town of Redding shall hold harmless and indemnify the City of Danbury from any and all claims, damages, losses, expenses, or enforcement actions, including reasonable attorney fees, which may arise from said discharge.
- C. Any septage pumping organization that fails to pay within 30 days invoices for septage disposed of at the Danbury disposal facility shall have its permit to pump septage in Redding revoked.

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<sup>7</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

## Chapter 35

### ETHICS, CODE OF

**[HISTORY: Adopted by the Town of Redding 6-22-1973; amended 3-14-1979; 10-15-2001. Subsequent amendments noted where applicable.]**

#### GENERAL REFERENCES

Rules and Regulations of the Board of Ethics — See Ch. A501.

#### **§ 35-1. Findings; purpose; applicability.**

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; that the public have confidence in the integrity of its government; and that all officials and employees of the Town shall carry out the objectives expressed by the electorate and the programs and policies developed to attain those objectives. In recognition of these goals, there is hereby established in the Town of Redding a Code of Ethics setting forth standards of ethical conduct for all Town officials, including all members of boards and commissions, whether such officials and members are elected or appointed, and all employees of the Town, with the exception of employees of the Board of Education who shall be governed by regulations of the Board and state statutes.

#### **§ 35-2. Responsibilities of public office.**

- A. Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of the state and to carry out impartially the laws of the nation, state, and municipality and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern.
- B. "Employee" means a person working on a salary or hourly basis for the Town of Redding and includes all stenographic, secretarial and clerical employees, Highway Department employees and persons appointed to positions, for example and not by way of limitation, such as Assistant Town Clerk, Sanitary, Zoning, Building and Subdivision Enforcement Officers, Comptroller and Assessor.

#### **§ 35-3. Dedicated service.**

Town officials and employees shall not exceed their authority or breach the law or ask others to do so, and they shall work in full cooperation with other public officials and

employees unless prohibited from so doing by law or by the officially recognized confidentiality of their work.

**§ 35-4. Fair and equal treatment.**

- A. Use of public property. No Town official or employee shall request or permit the use of Town-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such Town official or employee in the conduct of official business; and
- B. Obligations to citizens. No Town official or employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

**§ 35-5. Conflict of interest.**

No Town official, employee or person who is paid to render services to the Town shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her duties in the public interest or would tend to impair his or her independence of judgment or action in the performance of those duties. Personal as distinguished from financial interest includes an interest arising from blood or marriage relationships or close business or political association. No definition herein shall be construed to be less demanding than the relevant state statutes or state court decisions. Specific conflicts of interest are enumerated below for the guidance of all Town officials, employees and persons who are paid for services rendered to the Town.

- A. Incompatible employment. No Town official, employee or person who is paid to render services to the Town shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his or her duties in the public interest or would tend to impair his or her independence of judgment or action in the performance of those duties.
- B. Disclosure of confidential information. No Town official, employee or person who is paid to render services to the Town shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the Town, nor shall he or she use such information to advance the financial or other private interest of himself or herself or others.
- C. Gifts and favors. No Town official, employee or person who is paid to render services to the Town shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person who, or firm or corporation which, to his or her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the Town, nor shall any such Town official, employee or person who is paid to render services to the Town:
  - (1) Accept any gift, favor or thing of value that may tend to influence him or her

in the discharge of his or her duties in the public interest; or

- (2) Grant in the discharge of those duties any improper favor, service, or thing of value.
- D. Representing private interests before Town agencies or courts. No Town official, employee or person who is paid to render services to the Town shall appear in behalf of private interests before any agency of the Town. He or she shall not represent private interests in any action or proceeding against the interests of the Town in any litigation to which the Town is a party.
- E. Contracts with the Town. Any Town official or employee who has a direct or indirect interest, either individually or through a business entity, in any transaction or contract with the Town, or in the sale of real estate, materials, supplies, or services to the Town, shall make known to the proper authority such interest in any matter on which he or she may be called to act in his or her official capacity.
- F. Disclosure of interest.
- (1) Any Town official, employee or person who is paid to render services to the Town who usually participates in or is asked to participate in discussion with or usually gives or is asked to give an official opinion to a Town official, board, or commission and who has a financial or other personal interest in the matter before such Town official, board or commission shall disclose on the record the nature and intent of such interest and shall abstain from participating in the decision on such matter because of possible conflict of interest.
  - (2) Any Town official, employee or person who is paid to render services to the Town and who has a financial or other personal interest in a matter involving the Town before any regional, state, or federal authorities shall disclose on the record the nature and extent of such interest and shall abstain from participating in the decision on such matter because of possible conflict of interest.
  - (3) The above does not preclude the Town official, board, or commission from requesting facts within the knowledge of such abstaining Town official, employee or person who is paid to render services to the Town.
- G. Abstaining from participation. When a person, or relative of that person, has a matter pending before any Town board or commission of which he or she is a member, that person shall neither participate in discussions about nor vote on that matter until after the matter shall have been settled, including any appeals therefrom which may return the matter to the board or commission. However, the board or commission may request information from the member in the course of its deliberations. The member may continue to discuss and vote on other matters. (As in Subsection F the above does not preclude any Town official, board or commission from requesting facts within the knowledge of such abstaining person.)

**§ 35-6. Political activity.**

- A. Use of position. No Town official or employee shall use the prestige of his or her position on behalf of any political party.
- B. Solicitation. No Town official or employee shall orally, by letter, or otherwise solicit any assessment, subscription, or contribution to any local political party.
- C. Promise of reward. No Town official or employee shall promise an appointment to any municipal position as a reward for any local political activity.
- D. Acceptable activities. All Town officials and employees are free to engage in political activity to the widest extent consistent with the restrictions imposed by law and these regulations. Each employee retains the right to register and vote in any election; express his or her opinion as an individual privately and publicly on political subjects and candidates; display a political picture, sticker, badge or button; participate in the nonpartisan activities of a civic, community, social, labor or professional organization or of a similar organization; be a member of a political party or other political organization and participate in its activities to the extent consistent with law; attend a political convention, rally, fund-raising function, or other political gathering; sign a political petition as an individual; make a financial contribution to a political party or organization; take an active part, as a candidate or in support of a candidate, in a nonpartisan election; be politically active in connection with a question which is not specifically identified with a political party, such as constitutional amendment, referendum, approval of a municipal ordinance or any other question or issue of a similar character; serve as an election judge or clerk or in a similar position to perform nonpartisan duties as prescribed by law; and otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise the neutrality, efficiency or integrity of his or her administration of Town programs.
- E. Prohibited activities. Subsection D of this section does not authorize an official or an employee to engage in political activity in violation of federal, state or local law or the regulations of this code while on duty as an employee or while performing an official function.

**§ 35-7. Board of Ethics.**

- A. Appointment and tenure. The Board of Selectmen shall appoint a Board of Ethics, consisting of five electors of the Town, not more than three of whom shall be members of the same political party and none of whom shall hold any other appointed or elected Town office or be a Town employee. Effective August 1, 1973, three members of the Board of Ethics shall be appointed for a two-year term and two members shall be appointed for a one-year term. Their successors shall be appointed to serve for a term of two years; such term shall commence with the date of appointment. The Board of Selectmen shall appoint an elector of the Town to serve as an alternate. The initial term of said alternate shall be from the time of appointment until the following August 1, and said alternate shall thereafter be appointed for a two-year term. The alternate may be appointed to serve for successive two-year terms. In the event that the alternate is appointed as a full

member of the Board during his or her term as an alternate, his or her initial date of appointment shall be that on which he or she was first appointed to serve as alternate. No elector may serve more than six consecutive years, including service as an alternate. After a lapse of one year from the end of the last term such elector shall again be eligible for appointment to the Board. Vacancies shall be filled by appointment by the Board of Selectmen.

- B. Rules, regulations and amendments. The Board of Ethics may adopt, after a public hearing, reasonable rules and regulations not inconsistent with this code for the administration of this code. Prior to adoption of rules, regulations or amendments thereto, the Board shall file with the Town Clerk and the First Selectman, 15 days before the public hearing, a full copy of the text of the proposed rules, regulations and amendments thereto and shall publish a notice of the time, place, date and general purpose of the public hearing in a newspaper having general circulation in the Town. Any rules, regulations or amendments thereto shall become effective after adoption on the date the full text of the same is filed with the Town Clerk's office.<sup>1</sup>
- C. Receiving complaints. The Board shall receive complaints of violations of this code and shall, upon such complaint or on its own initiative, make such inquiry of the pertinent facts stated in the complaint as may be necessary to ascertain their truth and accuracy and may hold hearings thereon; provided, however, that the Board shall hold a hearing at the request of any person whose conduct is called into question. Such hearing shall afford such person the opportunity to cross-examine anyone complaining of his or her conduct and to meet and answer any complaint made of his or her conduct.
- D. Report of findings. The Board shall, not later than 31 days after the hearing, file with the Board of Selectmen and deliver by hand or send by certified mail to the person who is the subject of the hearing a copy of the report of its findings as to whether or not a violation of this code has occurred with its reasons for its decision. The Board of Selectmen shall thereupon take such action as it may deem appropriate.
- E. Advisory opinions. The Board may render advisory opinions to any official or employee and to any resident of the Town pursuant to written request.
- F. Hypothetical situations. Hypothetical situations will not be reviewed by the Board.
- G. Report of findings. The Board may make public its findings and opinions with such deletions as it may deem necessary or desirable if it wishes to prevent disclosure of the identity of the official or employee involved.

#### **§ 35-8. Advisory opinions.**

When a Town official, employee or resident has doubt as to the applicability of a provision of this code to a particular situation, he or she shall apply to the Board of Ethics

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1. Editor's Note: See Ch. A501, Rules and Regulations of the Board of Ethics.

for an advisory opinion and be guided by that opinion when given. The official, employee or resident shall have the opportunity to present his or her interpretation of the facts at issue and of the applicable provisions of the code before such advisory decision is made.

**§ 35-9. Employment after termination of municipal service.**

No municipal employee or official shall enter the employment of any person, firm or corporation who or which is involved in transactions or who or which has contracts pending with the municipality for a period of six months after the employee's or official's municipal service has terminated.

**§ 35-10. Sanctions.**

Violation of any provision of this code should raise conscientious questions for the Town official or employee concerned as to whether voluntary resignation or other action is indicated to promote the best interests of the Town. Violation may constitute a cause for suspension, removal from appointed office or employment, or other disciplinary action by the appointing authority.

## Chapter 360

### SOLID WASTE

**[HISTORY: Adopted by the Town of Redding 11-1-1990. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Open burning — See Ch. 201.  
Littering — See Ch. 280.  
Storage of vehicles — See Ch. 394.

#### ARTICLE I General Provisions.

##### § 360-1. Purpose.

In order for the Town of Redding to effectively deal with its solid waste, including recyclables, and to meet the State of Connecticut mandate enacted in Public Act No. 90-220,<sup>1</sup> a public ordinance must be adopted and strictly adhered to by Town residents, businesses, and occupants.

##### § 360-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**BOARD OF SELECTMEN** — The Board of Selectmen of the Town of Redding, Connecticut. When used in reference to a voting body, "Board of Selectmen" shall be taken to include the phrase "or a majority thereof."

**COMMERCIAL SOLID WASTE HAULER** — Any person, firm or corporation (other than an incidental commercial user) whose business activity is collecting, picking up, and/or transporting solid waste and depositing or dumping the same in the Town solid waste facility.

**RECYCLABLES** — Any item designated by the State Department of Environmental Protection or the Board of Selectmen which can be separated or diverted from other solid waste as defined below under "recycle."

**RECYCLE** — To separate or divert an item from the solid waste stream in order to process, cause to be processed, or store for later processing into a material product, including the production of compost. Nothing in this definition shall preclude the use of waste oil as fuel in an oil burner or of scrap tires as fuel in an incinerator.

**REFUSE** — That part of the solid waste stream remaining after recyclables have been removed.

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1. Editor's Note: See C.G.S. § 22a-220.

**SOLID WASTE** — Unwanted or discarded materials; an all-encompassing term including, but not limited to, garbage, demolition and construction debris, refuse, recyclables, and materials from land clearing.

**TOWN SOLID WASTE FACILITY** — The area or areas designated by the Board of Selectmen for the handling of the Town's solid waste. This facility may include a landfill, transfer station and/or recycling center.

**TRANSFER STATION/RECYCLING COORDINATOR** — The municipal agent designated by the Board of Selectmen to administer the notice and enforcement provisions of this chapter.<sup>2</sup>

## ARTICLE II Authority, Powers and Duties

### § 360-3. Authority to direct solid waste.

- A. The Board of Selectmen shall have the final authority to direct all solid waste generated within the Town to the Town solid waste facility or other facility as permitted and required by HB 5855, Public Act 90-220, as amended.
- B. The Board of Selectmen shall establish specific procedures as are necessary in the public interest for the separation, recovery, collection, removal, storage, and disposal of solid waste, including recyclables.
- C. The Board of Selectmen shall have the authority to add or delete, from time to time, items deemed recyclables, so long as such action is not in conflict with Connecticut General Statutes or State Department of Environmental Protection regulations.
- D. The Board of Selectmen will establish a schedule of fees for depositing any and all solid waste in the Town solid waste facility, including deposits made by commercial solid waste haulers, incidental commercial users, and individual residents of the Town.
- E. The Board of Selectmen will establish a schedule of fines and penalties and a process for revocation of permits for violation of this chapter.

### § 360-4. Responsibilities of owners, occupants and commercial solid waste haulers.

- A. Each property owner, resident occupant, business owner or tenant will be responsible for providing proper disposal of all solid waste generated in his premises in accordance with the requirements of this chapter, including the separation of recyclables, delivery of refuse and recyclables to the Town solid waste facility, proper on-site storage of solid waste and proper methods of on-site disposal.
- B. Every commercial solid waste hauler who intends to haul solid waste generated by residential, business, commercial or other establishments in the Town shall register

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<sup>2</sup>. Editor's Note: Throughout this chapter, references to the "Recycling Coordinator" were amended to "Transfer Station/Recycling Coordinator" at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

with the Transfer Station/Recycling Coordinator and shall disclose the name of any other municipality in which such commercial solid waste hauler hauls such solid waste. Registered commercial solid waste haulers shall be responsible for the delivery of solid waste to the Town solid waste facility in accordance with the requirements of this chapter.

ARTICLE III  
**Recycling**

**§ 360-5. Processing of recyclables.**

- A. All items designated by the State Department of Environmental Protection, and any other items designated by the Board of Selectmen, shall be considered recyclables and shall be subject to separation and disposal as required by this chapter.
- B. Each person who generates solid waste from a residential property shall separate from other solid waste the items designated for recycling by the State of Connecticut or by the Selectmen pursuant to this chapter before giving said items to a commercial solid waste hauler for disposal or before disposing of said items at the Town solid waste facility. Every other person, business or organization generating solid waste shall make provisions for the separation of recyclables from other solid waste.
- C. No recyclable item shall be put into any area of the Town solid waste facility other than the areas designated, either by commercial solid waste haulers, individuals, or their agents. Improper disposal of recyclables shall be subject to fines as established by the Board of Selectmen as provided in § 360-11 of this chapter.
- D. Commercial solid waste haulers have the responsibility to visually inspect residential solid waste for separation of recyclables. Solid waste from which recyclables have not been separated will not be transported. The commercial solid waste hauler will provide a warning notice, by tag or other means, to any person suspected by the commercial solid waste hauler of violating separation requirements. The commercial solid waste hauler shall notify the Transfer Station/Recycling Coordinator or other designated agent of such violations.
- E. Recyclables shall be prepared according to procedures established by the Board of Selectmen or Transfer Station/Recycling Coordinator.

**§ 360-6. Ownership of recyclables.**

- A. It shall be a violation of this chapter for any person, partnership, firm, or corporation, or any other entity, other than the depositors of recyclables or their authorized commercial solid waste hauler, to pick up, or cause to be picked up, recyclables which have been placed in the appropriate container and location for collection.
- B. No commercial solid waste hauler shall dispose of residential recyclables collected within the Town of Redding in any facility other than the Town solid waste facility or such location as the Board of Selectmen shall direct.

- C. Nothing in this chapter shall prohibit any person or business from selling his or its self-generated recyclables, including but not limited to deposit beverage containers, to any program lawfully operated, whether for profit, nonprofit or charitable purposes, provided that such recyclables have not been placed in the appropriate container and location for collection.

ARTICLE IV  
**Town Solid Waste Facility**

**§ 360-7. Solid waste originating outside of Town.**

The dumping or disposal in the Town solid waste facility of any solid waste generated from a source outside of the Town is prohibited. Recyclables originating outside of the Town may be permitted at the Town solid waste facility, subject to procedures established by the Board of Selectmen.

**§ 360-8. Scavenging.**

There shall be no scavenging at the Town solid waste facility unless authorized by the Board of Selectmen.

**§ 360-9. Unacceptable solid waste.**

Certain types of refuse will not be accepted by the Town solid waste facility, including but not limited to:

- A. Hazardous materials, including but not limited to medical wastes, explosives, radioactive materials, toxic materials, flammables, pesticides, pesticide containers, and sewage sludge from septic systems.
- B. Materials resulting from the construction of a building larger than 120 square feet or an addition larger than 600 square feet.
- C. Materials that are smoldering or burning.
- D. Stumps and logs larger than 10 inches in diameter.

ARTICLE V  
**Administration and Enforcement**

**§ 360-10. Permits.**

- A. No registered commercial solid waste hauler shall deposit or dump any solid waste in the Town solid waste facility without first obtaining a permit from the Transfer Station/Recycling Coordinator.
- B. No resident shall deposit or dump refuse in the Town solid waste facility without a valid permit. A permit sticker must be obtained for each vehicle used to convey solid waste to the Town solid waste facility. The permit sticker must be properly displayed on each vehicle. The Board of Selectmen may also establish a procedure requiring a permit for disposal of recyclables at the Town's solid waste facility

designated for recyclables.

- C. Fees for solid waste disposal permits shall be established by the Board of Selectmen.

**§ 360-11. Penalties for offenses.**<sup>3</sup>

- A. Fines of up to \$250 per violation shall be established by the Board of Selectmen for the following violations:
  - (1) Dumping or depositing at the Town solid waste facility of any solid waste originating at a source outside of the limits of the Town.
  - (2) Depositing solid waste, including either recyclables or refuse, in any place other than the area specifically designated for such purpose.
  - (3) Dumping or depositing unacceptable solid waste.
  - (4) Refusing to remove or cause to be removed solid waste deposited at any place other than the designated Town solid waste facility or the proper area of the solid waste facility, after having been ordered to do so by the Board of Selectmen, the Transfer Station/Recycling Coordinator, or other designated agent.
  - (5) Any material misrepresentation or omission in the completion of any permit application or in provision of any other information pursuant to this chapter.
  - (6) Unauthorized scavenging.
- B. Any commercial solid waste hauler who dumps or disposes of more than one cubic foot in volume of solid waste at one time in an area not designated for such disposal within the Town solid waste facility, including the knowing mixing of recyclables with other solid waste, shall be subject to a fine up to \$1,000.

**§ 360-12. Warning notice; inspections.**

- A. Commercial solid waste haulers shall issue a warning notice to any resident or business who or which fails to separate recyclables from refuse and shall also notify the Transfer Station/Recycling Coordinator or other designated agent of such violation, as provided in § 360-5D of this chapter. Nonseparated solid waste shall not be transported.
- B. All solid waste brought to the Town solid waste facility shall be subject to visual inspection by the Transfer Station/Recycling Coordinator or other designated agent of the Town. Nonseparated solid waste will not be accepted by the Town solid waste facility.

**§ 360-13. Enforcement.**

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<sup>3</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- A. Any person violating any section of this chapter shall be subject to fines or penalties as designated in this chapter or as established by the Board of Selectmen pursuant to this chapter.
- B. The Transfer Station/Recycling Coordinator or the Board of Selectmen may issue a notice of intention to revoke a permit issued pursuant to § 360-10 of this chapter for any violation of this chapter. Within 10 days of the issuance of such notice, the Board of Selectmen shall hold a hearing to determine if the permit will be revoked. The notice of intent will include a description of the alleged violation, a statement that the permit has been suspended pending the completion of the hearing, and the date, time, place and purpose of the hearing. Such notices shall be sent by certified mail.
- C. The Board of Selectmen may reissue a permit no sooner than one year from the date of revocation of such permit.
- D. No person, company, or agent of such company shall have a permit reissued after two revocations of such permit.

ARTICLE VI  
**Municipal Solid Waste Management**  
[Added 7-1-1993]

**§ 360-14. Purpose.**

There is hereby established a program for the mandatory disposal of acceptable waste generated within the Town of Redding in compliance with C.G.S. § 22a-220 thereby providing for long-term disposal of wastes and providing for the health and welfare of the citizens of the Town.

**§ 360-15. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**ACCEPTABLE WASTE**

- A. All household garbage, trash, rubbish, refuse, and combustible agricultural, commercial, governmental and light industrial waste now normally or which may be hereinafter collected and disposed of by or on behalf of the Town, but excluding:
  - (1) Explosives and ordnance materials, pathological wastes, chemicals, radioactive materials, oil, sludges, highly inflammable substances, cesspool or other human wastes, human and animal remains, motor vehicles or parts thereof, farm or other large machinery, nonburnable construction materials and demolition debris (but home remodeling waste and debris in reasonable quantities are not considered "demolition debris") and hazardous refuse of any type or kind [including those addressed by regulations adopted by the United States Environmental Protection Agency (EPA) pursuant to the Resource Conservation Recovery Act of 1976, as amended, or other federal statutes or adopted by the Connecticut Department of Environmental Protection (DEP),

such as, but not limited to, cleaning fluids, crankcase oils, cutting oils, hazardous paints, acids, caustics, poisons, drugs, radioactive materials, fine powdery earth used to filter cleaning fluid and refuse of similar nature].

- (2) Any item of waste exceeding six feet in any one of its dimensions or being in whole or in part of a solid mass, the solid mass portion of which has dimensions such that a sphere with a diameter of eight inches could be contained within such solid mass portion.
- (3) All large household appliances, commonly referred to as "white goods," including, without limitation, refrigerators, stoves, washing machines, drying machines and the like.
- (4) All items designated from time to time by the Commissioner of the Connecticut DEP pursuant to the provisions of C.G.S. § 22a-241b(a) as suitable for recycling and such other items as are actually recycled.
- (5) All other items of waste which the Town and the Authority reasonably believe would be likely to pose a threat to health or safety or the acceptance and disposal of which may cause damage to the transfer station or be in violation of any judicial decision, order or action of any federal, state or local government or any agency thereof, or any other regulatory authority or applicable law or regulations.

B. The Town recognizes that some substances which are not, as of the date of this article, considered harmful or of a toxic nature or dangerous may be determined as such by DEP and/or EPA subsequent to the date hereof as hazardous, toxic, dangerous or harmful, and at the time of such determination such substances shall cease to be acceptable waste.

**AUTHORITY or HRRRA** — The Housatonic Resources Recovery Authority.

**COLLECTOR** — Any person who holds himself out for hire to collect solid waste from residential, business, commercial or other establishments within the Town.

**COORDINATOR** — The Town of Redding Transfer Station/Recycling Coordinator or such other official as may be designated by the Selectmen of the Town of Redding.<sup>4</sup>

**DESIGNATED TRANSFER STATION** — The transfer station located in the greater Redding area to which the HRRRA participating municipalities shall cause their acceptable waste to be delivered, for transfer by WES to one or more resource recovery facilities.

**PERSON** — Any individual, corporation, partnership, association or other entity or organization of any kind.

**RESIDENTIAL PROPERTY** — Real estate containing one or more dwelling units, but shall not include hospitals, motels or hotels.

**SOLID WASTE** — Solid, liquid, semisolid or contained gaseous material that is

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<sup>4</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

unwanted or discarded, including but not limited to demolition debris, material burned or processed at a resource recovery facility or incinerator, material processed at a recycling facility and sludges or other residue from a water pollution abatement facility, water supply treatment plant or air pollution control facility.

TOWN — The Town of Redding.

WES — Wheelabrator Environmental Systems, Inc.

**§ 360-16. Designation of transfer station site.**

The Town does hereby designate the following authorized sites for the disposal of acceptable waste generated within the corporate limits of the Town of Redding:

- A. Each collector authorized to collect solid waste within the Town shall deliver all acceptable waste to the transfer station located at 55 South Street, Ridgefield, Connecticut, which shall be the designated transfer station.
- B. All Redding residents not served by a collector who wish to dispose of their own acceptable waste, if generated within Redding from residential property, shall deliver said waste to the Redding transfer station site.

**§ 360-17. Collection, transportation and disposal of solid waste.**

- A. Collectors registered with and holding valid permits issued by the Town shall deliver all acceptable waste collected within the Town to the designated transfer station. Only the Town and collectors so registered and permitted shall be designated or otherwise authorized to collect and deliver acceptable waste to the designated transfer station. In case of the temporary unavailability of the designated transfer station, acceptable waste may be diverted to another transfer station or site by the Town, HRRRA or WES.
- B. No solid waste collected from outside the corporate limits of the Town shall be disposed of at the designated transfer station under a permit issued pursuant to the provisions of Article V of this chapter.
- C. No person shall drive or move any truck or other vehicle within the Town of Redding unless such vehicle is so constructed or loaded so as to prevent any load, contents or litter from being blown or deposited upon any street, alley, or other public place.
- D. Collectors shall deliver acceptable waste only during the designated transfer station's scheduled delivery days and hours or during other published days and hours as agreed upon in advance by HRRRA and WES.
- E. Collectors shall use only vehicles that are in a safe and clean condition, in good repair, with the capability of mechanically dumping their contents, and have a capacity of three tons or more.
- F. Collectors shall use only those highway routes designated by the Town, or by WES with the approval of the HRRRA and Town, for the delivery of acceptable waste to

the designated transfer station.

- G. Collectors shall deliver acceptable waste in a clean, orderly, and safe manner and adhere to all reasonable rules and regulations as made known to the collector by the Town or HRRRA, or by WES with the approval of the HRRRA, at all times when vehicles and/or personnel of the collector are at the transfer station.

**§ 360-18. Duties and qualifications of collectors.**

- A. During the annual permit process required pursuant to the provisions of Article V hereof, each collector shall obtain from the Town a permit(s) which shall be conspicuously displayed on the left front portion of the body of each vehicle or container to be used by the collector in the collection and transportation of solid waste or in such other location on said vehicle or container as the Town shall direct.
- B. During the annual permit process required pursuant to the provisions of Article V hereof, each collector shall sign an affidavit of origin, under penalty of false statement, stating that all acceptable waste disposed of at the designated transfer station in the name of the Town or its residents shall originate from within the corporate limits of the Town.
- C. Prior to the sale or transfer of all or part of a collector's solid waste collection route to any collector not registered with or permitted by the Town in accordance with the provisions of Article V hereof, the collector shall first notify the Coordinator, in writing, of his or her intent to sell or transfer all or a part of the route. The nonregistered collector shall, at the same time, make application for a permit to operate in the Town.<sup>5</sup>
- D. Prior to the annual issuance or renewal of its collection permit, each collector shall report to the Town the number of tons of acceptable waste collected monthly within Redding and deposited at the designated transfer station. Said report shall be on a form supplied by the Coordinator.<sup>6</sup>
- E. Each collector shall present a copy of his or her Town permit and registration forms to WES and HRRRA and shall properly display each vehicle or container registration permit prior to delivering acceptable waste to the designated transfer station.
- F. Each collector shall provide insurance covering his or her operation, which coverage shall name the HRRRA, WES and the Town of Redding as additionally insured. Such coverage shall include, but not be limited to, general liability, automotive liability, excess liability, workers' compensation and employer's liability in amounts deemed reasonable and adequate by the Town. Each collector shall provide the HRRRA, the Town and WES with a certificate of insurance identifying the limits of available insurance coverage and indicating that the issuing company shall endeavor to afford the HRRRA, the Town and WES not less than 30 days' written notice prior to the cancellation of any such policy.

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<sup>5</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

<sup>6</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- G. Each collector shall provide to the Town of Redding and to HRRRA or WES a suitable performance bond, letter of credit or cash security to insure the performance of his or her obligations hereunder.
- H. Each collector shall accurately identify for HRRRA and WES the tonnage of all acceptable waste collected by such collector within each municipality and delivered to the designated transfer station.
- I. Each collector shall be responsible for the removal and disposal of or the cost of removal and disposal of, if performed by other than the collector, rejected waste, including:
  - (1) Waste other than acceptable waste.
  - (2) Waste delivered at other than established receiving hours.
  - (3) Waste delivered in a manner or by means not in conformity with the requirements hereof or of the HRRRA/WES Waste Supply and Disposal Agreement.
  - (4) Waste which WES is unable to accept as a result of a force majeure event.
- J. Each collector shall be responsible for paying all reasonable costs incurred in connection with handling, transporting, and disposing of any nonacceptable waste requiring special handling delivered to the designated transfer station or facility.
- K. Each collector delivering acceptable waste to the designated transfer station shall be responsible for the payment of the service fee charged in connection with such delivery of acceptable waste in accordance with all reasonable rules and regulations administered by WES and approved by HRRRA. Each collector shall make payment of all undisputed amounts within 30 days from the date of invoicing by the Town or WES. Collectors shall promptly pay disputed amounts upon resolution of the dispute. Collectors shall be obligated to pay interest at the prime rate established by the Connecticut National Bank on all overdue payments.
- L. WES may reject any deliveries from collectors who have not made payment of amounts due within 60 days from invoicing by the Town or WES until such collector pays in full all past-due amounts, including interest.<sup>7</sup>

**§ 360-19. Suspension or revocation of permits.**

- A. In addition to the remedies provided by law in case of nonpayment or noncompliance with the provision with this article, the Coordinator is authorized to suspend or revoke any permits issued pursuant to the provisions of Article V hereof. Except for good cause shown, the duration of any such suspension or revocation occurring within any five-year period shall be as follows and/or as provided in Article V:<sup>8</sup>

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<sup>7</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

<sup>8</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (1) Upon a first offense, any permit issued to the offender shall be suspended for a period of 14 days.
  - (2) Upon a second offense, any permit issued to the offender shall be suspended for a period of 28 days.
  - (3) Upon any subsequent offense, any permit issued to the offender shall be revoked for a period of two years.
- B. Any collector whose permit is either suspended or revoked or who is otherwise penalized pursuant to the provisions of this section shall be entitled to a hearing as provided in Article V hereof.

## Chapter 370

### TAXATION

**[HISTORY: Adopted by the Town of Redding as indicated in article histories. Amendments noted where applicable.]**

#### ARTICLE I

##### **Elderly Tax Relief**

**[Adopted 6-18-1975; amended 4-27-1978; 6-28-1988; 4-15-2004]**

##### **§ 370-1. Enactment; authority.**

The Town of Redding hereby enacts tax relief for the elderly pursuant to C.G.S. § 12-129n on the terms and conditions provided herein.

##### **§ 370-2. Eligibility.**

Any person who owns real property in the Town of Redding or is liable for the payment of taxes thereon pursuant to C.G.S. § 12-48 and occupies real property as a residence shall be entitled to a tax benefit not to exceed the product of 20% of the average, single-family dwelling, real estate assessment, as determined by the Town of Redding Assessor, multiplied by the mill rate then in effect, provided that all of the following conditions are met:

- A. Such person is 65 years of age or over, or his or spouse is 65 years of age or over and resides with said person.
- B. Such person has resided at and paid real estate taxes on a residence located in Redding for a period of three years prior to his or her application for tax relief:
- C. The property for which the benefit is claimed must be the legal domicile of such person and occupied more than 183 days of each year.
- D. Before the tax benefit created by this resolution or any portion thereof shall be given, such person must first apply for tax relief under any state statutes for which he or she is eligible, and provided further that the benefit granted by the Town, together with all tax relief benefits obtained from the State of Connecticut pursuant to state law, may not result in a reduction of the applicant's total real estate tax by more than 75% of the amount thereof before any state or local tax relief payments. If such applicant has not applied for tax relief under any state statute because he or she is not eligible, he or she shall so certify by filing annually on a form acceptable to the Assessor an affidavit testifying to his or her continued ineligibility.
- E. The application for tax relief must be made after such person becomes eligible to apply, as provided in § 370-5 of this article.

**§ 370-3. Applicability.**

The tax benefit for real property as provided herein shall apply to only the residence itself, the parcel of land on which the residence is located, and improvements on said parcel of land.

**§ 370-4. Fractional shares.**

In any case where title to real property is recorded in the name of the taxpayer or his or her spouse and any other person or persons, the tax relief provided herein will be prorated by the Assessor of the Town of Redding to reflect the fractional share of such taxpayer or spouse.

**§ 370-5. Application for benefit.**

In order to be entitled to the benefits provided herein, an application must be filed with the Assessor of the Town of Redding after such person or his or her spouse reaches 65 years of age and on or before May 15 of any year. Upon filing of a proper application for benefit, the Tax Collector shall grant the benefit for all years thereafter, so long as the applicant continues to remain eligible for such tax relief, and the applicant shall not be required to file annually for a benefit for each year.

**§ 370-6. When effective.**

This article shall take effect upon passage and shall apply to taxes on and after the list of assessment years commencing October 1, 2003, provided, further, that any applicant eligible hereunder shall also be entitled to receive a credit in an amount as calculated in § 370-2 of this article.

ARTICLE II  
**Real Property Exemption**  
[Adopted 9-5-1985]

**§ 370-7. Authority; effective date of exemption.**

Pursuant to the provisions of C.G.S. § 12-81b, it is hereby ordained that any real property tax exemption authorized by C.G.S. § 12-81(7) through (16), inclusive, as amended, shall be effective as of the date of acquisition of property to which the exemption applies, commencing with the effective date of October 1, 1985.

**§ 370-8. Refunds.**

In the event that a tax-exempt organization acquires such property and pays any tax on such property covering the period subsequent to the purchase date, either directly to the Tax Collector or by reimbursing the prior owner for any tax paid for said period, the Tax Collector shall first certify in writing to the exempt organization that said tax has been paid for said period subsequent to the purchase of property and shall then refund said exempt organization an amount equal to the amount of taxes paid for the period subsequent to the date of purchase.

ARTICLE III  
**Abatement for Members of Volunteer Fire and EMS Services**  
[Adopted 5-1-2000]

**§ 370-9. Purpose.**

The purpose of this article shall be to provide tax abatements for members of the Town Volunteer Fire Departments and Emergency Service personnel.

**§ 370-10. Eligibility requirements.**

- A. All persons eligible must be residents of the Town of Redding prior to the fiscal year in which the tax abatement is being sought.
- B. Only active members of the Town's Fire Departments (West Redding, Redding Ridge and Georgetown) and Emergency Medical Service are eligible.
- C. Only members of the Town's Fire Departments who have qualified for 50 points or more are eligible to receive an abatement.

**§ 370-11. Determination of abatement.**

All abatements shall be determined on a fiscal year basis. The amount of the tax abatement shall be determined in accordance with the following point system, currently used by the Georgetown Fire Department, or other point systems that may be authorized by the Board of Selectmen:

| <b>Points</b> | <b>Tax Abatement<br/>(per fiscal year)</b> |
|---------------|--|
| 50 to 74      | \$500                                      |
| 75 to 99      | \$750                                      |
| 100 or more   | \$1,000                                    |

**§ 370-12. Application of abatement.**

Tax abatements shall be applied first to real estate appearing on the grand list in the name of the qualifying member, or if there is no real estate, or if it is of insufficient value to accommodate the full allowable credit, then the abatement shall be applied to any other property in the name of the qualifying member.

**§ 370-13. Failure to utilize credit.**

Failure to make full utilization of the credit (or any use whatsoever) because of grand list property of insufficient value shall not be construed to create any carryover abatement credit for use in subsequent fiscal years.

**§ 370-14. Administration of tax abatement program.**

- A. The Tax Collector shall provide a form to the President of each Department who shall certify the eligibility of each member of said Department and the amount of the abatement as provided for in § 370-11.
- B. Fire Departments shall submit for the following fiscal year signed forms with its members' certification of eligibility and participation in the tax abatement program to the Tax Collector on or before March 1 of each fiscal year, and said abatement shall be applied to taxes due and payable on July 1 of each fiscal year.

ARTICLE IV  
**Exemption for Motor Vehicles Equipped for Disabled Individuals**  
**[Adopted 7-14-2008]**

**§ 370-15. Exemption granted; statutory authority.**

There is hereby created, pursuant to C.G.S. § 12-81c(3), an exemption from personal property taxation for certain motor vehicles as defined in this article.

**§ 370-16. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**DISABLED INDIVIDUAL** — An individual whose licensed physician has attested in writing that the individual requires a specially equipped and/or modified motor vehicle as defined below as a result of the individual's medical incapacitation and/or disability.

**MOTOR VEHICLE** — A motor vehicle that is modified, equipped and/or fitted with special equipment to accommodate a disabled individual who is incapable of operating a motor vehicle of ordinary manufacture on his or her own, to use and operate such vehicle exclusively for transportation and/or to transport a disabled individual, excepting any such vehicle used to transport an individual for payment. Such special equipment may include but is not limited to hand controls, lifts, ramps, special seating, braking or acceleration mechanisms for manual operation, and significant physical alterations to accommodate medical equipment.

**§ 370-17. Eligibility.**

Any individual with disabilities who is a resident of the Town of Redding who owns a motor vehicle as described above or is a resident of the Town of Redding and the parent or guardian of a person with disabilities and owns a motor vehicle described above shall be eligible for exemption of the personal property taxes for one such motor vehicle.

**§ 370-18. Application procedure.**

The owner of such a motor vehicle described above may apply to the Assessor of the Town of Redding on a form prepared by the Assessor for personal property tax exemption for one motor vehicle.

- A. At the time the owner applies to the Assessor, the owner:
  - (1) Must provide proof in the form of documentation that the motor vehicle has

been equipped or adapted for use by a disabled individual as described above.

- (2) Shall provide proof of disability of the individual as described above in the form of a letter or other written document from a licensed physician attesting to the individual's need for a specially equipped and/or modified motor vehicle as defined above. Proof of the individual's disability shall be valid for a period of three years.
- B. Applications for such exemptions shall be filed annually from October 1 up through and including January 31 following the assessment date with respect to which such exemption is claimed.
  - C. The Assessor shall determine whether or not such vehicle has been adapted and/or modified in accordance with this article and that it will be used exclusively for the purpose of transporting a medically disabled or incapacitated individual for no payment.

**§ 370-19. When effective.**

This article shall be effective immediately and shall be applicable to those motor vehicles as of the assessment date of October 1, 2007. For all future assessment years, an application must be filed within the designated dates set forth above.

## Chapter 378

### TREES

**[HISTORY: Adopted by the Town of Redding as indicated in article histories. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Open space — See Ch. 306.

#### ARTICLE I Shade Trees [Adopted 5-27-1970]

##### **§ 378-1. Maintenance required.**

- A. Any tree not growing in a park or public highway but so located or growing as to extend its branches over a public park or public highway shall be so maintained by the owner, at his own expense, that there shall be a clear height of at least 14 feet above the surface of the public park or public highway;
- B. Any tree not growing in a public park or public highway but so located or growing as to extend its branches over a public park or public highway or so located near to a public park or public highway and to be in such physical condition that the tree causes a present danger to life or property within or passing within the proximate park or highway shall be treated, trimmed, pruned or removed by the owner, at his own expense, to remove the danger; and
- C. Should the Tree Warden determine that an owner is not acting in accordance with Subsection A or B above, then he may issue an order as provided in § 378-2 directed to the owner to correct the violation.

##### **§ 378-2. Order to comply.**

Should any owner fail to act in accordance with this article, the Tree Warden, after determining the facts, shall issue a written order, which may be delivered personally to the owner or sent by prepaid certified or registered mail to the owner at his last known address as listed in the Assessor's office, to comply within 10 days of the date of such order.

##### **§ 378-3. Work performed by Town; recovery of costs.**

Upon the failure of the owner to comply with the order of the Tree Warden, the Tree Warden may have the necessary tree work done, and within 60 days after completion of the work an assessment notice shall be sent by first-class mail to the owner by the First Selectman and if not paid a lien therefor in favor of the Town of Redding shall be filed by

the Tax Collector within 90 days after completion of such work against real property of said owner in the same manner and for the same period of time as a real estate tax lien.

## Chapter 394

### VEHICLES, STORAGE OF

**[HISTORY: Adopted by the Town of Redding 8-14-1970. Amendments noted where applicable.]**

#### **§ 394-1. Prohibited acts.**

Except as otherwise provided in § 394-2 hereof, no person, firm or corporation shall keep, deposit or store one or more unregistered motor vehicles or construction equipment vehicles or used parts of a motor vehicle or motor vehicles or construction equipment vehicles upon any premises within the Town of Redding unless such motor vehicle or motor vehicles or construction equipment vehicles are in an operative condition and in actual use on the premises of the owner.

#### **§ 394-2. Exceptions.**

The provisions of § 394-1 shall not apply to the keeping, depositing or storing of one or more unregistered motor vehicles and construction equipment vehicles or used parts thereof within a building or to a business duly licensed therefor by the Motor Vehicle Department of the State of Connecticut and approved by the Zoning Commission.

#### **§ 394-3. Penalties for offenses.** <sup>1</sup>

Any person, firm or corporation violating any of the provisions of this chapter shall be fined not more than \$90 for each offense, and a separate offense shall be deemed committed upon each day during or which a violation occurs or continues.

#### **§ 394-4. Removal by Town.** <sup>2</sup>

Pursuant to C.G.S. § 14-150a, the Town may provide for the removal of abandoned, inoperable or unregistered motor vehicles within the limits of such Town which remain unmoved for 30 days after notice to the owner of the property on which such motor vehicle so remains requesting removal of such motor vehicle and notice in a newspaper having a substantial circulation in the Town. The Zoning Enforcement Officer shall be responsible for notifying such owner, causing publication of the general notice and for removal and disposition of such motor vehicles.

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

## **Chapter 43**

### **FISCAL YEAR**

**[HISTORY: Adopted by the Town of Redding 5-26-1961. Amendments noted where applicable.]**

#### **§ 43-1. Uniform fiscal year.<sup>1</sup>**

The Town of Redding shall comply with the provisions of Chapter 110 of the Connecticut Statutes and hereby adopts the uniform fiscal year, to begin July 1, 1962. The tax collection dates of the uniform fiscal year shall be July 1 and January 1 of each year.

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**1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

## Chapter 60

### HOUSATONIC VALLEY COUNCIL OF ELECTED OFFICIALS

**[HISTORY: Adopted by the Town of Redding 6-24-1970. Amendments noted where applicable.]**

#### **§ 60-1. Duty of chief executive.**

The elected chief executive of the Town of Redding is instructed to:

- A. Join in council with like representatives in the Housatonic Valley Council of Elected Officials established pursuant to C.G.S. §§ 4-124c, 4-124d and 4-124e, as amended, for the purpose of planning jointly on area aspects of air pollution, water pollution, sewage facilities, refuse disposal, transportation, communication facilities, public safety, health and any other matters deemed of common interest to the Town of Redding and one or more of the communities represented in the Council.<sup>1</sup>
- B. Aid and cooperate with other like representatives in the organization and continuing operation of the Housatonic Valley Council of Elected Officials.
- C. Represent the Town of Redding at Council meetings and report to the Town's people and interested locally empowered boards, agencies and commissions on matters of special interest to Redding.
- D. Bind and commit the Town of Redding to expend only those funds authorized by the Town in the usual course of authorization and appropriation.
- E. Notify the Housatonic Valley Council of Elected Officials that no power now vested in any existing agency, board or commission of the Town of Redding, including its legislative body, is transferred to the Council.

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<sup>1</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

## Chapter 64

### HOUSATONIC RESOURCES RECOVERY AUTHORITY

**[HISTORY: Adopted by the Town of Redding 12-5-1986; amended 5-12-1989. Subsequent amendments noted where applicable.]**

#### **§ 64-1. Statute adopted.**

The provisions of Chapter 103b, §§ 7-273aa to 7-273oo, of the Connecticut General Statutes, as amended by the provisions of Public Act 85-478, are hereby adopted.

#### **§ 64-2. Creation.**

A public body politic and corporate of the state, to be known as the "Housatonic Resources Recovery Authority" (hereinafter referred to as the "Authority"), constituting a political subdivision of the State of Connecticut established and created for the performance of an essential public and governmental function, is hereby created for the purposes, charged with the duties and granted the powers provided in Chapter 103b, §§ 7-273aa to 7-273oo of the Connecticut General Statutes, as amended by Public Act 85-478, and Chapters 446D and 446E of the Connecticut General Statutes, as amended, which Authority is hereby designated as the Regional Resources Recovery Authority for the Town of Redding. The Authority shall be the Regional Resources Recovery Authority for the Town of Redding and for such other member municipalities as shall by ordinance concurrent herewith adopt the provisions of Chapter 103b of the Connecticut General Statutes, as amended, create the Authority and designate the Authority as their Regional Resources Recovery Authority and such other municipalities as shall by ordinance and upon such terms and conditions as the Authority may determine hereafter become member municipalities of the Authority.

#### **§ 64-3. Purpose.**

The Authority is established and created for the purpose of providing solid waste management and disposal services within the region of the Authority, which shall be the region within the jurisdiction of all of the member municipalities of the Authority, and which purpose includes providing for the disposal of residential and commercial solid waste, the financing, construction and operation of one or more solid waste disposal facilities for such purpose, and the delivery of solid waste thereto, including facilities for incineration of solid waste and production of steam, electricity and other by-products for sale to public utilities and others.

#### **§ 64-4. Membership; terms of office.**

The membership of the Authority shall consist of one member from each member municipality of the Authority. Each such member, including each of the first members of

the Authority, shall be appointed in the manner set forth in the concurrent ordinance adopted by each member municipality.

- A. Members shall serve for terms of three years, except that the first members of the Authority shall serve terms commencing July 1, 1986, and terminating as follows: Bethel, June 30, 1987; Bridgewater, June 30, 1988; Brookfield, June 30, 1989; Danbury, June 30, 1987; New Fairfield, June 30, 1988; New Milford, June 30, 1989; Newtown, June 30, 1987; Redding, June 30, 1988, and Ridgefield, June 30, 1989; provided, however, that members shall continue to serve until their successors are appointed and have qualified. In no event shall the terms of more than 1/2 of the members expire simultaneously. If because of the addition or reduction of the number of member municipalities the terms of more than 1/2 of the members would expire simultaneously, then the terms of a sufficient number of members shall be automatically extended for a period of one year. Said extensions shall be based upon the alphabetical order of the member municipalities.
- B. Each member municipality may appoint one alternate member of the Authority who shall act in the event of the disability or absence for any other reason of the member of the municipality. Said alternate representative shall have a voice at Authority meetings and vote at Authority meetings if the regular representative from said municipality is absent from the meeting.

**§ 64-5. Appointment of Town member and alternate.**

The Board of Selectmen of the Town of Redding shall appoint the Redding member and alternate to the Authority. The Board of Selectmen shall fill any vacancy which occurs and may remove said member or alternate for cause. No person shall be eligible for appointment as a Redding member or alternate to the Authority unless at the time of his appointment he is an elector of the Town. Any such person who ceases to be an elector of the Town shall thereupon cease to hold said office.

**§ 64-6. Voting.**

Except in the case of membership termination, the Authority shall operate with 100 voting units which shall be assigned to member municipalities in proportion to each municipality's share of the total population of all members of the Authority as determined by the latest decennial federal census of population. There shall be no fractional votes, and each municipality shall have a minimum of one vote. The distribution of voting units among members shall be recomputed following each decennial federal census and upon the withdrawal or termination of any member municipality or the admission of a new member municipality. All actions by the Authority shall require the affirmative vote of at least 51% of the total voting units present and voting at a duly called meeting of the Authority at which a quorum is present.

- A. Members of the Authority holding a majority of the voting units shall constitute a quorum, provided that no quorum shall be deemed to exist unless at least 51% of the members of the Authority shall be present and voting.
- B. In case of membership termination each member municipality shall have one vote

and there shall be no vote by voting units.

**§ 64-7. Compensation.**

Members of the Authority shall serve without compensation but may be reimbursed for their necessary expenses.

**§ 64-8. Withdrawal.**

Member municipalities may withdraw from the Authority only after agreeing, in writing, to comply with the terms and conditions contained in any contracts between such municipality and the Authority or the holders of any bonds of the Authority. No such withdrawal shall relieve such municipality of any liability, responsibility or obligation incurred by it as a member of the Authority or as a user of any of the Authority's projects.

**§ 64-9. Concurrent ordinances.**

This chapter shall be deemed to be concurrent with such ordinances as shall be enacted by the City of Danbury and the Towns of Bethel, Bridgewater, Brookfield, New Fairfield, New Milford, Newtown, and Ridgefield which ordinances are not inconsistent in any material respect with the provisions of this chapter. This chapter shall be deemed concurrent even though said ordinances are not adopted simultaneously by said municipalities and even though one or more of said municipalities shall fail to adopt said ordinances.

## **Chapter 78**

### **JUSTICES OF THE PEACE**

**[HISTORY: Adopted by the Town of Redding 10-30-1964; amended 6-19-1996. Subsequent amendments noted where applicable.]**

#### **§ 78-1. Number established.**

The number of Justices of the Peace to be elected in the Town of Redding shall be 18 in number.

## Chapter A500

### SPECIAL ACTS

#### AN ACT FOR MAKING AND FORMING THE PARISH OF REDDING INTO A DISTINCT TOWN BY THEMSELVES

"Whereas this Assembly are informed that the Parish of Redding in the northwesterly part of the township of Fairfield is very remote from the main body of that town and that they are by their situation almost entirely prevented from attending the public meetings of said town, and that they suffer very great inconveniences thereby, and that for them longer to continue as a parish of said Fairfield is very inconvenient:

Therefore,

"Be it enacted by the Governor and Council and Representatives in General Court assembled and by the authority of the same, That said Parish of Redding be and they are hereby erected, made and constituted within the limits and bounds of said parish a distinct Town by themselves with all the liberties, privileges and immunities which by law the other towns in this Colony have and do enjoy, and that said new constituted town shall hereafter be called by the name of the Town of Redding, with this limitation and restriction, that but one Representative which said new constituted town shall at any time choose to attend the General Assemblies shall be at the public expense.

"And be it further enacted by the authority aforesaid, That said Town of Redding shall have and hold their first Town Meeting for the choice of their town officers for the present year some time in the month of June next, which meeting shall be warned by a warrant signed by any justice of the peace in the county of Fairfield, to be directed to some indifferent person to serve, which warrant shall appoint the time and place at which said meeting is to be held, and shall be served at least five days before the day appointed for the holding said meeting."

This was passed at the May session, 1767, and a meeting was held June 15, 1767, in accordance with its provisions.

REDDING CODE

REQUIRING THE TOWN OF NEWTOWN AND OTHERS TO KEEP IN REPAIR A  
CERTAIN DISCONTINUED TURNPIKE ROAD

Passed 1842

Upon the petition of William Scudder and others, against the towns of Newtown, Reading and Weston, in Fairfield county, praying that said towns respectively may be required to maintain and keep in repair within their limits certain portions of a road heretofore improved as a turnpike road, but now discontinued:

Resolved by this assembly, That so much of the Newtown and Norwalk turnpike as was discontinued at the last session of this assembly, and lies north of the intersection of the Northfield turnpike, near the house formerly occupied by Edmund Fanton and Jacob Wanzer, be and the same is hereby established as a public highway, according to the general provisions of law relating to highways; and it shall be hereafter forever the duty of said towns of Newtown, Reading and Weston, to keep and maintain in repair the said discontinued turnpike road lying within their respective limits, in the same manner as all other public highways are kept and maintained in repair.

SPECIAL ACTS

ANNEXING DANIEL LYON AND JOHN SHERWOOD AND THEIR LANDS TO THE  
SEVENTH SCHOOL DISTRICT OF THE SCHOOL SOCIETY OF EASTON

Passed 1853

Resolved by this Assembly, That Daniel Lyon and John Sherwood, both of the Town of Redding, in the County of Fairfield, be and they and their houses and lands hereby are separated from the school district and the school society in Redding, of which they now constitute a part, and annexed to and made part of the school society of Easton, and of the seventh school district of said school society of Easton.

## REDDING CODE

### DIVIDING THE TOWN OF REDDING INTO VOTING DISTRICTS

RESOLVED BY THIS ASSEMBLY,

SEC. 1. That the Town of Redding hereby is, and shall be, divided into two districts, for the purpose of accommodating the electors of said town in voting at electors meetings therein, as follows:

SEC. 2. So much of said Town of Redding as is comprised in the fifth school district, and so much of school district number 10 of the Town of Wilton, as lies within the Town of Redding, shall be and remain the second district, and the electors dwelling upon said territory shall vote at Georgetown.

SEC. 3. All of said town not comprised within the districts aforesaid shall be and remain the first district, and the electors dwelling upon said territory shall vote at Redding Center.

SEC. 4. The provisions of the general revised statutes in regard to towns which are or may be divided into voting districts shall be in force and applicable to said Town of Redding and to electors' meetings held therein.

Approved June 30, 1866

SPECIAL ACTS

REIMBURSING THE TOWN OF REDDING FOR STATE TAX OVERPAID  
BY SAID TOWN

RESOLVED BY THIS ASSEMBLY: That the treasurer of the State of Connecticut is hereby directed to pay to the order of Thomas Sanford and Moses Hill, selectmen of the Town of Redding, the sum of ninety-eight and sixteen hundredths dollars, the same being amount overpaid as state tax for the year 1869.

Approved June 14, 1871

REDDING CODE

AN ACT TO AMEND AN ACT ENTITLED  
"AN ACT DIVIDING THE TOWN OF REDDING  
INTO VOTING DISTRICTS"

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SECTION 1. That the second section of the act entitled "An Act dividing the Town of Redding into Voting Districts," approved June 30, 1866, be, and the same is hereby, amended so as to read as follows: "So much of said Town of Redding as is comprised in the fifth school district, and so much of school district number ten of the Town of Wilton as lies within the Town of Redding, and so much of school district number eleven of the Town of Ridgefield as lies within the Town of Redding, shall be and remain the second district, and the electors dwelling upon said territory shall vote at Georgetown."

SEC. 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved June 5, 1873

SPECIAL ACTS

AN ACT IN ALTERATION OF AN ACT RELATING TO ELECTORS AND ELECTIONS

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SECTION 1. That the ballot boxes, at the electors' meeting in the second voting district in the Town of Redding, shall be opened for the reception of votes, and shall remain open for such purpose from the hour from which said meeting is warned, until half-past three o'clock in the afternoon of said day, when the same shall be closed.

SEC. 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved June 25, 1873

## REDDING CODE

### Senate Joint Resolution No. 43

#### VALIDATING ABATEMENT OF TAXES IN THE TOWN OF REDDING.

Upon the petition of the selectmen of the Town of Redding, presented to this general assembly, setting forth that David S. Johnson, of said Redding, was legally appointed collector of the town tax laid on assessment list of 1874; that said Johnson gave bonds for the faithful performance of his duty, and gave due and legal notice of the times and places at which he would receive the same, that, before any abatements had been made upon said tax bill, as aforesaid, the said David S. Johnson died, and William E. Duncomb of said town, was appointed a collector to collect the unpaid taxes due on said tax bill; that said Duncomb gave no notice of any time or place that he would meet those who had not paid their taxes as aforesaid; that said selectmen, on application of said Duncomb as such collector, abated the taxes on said tax bill of all those who, on their judgement, were unable to pay the same, and which said collector represented he was unable to collect, and lodged a list of such abatements in the office of the town clerk of said town, within the time required by the statute in such case made and provided, without the certificate of the collector, sworn to and attached to the same, as required by law; and further stating that there is no pauper suit now pending in any court, affected by said abatements, and praying this general assembly to validate and confirm the doings of said selectmen in making said abatements as aforesaid; therefore,

**RESOLVED BY THIS ASSEMBLY:** That the said abatements of taxes so made by the selectmen of said Redding, as herein set forth, are hereby validated and confirmed, in the same manner and to the same extent as if the proper certificate had been made by the collector and attached to said bill of abatements, and as if the provisions of the law in making such abatements had been fully complied with.

Approved February 23, 1877

SPECIAL ACTS

ESTABLISHING A JOINT SCHOOL DISTRICT IN THE TOWNS OF WILTON,  
REDDING, AND WESTON

[Substitute for House Joint Resolution No. 214]

[173]

Resolved by this Assembly:

SECTION 1. That the territory heretofore included within the limits of school district number ten of the Town of Wilton, formed from parts of the Towns of Wilton, Redding, and Weston, and all the inhabitants within said territory, be and they are hereby made and constituted a body politic and corporate under the name of District No. 10 of the Town of Wilton, with all the powers given to school districts by chapters 135 and 137 of the General Statutes and amendments thereof.

SEC. 2. All moneys expended by the Town of Wilton for the maintenance of a public school in said district shall be paid by said Towns on the basis of the school enumeration of children in said district, to be determined as follows: the whole number of children enumerated in the district shall be taken as the common denominator, and the number of children so enumerated residing in each Town in said district shall be taken as the numerator, to determine the fractional part of such tax or sum of money expended which each of said Towns shall be required to pay.

SEC. 3. Said school district shall be subject to the same supervision by the State Board of Education as said Board now exercises over other public schools. The School Committee of the Town of Wilton shall exercise the powers and perform the duties in said district provided for school visitors in chapter 134 of the General Statutes and amendments thereof, and said district shall receive the same benefits from the State School Fund, through the Town of Wilton, that other school districts receive.

SEC. 4. Said district shall be exempt from the provisions of chapter 146 of the Public Acts of 1909, and from the provisions of any other statute, so far as such provisions are inconsistent herewith.

Approved April 25, 1911

REDDING CODE

AN ACT AUTHORIZING THE TRUSTEES OF THE HILL ACADEMY CORPORATION  
TO TRANSFER AND CONVEY PROPERTY TO THE TOWN OF REDDING

[House Bill No. 147]  
[174]

Be it enacted by the Senate and House of Representatives in General Assembly convened:

The trustees of the Hill Academy Corporation of the Town of Redding, incorporated under the laws of this State on July 11, 1878, are authorized to transfer and convey to the Town of Redding, on such terms as said trustees shall determine, all property held by said corporation, both real and personal, including the land situated at Redding Center, so called, in said Town of Redding, with the building thereon, known as "The Hill Academy", and used at the time of the passage of this act by said Town of Redding as a public school; provided said Town of Redding shall use all the said property, or the proceeds thereof if sold, that may be conveyed to it by said trustees for the support of the public schools in said Town of Redding. Said trustees shall cause a certified copy of this act to be filed for record in the land records of the Town of Redding within six months from its passage.

Approved April 8, 1931

SPECIAL ACTS

AN ACT MAKING THE ZONING COMMISSION AND ZONING BOARD OF APPEALS  
OF THE TOWN OF REDDING BIPARTISAN BODIES ELECTED BIENNIALY

[Substitute for House Bill No. 972]

[552]

SECTION 1. The Zoning Authority of the Town of Redding shall consist of a Zoning Commission of five resident electors of the Town, not more than three of whom shall be members of the same political party.

SEC. 2. There shall be a Zoning Board of Appeals for such Town consisting of five resident electors of the Town, who are not members of the Zoning Commission and not more than three of whom shall be members of the same political party.

SEC. 3. The Zoning Commission and the Zoning Board of Appeals shall have all the powers provided in chapter 43 of the General Statutes.

SEC. 4. For the biennial election to be held in October, 1951, each political party may nominate five resident electors for membership on the Zoning Commission and five other resident electors for membership on the Zoning Board of Appeals; three to each body for a four-year term and two to each body for a two-year term. From the persons nominated for the four-year term, the three persons receiving the highest number of votes at such election shall be deemed elected, provided, if the three persons receiving such highest number of votes are members of the same political party, the third member for the four-year term of each body shall be a member of another political party who received the next highest number of votes of the persons nominated for the four-year term to each body. From the persons nominated for the two-year term, the two persons receiving the highest number of votes at such election shall be deemed elected, provided, if the two persons receiving such highest number of votes are members of the same political party, the second member for the two-year term shall be a member of another political party who received the next highest number of votes of the persons nominated for the two-year term for each body.

SEC. 5. At the election to be held in October, 1953, and biennially thereafter, members of the Zoning Commission and the Zoning Board of Appeals shall be elected in the manner provided in Section 4 of this Act, for a term of four years and until their successors are elected and have qualified, to succeed those members whose terms shall expire.

SEC. 6. Any vacancy in the Zoning Commission or the Zoning Board of Appeals shall be filled by the Selectmen of the Town by the appointment, for the unexpired portion of the term, of a resident elector from the same political party as the member who vacated the office.

SEC. 7. The terms of office of the present Zoning Commission and Zoning Board of Appeals shall expire on the first Monday of October, 1951.

SEC. 8. All actions taken by the Redding Zoning Commission or by the Redding Zoning Board of Appeals prior to the effective date of this Act are validated.

REDDING CODE

SEC. 9. This Act shall take effect upon its approval by a majority vote of the electors of the Town present at a regular Town Meeting or at a Special Town Meeting to be held for that purpose within ninety days from the passage of this Act.

Approved July 9, 1951

Date of vote - August 24, 1951. Vote for - unanimous.

## SPECIAL ACTS

### AN ACT MAKING THE PLANNING COMMISSION OF THE TOWN OF REDDING A BIPARTISAN BODY ELECTED BIENNIALY

[Substitute for House Bill No. 1849]

[71]

SECTION 1. The Planning Authority of the Town of Redding shall consist of a Planning Commission of five resident electors of the Town, not more than three of whom shall be members of the same political party.

SEC. 2. The Planning Commission shall have all of the powers and duties provided in chapter 45 of the General Statutes, except that the Commission shall not have the powers described by Sections 390d and 391d of the 1955 supplement to the General Statutes.

SEC. 3. For the biennial election to be held in October, 1957, each political party may nominate five resident electors for membership on the Planning Commission; three for a four-year term and two for a two-year term. From the persons nominated for the four-year term, the three persons receiving the highest number of votes at such election shall be deemed elected, provided, if the three persons receiving such highest number of votes are members of the same political party, only the two receiving the highest number of votes shall be deemed elected, and the third member for the four-year term of the Commission shall be a member of another political party who received the next highest number of votes of the persons nominated by that party for the four-year term to the Commission. From the persons nominated for the two-year term, the two persons receiving the highest number of votes at such election shall be deemed elected, provided, if the two persons receiving such highest number of votes are members of the same political party, only the person receiving the highest number of votes shall be deemed elected, and the second member for the two-year term shall be a member of another political party who received the next highest number of votes of the persons nominated by that party for the two-year term of the Commission.

SEC. 4. At the election to be held in October, 1959, and biennially thereafter, members of the Planning Commission shall be elected in the manner provided in Section 3 of this Act, for a term of four years and until their successors are elected and have qualified, to succeed those members whose terms shall expire.

SEC. 5. Any vacancy in the Planning Commission shall be filled by the Selectmen of the Town by the appointment, for the unexpired portion of the term, of a resident elector from the same political party as the member who vacated the office.

SEC. 6. The terms of office of the present Planning Commission shall expire on the first Monday of October, 1957.

SEC. 7. This Act shall take effect upon its approval by a majority vote of the electors of the Town present at a regular Town Meeting or at a Special Town Meeting to be held for that purpose within ninety days from the passage of this Act.

Approved April 11, 1957

## REDDING CODE

### AN ACT CONCERNING COLLIS P. HUNTINGTON STATE PARK

[Substitute for House Bill No. 1676]  
[247]

SECTION 1. Notwithstanding the provisions of section 108 of the general statutes, the state park and forest commission is authorized, in the name of the state, to convey to Anna Hyatt Huntington of Redding two certain pieces of land, with buildings thereon standing, the first containing 4.08 acres, more or less, situated in the town of Bethel, the second containing 37.5 acres, more or less, situated partly in the town of Bethel and partly in the town of Redding. The first piece is bounded as follows: Northerly, by land of Howard S. Morgan; easterly and southerly, by land formerly of Flora Morgan, now of Anna Hyatt Huntington; westerly, by the highway leading from Bethel to Sunset Hill; being all and the same parcel of land described as the Fifth Tract in a certain conveyance from Archer M. Huntington and Anna Hyatt Huntington to the state of Connecticut, dated February 28, 1950, and recorded in Vol. 51 at pages 247-251 of the Bethel land records and Vol. 47 at pages 84 et seq. of the Redding land records. The second piece is bounded as follows: Northerly, by land formerly of Flora Morgan, now of Anna Hyatt Huntington, and land now or formerly of Charles Hoyt, in part by each; easterly by land of the state of Connecticut; westerly, by land now or formerly of said Charles Hoyt and the said highway from Bethel to Sunset Hill, in part by each; southerly by land now or formerly of said Charles Hoyt and Old Dodgingtown road, so called. The easterly boundary line dividing the land herein described from other land of the state of Connecticut is more clearly defined as follows: Beginning at the southeast corner of the herein described second piece at a point in the northerly line of the said Old Dodgingtown road, it being also the southeast corner of the land described as Seventh Tract in the aforesaid conveyance of Archer M. Huntington and Anna Hyatt Huntington to the state of Connecticut; thence N 01 deg. 04' 30" E a distance of 162.17 feet; thence N 01 deg. 13' 30" E a distance of 180.68 feet; thence N 73 deg. 32' 50" W a distance of 10.26 feet; thence N 76 deg. 43' 30" W a distance of 14.74 feet; thence N 09 deg. 04' 30" W a distance of 695.05 feet in a straight line which bears about N 05 deg. E a distance of 645 feet, more or less, to the northeast corner of the herein described second piece. The above described second piece includes all of the land described as Seventh Tract and a portion of Fourth Tract as appears in the aforesaid deed of Archer M. Huntington and Anna Hyatt Huntington to the state of Connecticut. For further description of the land herein conveyed reference may be had to the aforesaid deed of Archer M. Huntington and Anna Hyatt Huntington. The state of Connecticut shall reserve in such conveyance the right to pass and repass over Old Dodgingtown road, so-called, for its own use and that of the public in general; and further reserves the right to erect, construct, lay, install and maintain along such road such utility poles, wires, pipes and conduits as it may elect.

SEC. 2. In exchange for said deed of land described in section 1, said Anna Hyatt Huntington of Redding agrees to convey to the state, subject to her life use, a tract of land situated in the town of Redding and contain thirty-four acres more or less to be used for park purposes and having a frontage on Dodgingtown road and Sunset Hill road.

Approved May 10, 1957

SPECIAL ACTS

AN ACT DIRECTING THE HIGHWAY COMMISSIONER TO IMPROVE AND  
ENLARGE A CULVERT IN THE TOWN OF REDDING

[Substitute for House Bill No. 1861]  
[653]

SECTION 1. The highway commissioner is directed to undertake and complete the improvement and enlargement of a culvert located in the town of Redding, at a point where the Norwalk river flows under a public highway known as route 53 "cutoff," in order to provide, at said culvert, a capacity of not less than four hundred and fifty square feet.

SEC. 2. The highway commissioner is directed to undertake and complete the improvement of a bridge located in the town of Redding and forming a part of a public highway known as road 465, spanning the Norwalk river, in order to provide, under said bridge, a capacity of not less than four hundred and fifty square feet for the passage of the Norwalk river.

Approved June 17, 1957

## Chapter A501

### RULES AND REGULATIONS OF THE BOARD OF ETHICS

**[HISTORY: Adopted by the Board of Ethics of the Town of Redding 2-25-1974. Amendments noted where applicable]**

#### GENERAL REFERENCES

Code of Ethics — See Ch. 35.

#### **§ A501-1. Officers.**

- A. The officers of the Board shall be a Chair, a Vice Chair and a Secretary.
- B. The Chair shall preside at meetings and public hearings. The Vice Chair shall perform the duties of the Chair in the event of the Chair's absence, death, resignation or inability for any other reason to act.
- C. The Secretary shall take minutes of all meetings and issue all notices required.
- D. The members of the Board shall elect officers annually at a meeting of the Board that shall be held in the last calendar quarter of each year.

#### **§ A501-2. Meetings.**

- A. The Board shall meet monthly if it has business to transact and at such other times as the Chair shall deem necessary.
- B. The Board may adjourn any meeting, as it deems appropriate, for the purpose of seeking advice or a determination from Counsel to the Town.

#### **§ A501-3. Quorums.** [Amended 4-16-1990]

The continued presence of three members shall be required to conduct the Board's internal administration affairs. The continued presence of four members shall be required to consider, hear and act upon any phase of any complaint, inquiry, or request for an advisory opinion concerning the application of the Code of Ethics to any particular case.

#### **§ A501-4. Open meetings; request for closure.**

- A. Meetings concerning operating procedures or administrative affairs shall be open to the general public.
- B. A meeting or portion of a meeting, or any continuation of such meeting, involving complaints, inquiries or advisory opinions shall be open to the public unless a closed meeting is permitted by law, a person having an interest in the proceeding makes a written request for such closure, and the Board grants such request. The

request shall be delivered to the Chair or, in his or her absence, the Secretary and to each person involved not later than the third business day before such meeting. The request shall set forth the legal basis on which the person making such request relies. [Amended 4-16-1990; 9-5-2001]

**§ A501-5. Case procedure.** [Amended 6-13-1988; 4-16-1990]

- A. No complaint shall be accepted by the Board unless it is written, dated, and signed by the complainant. The complaint shall contain a simple statement of the pertinent facts and identify the complainant and all parties involved and it shall specify by section and paragraph each provision of the Code of Ethics to which such facts pertain. The Board may, in its discretion, but shall not be required to, consider provisions of the Code of Ethics other than those as specified. It may reject or dismiss a complaint entirely or in part solely on the ground that there is no basis for finding a violation of a paragraph so specified. The provisions of this subsection shall also apply to any request for an advisory opinion. [Amended 9-5-2001; 9-17-2001]
- B. The complainant or requesting party will supply seven copies of the complaint or request for an advisory opinion for transmission to all of the Board members and the Secretary. All written submissions to the Board, in any of its proceedings in support or defense of a complaint, including without limitation briefs, exhibits, and transcripts from the proceedings or meetings of Town boards, committees or commissions, will be in sets of seven unless the Board Chair agrees otherwise. Written submissions should be presented in a timely manner to either the Chair or the Secretary for distribution to the other Board members. The pertinent passages from the transcript of other proceedings or meetings which the Board is being asked to review should be highlighted. [Amended 12-1-1993]
- C. Such complaint or request for an advisory opinion may be sent to any member of the Board, who shall notify the Chair and Secretary thereof within two business days of the receipt of the same. Within two business days thereafter, the Chair or, in his or her absence, the Secretary shall give notice of the same by sending a copy of the complaint by first-class mail to all affected parties and all Board members.
- D. Each request for Board action shall be assigned a file number and be identified by the same. A cover sheet shall record the official date of receipt, dates of all required notices, meetings and public hearing on the same and action taken.
- E. No complaint or request for advisory opinion shall be considered officially received until acknowledged at the next Board meeting but not later than 35 days after being first received as described in Subsection B above.
- F. Upon official receipt of a complaint or request for advisory opinion, the Board shall make such inquiry of the pertinent facts stated in the complaint as may be necessary to ascertain their truth and accuracy and complete the same by the next monthly meeting or within 35 days.
- G. Upon completion of the inquiry the Board shall decide:

- (1) To refuse to consider the matter for lack of jurisdiction;
- (2) To dismiss; or
- (3) To hold an open meeting with the affected parties unless a closed meeting is permitted by law and has been so ordered by the Board pursuant to § A501-4B.
  - (a) The Secretary shall send a notice to the affected parties of the meeting by prepaid first-class certified mail 18 days prior to the date of the meeting advising them of the informal meeting date, time, place and subject of the meeting. The notice to the person whose conduct is being called into question shall include a simple statement of the allegations being made and by whom.
  - (b) After the meeting the Board shall decide:
    - [1] To dismiss;
    - [2] To issue an advisory opinion; or
    - [3] To hold a full hearing. If a full hearing is to be held the Board shall determine whether it shall be a closed or public hearing. The hearing may be closed if permitted by law and if so requested by the person whose conduct is called into question. In deciding upon an open hearing the Board shall consider the effects a public hearing could have upon the reputations of all the affected parties and the benefits and detriments of such a public hearing to the public good. [Amended 9-5-2001]

H. The Board action as noted on the cover sheet shall be one of the following:

- (1) Refused to consider the complaint or request for advisory opinion for lack of jurisdiction;
- (2) Dismissed the complaint;
- (3) Upheld the complaint in whole or in part; or
- (4) Issued an advisory opinion.

**§ A501-6. Notices.**

- A. Eighteen days prior to the date of a closed or public hearing (excluding the day of the hearing) the Secretary shall send by prepaid, first-class certified mail to the person whose conduct is called into question a notice of the date, place and time of the closed or public hearing, along with a copy of the complainant's statement and a copy of the Board's statement of the subject of the meeting specifically referring to that portion or portions of the Code of Ethics which are alleged to be violated. The notice shall state that counsel may represent the person.
- B. The Secretary shall publish a simple legal notice in a newspaper, having general

circulation within the Town, of the time, date and place of any public hearing. The notice shall be published not less than 10 days prior to the hearing (excluding the day of the hearing). A notice of the decision concerning any public hearing shall likewise be published within 10 days after the decision has been rendered by the Board.

**§ A501-7. Decisions.**

- A. The Board shall make a decision on each case in writing, which statement shall give the facts and the reasons for the decision. After a final closed meeting or a full hearing (closed or public), a decision shall be rendered within 35 days thereof and a copy of the same shall be forwarded by prepaid, first-class certified mail to the complainant and to the subject of the complaint or to the person requesting an advisory opinion.
- B. The Board shall file a copy of the decision with the Board of Selectmen in the manner provided by § 35-7D of the Code of Ethics.

**§ A501-8. Confidentiality.**

- A. While the general public's trust in Town officials, employees and those paid to provide services is essential to good government, equally important is the protection of the good reputation of those persons. To avoid harassment and public defense to baseless charges and to provide a means of correcting errors of judgment without damage to such persons or to good Town government, the principle of confidentiality shall pervade the Board's work to the extent permitted by law.
- B. The interests of justice and fairness shall prevail in all the Board's actions. Therefore, except for public hearings or when disclosure is requested by the person whose conduct is the subject of a decision or advisory opinion, names of Town officials and those paid to provide services shall remain nonpublic information unless overwhelming interest of the public good and justice require publication.

**§ A501-9. Amendments.**

Amendments may be made in accordance with § 35-7B of the Code of Ethics.

## **Chapter DL**

### **DISPOSITION LIST**

**The following is a chronological listing of legislation of the Town of Redding adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] The last legislation reviewed for the original publication of the Code was an ordinance adopted 7-14-2008.**

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

| <b>Adoption Date</b> | <b>Subject</b> | <b>Disposition</b> |
|----------------------|----------------|--------------------|
|----------------------|----------------|--------------------|

## **PREFACE**

The Town of Redding has, over the years, passed through a process of legislative change common to many American communities. While only a few simple laws were necessary at the time of the establishment of the Town, subsequent growth of the community, together with the complexity of modern life, has created the need for new and more detailed legislation for the proper function and government of the Town. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the Town Meeting ordered the following codification of the Town's legislation.

### **Contents of Code**

The various chapters of the Code contain all currently effective ordinances of a general and permanent nature enacted by the Town Meeting of the Town of Redding, including revisions or amendments to existing legislation deemed necessary by the Town Meeting in the course of the codification.

### **Division of Code**

The Code is divided into parts. Part I, Administrative Legislation, contains all Town legislation of an administrative nature, namely, that dealing with the administration of government, that establishing or regulating municipal departments and that affecting officers and employees of the municipal government and its departments. Part II, General Legislation, contains all other Town legislation of a regulatory nature. Items of legislation in this part generally impose penalties for violation of their provisions, whereas those in Part I do not.

### **Histories**

At the end of the Scheme (list of section titles) in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the enactment number (e.g., ordinance number, local law number, bylaw number, resolution number, etc.), if pertinent, and the date of adoption. In the case of chapters containing parts or articles derived from more than one item of legislation, the source of each part or article is indicated in the text, under its title. Amendments to individual sections or subsections are indicated by histories where appropriate in the text.

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### **General References; Editor's Notes**

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader's attention to such related chapters. Editor's Notes are used in the text to provide supplementary information and cross-references to related provisions in other chapters.

### **Appendix**

Certain forms of local legislation are not of a nature suitable for inclusion in the main body of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this publication is reserved for such legislation and for any other material that the community may wish to include.

### **Disposition List**

The Disposition List is a chronological listing of legislation, indicating its inclusion in the publication or the reason for its exclusion. The Disposition List will be updated with each supplement to the Code to include the legislation reviewed with said supplement.

### **Index**

The Index is a guide to information. Since it is likely that this publication will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index will be supplemented and revised from time to time as new legislation is added.

### **Instructions for Amending the Code**

All changes to the Code, whether they are amendments, deletions or additions, should be adopted as amendments to the Code. In doing so, existing material that is not being substantively altered should not be renumbered.

**Adding new sections.** Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering sequence) or inserted between existing sections as decimal numbers (e.g., a new section between §§ 65-5 and 65-6 should be designated § 65-5.1).

**Adding new chapters.** New chapters should be added in the proper alphabetical sequence in the appropriate division or part (e.g., Part I, Administrative Legislation, or Part II, General Legislation), utilizing the reserved chapter numbers. New chapter titles should begin with the key word for the alphabetical listing (e.g., new legislation on abandoned vehicles should be titled "Vehicles, Abandoned" under "V" in the Table of Contents, and a new enactment on coin-operated amusement devices should be "Amusement Devices" or "Amusement Devices, Coin-Operated" under "A" in the Table of Contents). Where a reserved number is not available, an "A" chapter should

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be used (e.g., a new chapter to be included between Chapters 166 and 167 should be designated Chapter 166A).

**Adding new articles.** New articles may be inserted between existing articles in a chapter (e.g., adding a new district to the Zoning Regulations) by the use of "A" articles (e.g., a new article to be included between Articles XVI and XVII should be designated Article XVIA). The section numbers would be as indicated above (e.g., if the new Article XVIA contains six sections and existing Article XVI ends with § 166-30 and Article XVII begins with § 166-31, Article XVIA should contain §§ 166-30.1 through 166-30.6).

### **Supplementation**

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage. Supplemental pages should be inserted as soon as they are received and old pages removed, in accordance with the Instruction Page which accompanies each supplement.

### **Acknowledgment**

The assistance of the Town officials is gratefully acknowledged by the editor. The codification of the legislation of the Town of Redding reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of General Code that this publication will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."

## TABLE OF CONTENTS

**Tools for Finding Information** – In addition to the municipality's legislation, this publication contains tools to help locate information: table of contents, index, chapter outlines (schemes), and a disposition list.

**Chapters** – Chapters are generally discrete pieces of legislation, but can also be made up of several individual pieces on a related topic. In that case, the individual pieces are arranged into articles or parts within the chapter. The article or part titles can be found in the chapter scheme or by subject in the index. If you are familiar with a former number or title, look for it chronologically in the disposition list.

**Reserved Chapters** – In the numbering of chapters, space has been provided for the convenient insertion, alphabetically, of later enactments. Help in selecting an appropriate number for a new chapter is available from the editor. See also the "Instructions for Amending the Code" in the Preface.

**Section Numbering** – A chapter-related section-numbering system is employed. Each section of every item of legislation is assigned a number, which indicates both the number of the chapter in which the item of legislation is located and the location of the section within that chapter. Thus, the fourth section of Chapter 6 is § 6-4.

**Scheme** – The scheme is the list of section titles that precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the scheme titles are repeated as section headings in the text.

**Page Numbers** – A unique page-numbering system has been used in which each chapter forms an autonomous unit. The first page of each chapter is the number of that chapter followed by a colon and the numeral "1." Thus, Chapter 6 begins on page 6:1. By the use of this system, it is possible to add or to change pages in any chapter, or add new chapters, without affecting the sequence of subsequent pages.

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