

ORDINANCES

Of the Town of

Wilmington

Amy R. Lam

Town Clerk

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Up Dated 12/09/2019

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Sec. 7-148a. Compilations of ordinances and special acts; supplements.

Each town, city, and borough in this state shall print and publish all amendments to its ordinances, all new ordinances and all special acts adopted after June 1, 1962, on or before March first of each even numbered year as a cumulative supplement to the compilation of its ordinances and special acts, Such compilation and all supplements thereto shall be available for sale to the public at the office of the clerk or other similar office in such municipality at a reasonable cost to be determined by such municipality and a copy of each such compilation and supplement shall be deposited by the clerk of the municipality in the office of the secretary of the state, in the state library, in each bar library in the judicial district in which such municipality is located and in the courthouse library of the court nearest to such municipality. If any town, city, or borough fails to comply with the provisions of this section, the secretary of the state shall provide for the original compilation and publication of such ordinances and special acts or of any supplement thereto and such town, city, or borough shall be liable for the cost of such compilation and publication.

(1959, P.A. 430; 1961, P.A. 66; 281; February, 1965, P.A. 74-183, S. 175, 291; P.A. 76-436, S.155, 681; P.A. 78-280, S. 1, 127.)

History: 1961 acts set deadline of June 1, 1962, (formerly December 1, 1960) for completion of compilation; provided for depositing copies in various libraries, and required secretary of state to provide for compilation of ordinances, etc., if municipality fails to do so with municipality being responsible for the cost; 1965 act deleted obsolete reference to requirement that municipalities compile and publish ordinances and special acts before June 1, 1962, and specified subsequent ordinances and special acts be printed on or before March first of each even numbered year; P.A. 74-183 replaced circuit court with court of common pleas; P.A. 76-436 deleted reference to specific court class, stating that books be placed in nearest courthouse library, effective July 1, 1978; P.A. 78-280 substituted "judicial district" for county.

See Sec. 51-197b re administrative appeals.

Deposit of compilation of town ordinances in county bar library is directive and failure to do so does not invalidate such ordinances. 29 CS 59.

VENDOR'S ORDINANCE

Volume 4, page 209

At Town Meeting it was voted to have the Town By-Laws in accordance with the provisions of Chapter 234, Sections 4683-4683 in reference to hawking, vending, or peddling on the public streets of any goods, wares, or other merchandise, or vending or peddling of such articles from house to house within the limits of the Town of Willington, in the imposition of a fee, not to exceed \$25.00 per year for each person, team, or vehicle used in conjunction of said vending or peddling, of all hawkers, vendors, and peddlers who are not legal residents of said Town of Willington, and who are not lawfully exempt by the above Sections of the General Statutes of the State of Connecticut.

Adopted 07/28/54

AMENDED ORDINANCE ESTABLISHING THE NUMBER OF JUSTICES OF THE PEACE FOR THE TOWN OF WILLINGTON

Volume 5, page 328

Volume 7, page 508

SECTION I:

This ordinance is adopted pursuant to the provisions of Public Act No. 94-230, an act concerning justices of the peace.

SECTION II:

The Town of Willington's justices of the peace ordinance adopted June 3, 1964, entitled, "Justice of the Peace Ordinance", is hereby amended to conform to the requirements of Public Act 94-230.

SECTION III:

It is hereby established that the number of justices of the peace for the Town of Willington shall be fifteen (15). In 1994, 1996, and quadrennially thereafter said justices of the peace shall be selected in accordance with the provisions of the General Statutes of Connecticut.

SECTION IV:

This ordinance shall become effective fifteen days after publication thereof in a newspaper having a circulation in the Town of Willington, pursuant to the provisions of Section 7-157(a) of the General Statutes of the State of Connecticut,

Adopted 06/03/64

Adopted 08/02/94

RECREATION COMMISSION ORDINANCE

Volume 4, page 400

BE IT ENACTED BY THE TOWN OF WILLINGTON:

ARTICLE I.

Section I:

There is herewith established a Recreation Commission in the Town of Willington which shall have all the powers authorized by the General Statutes of Connecticut to establish, maintain, and conduct public parks, playgrounds, baths, swimming pools, gymnasiums, recreation places, and public gardens.

Section II:

The Recreation Commission herein established is authorized and empowered to request and receive appropriations from the Town, to request and receive funds from other sources, and to expend such funds for the purpose for which the commission was created. The commission shall submit to the Board of Selectmen not later than September 1st of each year a report of its activities for the fiscal year ending on the previous June 30th.

ARTICLE II.

Section I:

The Recreation Commission shall consist of seven (7) member who shall be electors of the Town and who shall be appointed by the Board of Selectmen for terms as hereinafter set forth.

Section II:

The Board of Selectmen shall appoint seven (7) members to the Recreation Commission, whose terms shall commence on the effective date of this ordinance, as follows:

- (a) Three (3) members for terms expiring on Dec. 15, 1970
- (b) Two (2) members for terms expiring on Dec. 15, 1969
- (c) Two (2) members for terms expiring on Dec. 15, 1968

Section III:

Upon expiration of the initial terms, appointments shall be made by the Board of Selectmen for three (3) year terms.

Section IV:

The Board of Selectmen shall fill any vacancy on the commission to complete any unexpired term.

ARTICLE III.

Section I:

Members of the Recreation Commission shall appoint from their members a Chairman and a Secretary who shall keep a record of the Commission's meetings and correspondence.

Section II: No member of the

Recreation Commission shall receive any compensation for his services as a member.

ARTICLE IV.

Section I:

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

Adopted 10/09/67

CONSERVATION COMMISSION ORDINANCE

Volume 4, page 400

BE IT ENACTED BY THE TOWN OF WILLINGTON:

ARTICLE I

Section I:

It is herewith established a Conservation Commission in the Town of Willington which shall have all the powers specified and which shall perform all the duties imposed under Section 7-131a of the General Statutes of the State of Connecticut, concerning the development and conservation of natural resources within the Town of Willington.

Section II:

The Conservation Commission herein established is authorized and empowered to request and receive appropriations from the town, and to expend such funds for the purposed for which the commission was created. The commission shall submit to the Board of Selectmen not later than September 1st, of each year a report of its activities for the fiscal year ending on the previous June 30th.

ARTICLE II.

Section I:

The Conservation Commission shall consist of seven (7) member who shall be electors of the Town and who shall be appointed by the Board of Selectmen for terms as hereinafter set forth.

Section II:

The Board of Selectmen shall appoint seven (7) members to the Conservation Commission, whose terms shall commence on the effective date of this ordinance, as follows:

- (a) Three (3) members for terms expiring on Dec. 15, 1970
- (b) Two (2) members for terms expiring on Dec. 15, 1969
- (c) Two (2) members for terms expiring on Dec. 15, 1968

Section III:

Upon expiration of the initial terms, appointments shall be made by the Board of Selectmen for three (3) year terms.

Section IV:

The Board of Selectmen shall fill any vacancy on the commission to complete any unexpired term.

ARTICLE III.

Section I:

Members of the Conservation Commission shall appoint from their members a Chairman and a Secretary who shall keep a record of the Commission's meetings and correspondence.

Section II:

No member of the Conservation Commission shall receive any compensation for his services as a member.

ARTICLE IV.

Section I:

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

Adopted 10/09/67

CONSERVATION COMMISSION ALTERNATES ORDINANCE

Volume 7, page 171

Section I:

This ordinance is adopted pursuant to the authority of section 7-131a of the General Statutes of the State of Connecticut which authorizes any town to establish a Conservation Commission consisting of not fewer than three (3) nor more than eleven (11) members, and not more than three (3) alternates.

Section II:

The Town of Willington having accepted provisions of Section 7-131a of the General Statutes, as aforesaid, established a Conservation Commission in 1980 and hereby amends the ordinance establishing said Conservation Commission to provide for the appointment of alternates.

Section III:

The Conservation Commission shall hereinafter include three (3) alternates to be appointed by the First Selectman. The terms of said alternates shall commence on the effective date of this ordinance, as follows:

- (a) One alternate for a term expiring December 1, 1991;
- (b) One alternate for a term expiring December 1, 1992;
- (c) One alternate for a term expiring December 1, 1993;

Section IV:

Upon expiration of the initial terms of said alternates, appointments thereafter shall be for three year terms.

Section V:

Alternates shall, when seated,, have all the powers and duties of a member of the commission.

Section VI:

The First Selectman may remove any alternate for cause, and shall fill the vacancy in the position of the alternate to complete any unexpired term.

Section VII:

This ordinance shall become effective fifteen days after publication in a newspaper pursuant to the provisions of Section 7-157 of the General Statutes of the State of Connecticut.

Adopted 10/25/90

PLANNING AND ZONING ORDINANCE AND THE ZONING BOARD OF APPEALS ORDINANCE

Volume 4, page 407

Volume 5, pages 7 & 206

BE IT ORDAINED, that the ordinance creating a Zoning Commission for the Town of Willington dated December 9, 1968, is hereby amended to read as follows;

1. The Town of Willington hereby adopts the provisions of Chapter 124 of the General Statutes of the State of Connecticut, 1958 Revision, as amended, and designates the Planning and Zoning Commission of the Town of Willington. Said Planning and Zoning Commission is to have all the powers and duties of both a planning commission and a zoning commission as set forth in Chapter 124 and 126 of the General Statutes of the State of Connecticut, 1958 Revision, as amended. Said Planning and Zoning Commission shall supersede the present Planning Commission of the Town of Willington at the effective date thereof.

2. The Planning and Zoning Commission shall consist of seven (7) members who shall be electors of the Town of Willington, not more than five of whom shall be of one political party, who shall be elected at regular biennial elections commencing November 4, 1975, for terms of six years, except, that of the initially elected members, three shall be elected for terms of two years, two for terms of four years, and two for terms of six years.

3. Any vacancies in the Planning and Zoning Commission shall be filled by appointment by the Board of Selectman until the next following regular biennial election at which time the unexpired term shall be filled by election.

Pursuant to authority granted by Chapter 124 of the General Statutes of the State of Connecticut, 1958 Revision, as amended, there is hereby created a Zoning Board of Appeals for the Town of Willington, with all of the powers and duties specified in said Chapter 124.

4. The Zoning Board of Appeals shall consist of five (5) regular members, and three (3) alternate members, all whom shall be electors of the Town of Willington, and who shall be appointed by the Board of Selectmen, and none of whom shall be members of the Planning and Zoning Commission. At the effective date hereof, one (1) regular member shall be appointed for a term of one year, one (1) regular member shall be appointed for a term of two years, one (1) regular member shall be appointed for a term of three years, one (1) regular member shall be appointed for a term of four years, one (1) regular member shall be appointed for a term of five years. Thereafter, appointments of regular members and alternate members so appointed shall be removed only for cause.

Any vacancies in the Zoning Board of Appeals, including any vacancies in the panel of alternates, shall be filled for the unexpired portion of the term by the Boar of Selectmen for the Town of Willington.

Any member of the Zoning Board of Appeals who is absent from three consecutive regular meeting and any intervening duly called special meeting shall be considered to have resigned from the Zoning Board of Appeals, and the vacancy shall be filled for the unexpired portion of the term by the Board of Selectman of the Town of Willington, except that the Zoning Board of Appeals may vote to waive the requirements of this Section in each case where illness or other extenuating circumstances make it impossible for a member to meet the attendance requirements of this Section.

5. This ordinance shall take effect fifteen (15) days after publication as provided by law, except that the existing Planning and Zoning Commission created by ordinance dated December 19, 1968 shall continue to function in such capacity until the elected members first assume office and commence their first meeting following said election.

Adopted 02/29/68
Amended 12/05/68
Amended 06/18/75

PLANNING & ZONING COMMISSION ALTERNATE MEMBERS ORDINANCE

Volume 5, page 43

1. Three electors of the Town of Willington, none of whom shall be members of the Zoning Board of Appeals, shall be appointed by the Board of Selectmen as alternate members of the Willington Planning and Zoning Commission. Any alternate member when seated as provided in Section 8-1(b) of the Connecticut General Statutes, as amended, shall have all the powers and duties of a regular member of said Planning and Zoning Commission.
2. At the effective date hereof, one (1) alternate member shall be appointed to serve for a term of one year, one (10 for a term of two years, and one (1) for a term of three years. Annually thereafter, appointments shall be made for terms of three years each. Alternate members so appointed shall be removed only for cause except as otherwise provided herein.
3. Any vacancies in alternate members of the Planning and Zoning Commission shall be filled for the unexpired portion of the term by the Board of Selectman of the Town of Willington.
4. Any alternate member of the Planning and Zoning Commission who is absent from three consecutive regular meeting and any intervening duly called special meeting shall be considered to have resigned from the Commission, and the vacancy shall be filled for the unexpired portion of the term by the Board of Selectman of the Town of Willington, except that the Commission may vote to waive the requirements of this Section in each case where illness or other extenuating circumstances make it impossible for a member to meet the attendance requirements of this Section.
5. This ordinance shall become effective fifteen (15) days after publication as provided in the Connecticut General Statutes .

Adopted 12/18/69

BOND ISSUE ORDINANCE

Volume 4, page 414

BE IT ENACTED BY THE TOWN OF WILLINGTON IN TOWN MEETING
DULY ASSEMBLED:

Section I:

That the Town of Willington issue its funding bonds in the principal sum of One Hundred Sixty Thousand Dollars (\$160,000), pursuant to the provisions of Chapter 110 of the General Statutes of Connecticut, Revision of 1958, for the purpose of financing in part the period from July 1, 1967 to June 30, 1968, which will not exceed the appropriations for said period.

Section II:

Such bonds shall mature in substantially equal annual installments beginning one year from date of issue and ending not later than ten years from date of issue, shall bear such date and rate of interest as may be determined by the Board of Selectmen; The Connecticut Bank and Trust Company, of Hartford, Connecticut, is appointed certifying and paying agent for such bonds Messrs. Day, Berry and Howard of Hartford, Connecticut, are designated as the attorneys at law to render an opinion approving the legality of such issue and the Treasurer shall keep a record of such bonds.

Section III:

Such bonds shall be signed by the Selectmen, or a majority of them, and by the Treasurer of the Town of Willington, a facsimile of the seal of said town shall be printed thereon; the Board of Selectmen is authorized to determine the form of such bonds, and, with the Treasurer, to sell such bonds at public or private sale, to deliver such bonds on behalf of the town, and to do all other acts necessary and appropriate to complete the issue of such bonds.

Section IV:

Pending the issue of such bonds as herein before provided, the Selectmen and Treasurer are authorized to borrow such sums as may be necessary to defray the appropriations for the period ending June 30, 1968 in anticipation of the receipt of the proceeds from the sale of funding bonds authorized -by this ordinance; and the Selectmen or a majority of them, and the Treasurer are hereby authorized to determine the amount, date, maturity, interest rate, form and other details of any notes and to sell and deliver the same. The ordinance above shall become effective 15 days after publication in accordance with the provisions of the Connecticut General Statutes.

Adopted 3/15/68

COMPLYING MUNICIPALITY ORDINANCE & AMENDMENTS

Volume 4, pages 413 & 417

Volume 4, page 270

The Town of Willington voted to become a complying municipality as provided in Chapter 110 of the General Statutes of Connecticut, Revision of 1958, and that the Town Clerk filed with the State Tax Commissioner a certificate that the Town has become a complying municipality as provided in said Chapter.

* Amendment to ordinance covering payment of taxes, which was voted on March 15, 1968, with the town becoming a complying municipality, as provided in Chapter 110 of the General Statutes.

All taxes on Motor Vehicles are to be due and payable in full, on July 1st of each year.

* Pursuant to the provisions of Section 12-144c of the General Statutes of the State of Connecticut, the Town of Willington hereby waives any motor vehicles, personal or property taxes in an amount \$3.00 or less.

This waiver shall be effective as to any such taxes which shall become due and payable on the Grand List of October 1, 1985 and any subsequent grand list, but shall not be a waiver to any taxes previously due and payable to the Town of Willington.

This ordinance becomes effective 15 days following publication.

Dated at Willington this 13th day of June 1986.

Adopted 03/15/68

* Amended 05/06/68

* Amended 06/13/86

DELINQUENT PERSONAL PROPERTY TAX PAYMENT (MOTOR VEHICLE) ORDINANCE AS AMENDED

Volume 4, page 328

Volume 7, page 69

The Town of Willington and its duly authorized agents including its tax collector may require that any delinquent property taxes, paid more than 30 days after they become delinquent, shall be paid only in cash or by certified check or money order.

This ordinance becomes effective 15 days after publication.

Adopted 10/13/87

Amended 11/14/89

BOARD OF FINANCE ORDINANCE

Volume 5, page 34

On Wednesday, June 25, 1969 the voters of the Town of Willington, at Town Meeting voted to establish a Board of Finance in accordance with Chapter 106 of the General Statutes of the State of Connecticut.

Adopted 06/25/69

BOARD OF FINANCE ALTERNATE ORDINANCE

Volume 5, page 250

"There will be two alternate members to the Board of Finance as provided in Public Act 76-72 subject to the following procedures:

A. As of the effective date of this ordinance, the Board of Finance, all six members being present, shall appoint a panel of two alternate members to the Board of Finance. No more than one member of this panel shall belong to the same political party. The terms of these alternates shall run until November 22, 1977.

At the regular election in November 1977 and every biennial election henceforth, there shall be elected a panel of two alternates to the Board of Finance to serve from the second Tuesday after their election until the second Tuesday after the regular election two years hence. No more than one member of this panel shall belong to the same political party.

Vacancies on the panel of alternates shall, for the unexpired term thereof, be filled by appointment by the Board of Finance, all six members being present, subject to the convening, whether before or after said appointment, of a special town election pursuant to Section 9-164 of the General Statutes.

As per General Statute, this ordinance becomes effective fifteen (15) days after publication.

Adopted 08/31/76

WINDHAM PLANNING REGION ORDINANCE

Volume 5, page 43

Section I: ADOPTION OF ORDINANCE

Pursuant to the provisions of Chapter 127 of the General Statutes, Connecticut, as amended, The Town of Willington hereby does adopt the provisions of said chapter and elects to participate in the regional planning agency now existing under authority of said Chapter in the Windham Planning Region as defined by the Connecticut Development Commission pursuant to the provisions of said Chapter.

Section II: NUMBER OF REPRESENTATIVES

The Town of Willington having a population of 2005 according to the federal census of 1960 shall have two (2) representatives of the agency.

Section III: APPOINTMENT OF REPRESENTATIVES

The Board of Selectman shall appoint to the agency one elector of the Town of Wilmington who shall serve an initial term of one year. Thereafter, such appointments shall be made for terms of two years each.

The Planning and Zoning Commission of the Town of Wilmington shall appoint one elector to the agency. Such appointments shall be made terms of two terms of two years each. Appointees shall serve for the term of their office and until their successors shall have been appointed. Appointees may be reappointed. Terms of office shall commence when the appointment is made.

Section IV: VACANCIES

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

Section V: EFFECTIVE DATE

This ordinance shall become effective fifteen (15) days after publication as provided in the Connecticut General Statutes.

Adopted 12/18/69

Withdrew from region 03/18/97

ADOPTION OF STATE BUILDING CODE ORDINANCE

Volume 5, page 68

At Town Meeting on September 11, 1970, the voters of the Town of Willington voted to adopt the provision of the State Building Code, according to Section 19-395 of the General Statutes of the State of Connecticut.

Adopted 09/11/70

FEES & PENALTIES FOR STATE BUILDING CODE ORDINANCE

Volume 5, page 128

TITLE: Provisions of State Building Code: (1) Penalties for Violations and unlawful continuances, (2) Schedule of Fees for permits required for moving of buildings, demolitions and signs, (3) No fees required of agencies of the Town of Willington and Willington Board of Education.

BE IT ORDAINED AS FOLLOWS:

Pursuant to Chapter 354 of the Connecticut General Statutes, as amended, and pursuant to Chapter 99 of the Connecticut General Statutes, as amended, the following penalties and schedule of fees are hereby established in accordance with the provisions of the State Building Code, as amended.

Section I: SCHEDULE OF FEES

1. The fees for signs, billboards and other display structures for which permits are required under the provisions of the State Building Code, as amended, shall be at the rate of \$8.00 per sign, billboard or other display structure.
2. The fee for a building permit for the removal of a building or structure from one lot to another or to a new location on the same lot shall be at the rate of \$2.00 for the first One Thousand (\$1,000.00) Dollars of the estimated costs of moving, plus the cost of new foundations and all work necessary to place the building or structure in its completed condition and in a new location. For each additional One Thousand (\$1,000.00) Dollars of such cost, or fraction thereof, the fee shall be \$2.00.
3. The fee for a permit for the demolition of a building or structure shall be at the rate of \$2.00 for the first One Thousand (\$1,000.00) Dollars of the estimated cost of such demolition, and \$2.00 for each additional One Thousand (\$1,000.00) Dollars of such cost, or fraction thereof.
4. The fee for other building permits issued in accordance with the provisions of the State Building Code, shall be those fees established by the Board of Selectmen, as authorized at Town Meeting on September 10, 1970.

Section II: PENALTIES

1. Any person who shall violate a provision of the State Building Code, as amended, or shall fail to comply with any of the requirements thereof or shall erect, construct, alter or repair a building or structure in violation of any approved plan or directive of the building official, or of a permit or certificate issued under the provisions of the State Building Code, as amended, shall be guilty of a misdemeanor, punishable by a fine of not more than \$5,00.00 or by imprisonment not exceeding one (1) year, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

2. Any person who shall continue any work in or about the building after having been served with a stop order, as provided in the State Building Code, as amended, except such work as he is directed to perform to remove a violation or unsafe conditions, shall be liable to a fine of not less than \$25.00 or more than \$500.00. Each day that a violation continues shall be deemed a separate offense.

Section III: MISCELLANEOUS

1. Agencies of the Town of Willington and the Willington Board of Education are required to comply with the provisions of the State Building Code, as amended; but shall not be required to pay any permit fees required under said State Building Code, any amendment thereto, or under any Town Ordinance relating thereto.

2. This Ordinance shall become effective 15 days after publication in accordance with the provisions of the Connecticut General Statutes.

Adopted 10/11/72

BOARD OF EDUCATION MEMBERSHIP INCREASE ORDINANCE

Volume 5. page 140

In accordance with the provisions of Section 9-205 of the Connecticut General Statutes, as amended, the membership of the Board of Education is hereby increased from five to seven members. This ordinance shall become effective fifteen days after publication as provided by law.

Adopted 02/26/73

BOARD OF EDUCATION NOMINATING & VOTING PROCESS ORDINANCE

Volume 6, pages 5 & 115

The Town of Willington authorizes the nomination by any political party of candidates for election as members of the Board of Education equal to the number of members of said board to be elected at such election, and authorize the electors of the town to vote for the full number of such members to be elected.

Adopted 11/06/79

TOWN CLERK TERM OF OFFICE ORDINANCE

Volume 5, page 142

In accordance with the provisions of Section 9-189a of the Connecticut General Statutes. as amended, the Town Clerk of the Town of Willington shall be elected for a term of four years beginning with the next regular election for such office in November of 1973.

This ordinance is to become effective fifteen days after publication as provided by law.

Adopted 03/04/73

INLAND WETLANDS AGENCY ORDINANCE

Volume 5, pages 171 & 173

TITLE: An ordinance establishing an Inland Wetlands Agency and authorizing it to promulgate regulations protecting the Inland Wetlands and Water Courses of the town.

WHEREAS, the inland wetland and water courses of the town are an indispensable and irreplaceable but fragile natural resource with which the citizens of the town have been endowed; and

WHEREAS, the inland wetlands and water courses are an inter related web of nature essential to an adequate supply of surface and underground water: to hydrological stability and control of flooding and erosion; to the charging and purification of ground water and to the existence of many forms of animal, aquatic and plant life; and

WHEREAS, many inland wetlands and water courses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and water courses: and

WHEREAS, such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the town and has and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic and recreational values and benefits of the town for its citizens now and forever more: and

WHEREAS, the preservation and protection of the inland wetlands and water courses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the town.

BE IT ORDAINED BY THE TOWN OF WILLINGTON, AT TOWN MEETING:

1. Short Title. this ordinance shall be known and may be cited as the "Wetlands Ordinance".

2. Purpose. The purpose of this ordinance is to protect the citizens of the town by making provisions for the protection, preservation, maintenance and uses of the inland wetlands and water courses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution protecting the quality of wetlands and water courses for their conservation, economic, aesthetic, recreational and other public and private uses and values and protecting the town's potable fresh water supplies from the danger of drought, overdraft, pollution, misuses and mismanagement by providing an orderly process to balance the need for the economic growth of the town and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the town, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

3. Pursuant to the provisions of Public Act 155 of 1972, and Public Act 73-571, the Willington Planning and Zoning Commission is hereby designated as the "Inland Wetlands Agency" of the Town of Willington.

a. The Inland Wetlands Agency is hereby authorized to promulgate such regulations in conformity with regulations promulgated by the Commissioner of Environmental Protection, as are necessary to protect the inland wetlands and water courses within the territorial limits of the town, as defined by said Public Act 155 and Public Act 73-571, and any amendments thereto.

b. Said Inland Wetlands Agency shall not enact any regulations, or amendments to existing regulations, or establish any boundaries of inland wetland areas, until after a public hearing is held in relation thereto by said Agency, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in the form of a legal advertisement, in a newspaper having a substantial circulation in the Town of Willington, at least twice, at intervals of not less than two days, the first not more than twenty-five days nor less than fifteen days, and the last not less than two days before such hearing. A copy of such proposed regulation or boundary, or any amendments thereto, shall be filed in the office of the Town Clerk for public inspection at least ten days before such hearing. Regulations or boundaries, or any amendments thereto, enacted by the Inland Wetlands Agency shall become effective at such time as is fixed by said Inland Wetlands Agency, provided a copy of such regulations or boundary, or amendment thereto, is filed in the office of the Town Clerk.

c. Petitions may be submitted to the Inland Wetlands Agency in writing and in a form prescribed by said Inland Wetlands Agency, requesting a change in the regulations, or in the boundaries of the Inland Wetlands area, which petitions shall be considered at a public hearing within ninety days after receipt of such petition; which public hearing shall be held in the manner provided in Section 3(b) above.

d. All regulations, boundaries and amendments thereto, enacted by said Inland Wetlands Agency, shall be submitted to the Commissioner of the Department of Environmental Protection, within ten days of their effective date, to determine their conformity with the "Inland Wetlands and water courses Regulations of the Connecticut Department of Environmental Protection" and any amendments thereto.

e. The Inland Wetlands Agency may establish filing fees to be deposited with said Agency to defray the cost of publication of the notice required for a public hearing.

4. In exercising the authority granted herein, the Inland Wetlands Agency shall:

a. Develop comprehensive programs in furtherance of the purposes of this ordinance.

b. Advise, consult and cooperate with agencies of the town, state and federal government, other states and with persons and municipalities in furtherance of the purpose of this ordinance.

c. Encourage, participate in or conduct studies, investigations, research and demonstrations, and collect and disseminate information relating to the purpose of this ordinance.

d. Retain and employ consultants and assistants on a contract or other basis for rendering legal, financial, technical or other assistance and advice in furtherance of any of its purposes, specifically including, but not limited to, soil scientists on a cost-sharing basis with the United States Soil Conservation Service for the purpose of (1) completing the state soils survey and (2) making on-site interpretations, evaluations and findings as to soil types.

e. Promulgate such regulations as are necessary to protect the wetlands and water courses or any of them individually or collectively.

f. Inventory or index the wetlands and water courses in such form, including pictorial representations, as the Inland Wetlands Agency deems best suited to effectuate the purposes of this ordinance.

g. Exercise all incidental powers necessary to enforce regulations and to carry out the purposes of this ordinance.

5. Any person aggrieved by a decision of the Town, acting through the Inland Wetlands Agency, shall have the right to appeal provided by Public Act 73-571, as amended from time to time.

6. Any person violating this ordinance or the regulations promulgated there under shall be subject to the remedies and penalties provided by Public Act 155 of 1972, as amended from time to time.

7. If any section, clause, provision, or portion of this ordinance, or any regulation established pursuant to the terms of this ordinance, shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such holdings shall not affect or impair any other section, clause, provision, or portion of this ordinance or of any regulation established pursuant to the terms of this ordinance.

8. This ordinance shall become effective twenty-one days after publication in a newspaper having a circulation in the Town of Willington.

Adopted 05/15/74

SOLAR ENERGY EXEMPTION ORDINANCE

Volume 5, page 274A

Be it ordained by the Town of Willington that, pursuant to the authority granted by Section 12-81 of the general Statutes of Connecticut, there is hereby established a property tax exemption to the following extent:

1. Any building, the construction of which is commenced on or after October 1, 1976, and before October 1, 1991, which is equipped with a solar energy heating or cooling system, or any building to which a solar energy heating or cooling system is added on or after October a, 1976, and before October 1, 1991, to the extent of the amount by which the assessed valuation of such real property equipped with such solar heating or cooling system exceeds the assessed valuation of such real property equipped with the conventional portion of the heating or cooling system, exclusive of any portion of such system related to solar energy, provided this exemption shall only apply to the first fifteen assessment years following construction of such building or addition of any such system to a building.

2. As used in this ordinance, solar energy heating or cooling system means equipment which provides for the collection, transfer, storage and use of incident solar energy for water heating, space heating or cooling which absent such solar energy system would require a conventional energy resource, such as petroleum products, natural gas or electricity, and which meets standards established by regulation by the commissioner of planning energy policy.

3. Any solar energy electricity generating system installed for the generation of electricity for private residential use, provided such installation occurs on or after October 1, 1977 and before October 1, 1991. This exemption shall only be applicable in the first fifteen assessment years following the installation of such system.

4. As used in this ordinance, a "solar energy generating system" means equipment which is designed, operated and installed as a system at any private residential location, which utilizes solar energy to produce electricity for the consumption at such location and which meets standards established by regulation by the commissioner of planning and energy policy.

5. Any person who desires to claim any exemption provided in this ordinance shall file with the Assessor or the Board of Assessors of the town of Willington within thirty (30) days following the annual assessment date, written application claiming such exemption on a form as prescribed by the tax commissioner. Failure to file such application in said manner and form within the time limit prescribed shall constitute a waiver of the right to such exemption for the assessment year.

Adopted 03/15/78

TOWN CONTRACTS FOR PURCHASE AND SALES ORDINANCE

Volume 5, page 282

Volume 7, page 14

Section I:

All town purchases of, and contracts for, supplies, materials, equipment, services or other work to be done or performed by persons other than town employees or town employees or town employees or town officials, excepting items for which the State of Connecticut has established a price schedule and items marketed or sold by the United States of America, or any other local, state or governmental authority, the price of which is in excess of \$5,000.00, shall not be made until such time as the Board of Selectmen has sought competitive bids for the same.

Section II:

The Board of Selectmen shall decide, in its discretion, the method by which such competitive bids shall be sought, and shall determine the method most likely to attract bidders. the Board of Selectmen shall determine whether invitations to bid shall be published in a newspaper circulating in that area most likely to attract bidders and/or shall determine whether direct written invitations to bid shall be submitted to prospective bidders most likely to be interested in the subject purchase and sale.

Section III:

In the event of the sale of town property, the Board of Selectmen shall, in its discretion, determine the method most Likely to attract purchasers and may publish a notice of sale in a newspaper circulating in the area most likely to attract purchasers and/or may solicit, in writing, offers from persons deemed to be most likely to be interested in purchasing such town property.

Section IV:

The Board of Selectmen shall open each bid or offer on the date and a t the time stated in any public notice soliciting such bid or offer at a public meeting of the Board of Selectmen.

Section V:

In the event that the Board of Selectmen does not receive any response, or any acceptable response, to any notice published or sent, the Board of Selectmen may then proceed to negotiate for the purchase or sale of-the item in question in any appropriate market.

Section VI:

The Board of Selectmen shall have the right to reject any and all bids or offers, the purpose of this ordinance being to protect the public interest and not the private interest of any bidder.

Section VII:

The Board of Selectmen is authorized, additionally, to apply the foregoing notice and bidding procedure to any purchase of, or contract for, supplies, materials, equipment or work to be done or performed where the amount of such purchase or contract is less than \$5,000.00.

Section VIII:

The Board of Selectmen shall, in any event, have the right to sell town property at public auction, in lieu of proceeding with the foregoing notice and bidding process. In the event of such a public auction, the Board of Selectmen shall cause such public notice to be published as said Board shall determine to be reasonable and appropriate in the circumstances. At such public auction, the Board of Selectmen shall have the right to reject any or all bids, including the highest, in the event that the said Board deems acceptance of the highest bid not to be in the best interest of the Town of Willington. Bids received at any such auction shall be made subject to this provision which allows rejection by the exercise of discretion vested hereby in the Board of Selectmen.

Section IX:

Any contract entered into by and between the Board of Selectmen, on behalf of the Town of Willington, and any third party, shall be filed with the Town Clerk of Willington.

Section X:

This revised ordinance shall become effective 15 days after publication in a newspaper pursuant to the provisions of Section 7 157 of the General Statutes of the State of Connecticut.

Adopted 09/18/78

Revised 10/18/88

ANNUAL BUDGET ORDINANCE

Volume 6, page 222,226

Volume 7, page 5, 339, 426

Section I:

This ordinance is adopted pursuant to Section 7-148 (c) (2) (A) of the General Statutes of the State of Connecticut, as amended, and upon adoption of this ordinance the existing annual budget ordinance adopted October 3, 1985 and amended August 17, 1988 shall be and is hereby repealed.

Section II:

The "annual town meeting" or "annual budget meeting" as referred to and described in Title 7, General Statutes of Connecticut, as amended, shall be conducted as follows:

Once lawfully convened pursuant to Section 7-3, et. Sec., General Statutes of Connecticut, the meeting shall choose a moderator and proceed to conduct its business in accordance with Section 7-7, of the General Statutes of the State of Connecticut, which shall include a discussion of the annual budget, but there shall be no vote on the annual budget at the meeting so held.

When all business other than the vote of the annual budget has been transacted, the meeting shall:

set a date, not less than seven nor more than fourteen days thereafter, for a vote on the annual budget by a "YES" or "NO" vote on the voting machines:
set the hours during which such votes may be cast, not less than between the hours of twelve o'clock noon and 8 o'clock P.M. and not more than between the hours of six o'clock and eight o'clock P.M.

Section III:

The vote on the annual budget shall include separate votes on the proposed education budget and the proposed general government budget, each such proposed budget to be considered by separate "YES" and "NO" votes.

Section IV:

In the event the meeting does not set the date and hours for such vote, the town selectmen shall set the date and hours of the vote.

Section V:

The foregoing budget and voting procedure shall apply to all votes on the adoption of annual budgets, including any vote taken to adopt an annual budget by machine vote. No annual budget shall be adopted except pursuant to the procedure set forth in this ordinance requiring a machine vote and referendum. However, in the event that only one of the two proposed budgets is approved at any referendum, any subsequent referendum shall include only a vote on the proposed education budget or proposed general government budget which was unapproved. Any approval of either budget shall be deemed a final approval of such budget

Section VI:

This ordinance shall become effective fifteen (15) days after publication in a newspaper pursuant to the provisions of Section 7-157 of the General Statutes of the State of Connecticut.

Adopted 10/03/85
Revised 08/17/88
Revised 04/20/93
Revised 07/28/93
Revised 04/06/93
Published 07/31/93
Effective 08/15/93

ELIMINATION OF DECLARATION OF PROPERTY ORDINANCE

Volume 5, page 283

The following ordinance was adopted at Town Meeting on 9/18/78:

- (a) That the Town of Willington adopt the provisions of Section 12-41 (d) of the General Statutes concerning the annual listing of real estate by persons liable to give in a list and pay taxes to the Town, and to approve the request of the Board of Assessors to the State Tax Commissioner if and when made to compile the abstract of real estate from data contained on the owner's cards, all subject to approval by the State Tax Commissioner.
- (b) That the Board of Assessors are and they hereby are authorized and directed, subject to the approval of the State Tax Commissioner, to compile the abstract of real estate from data compiled on the owner's cards.

Adopted 09/18/78

ESTABLISHMENT OF ECONOMIC DEVELOPMENT COMMISSION ORDINANCE

Volume 6, page 10

Volume 7, page 174

Section I:

This ordinance is adopted pursuant to the authority of Section 7-136 of the General Statutes of the State of Connecticut which authorizes any town to establish an Economic Development Commission for the promotion and development of the economic resources of such town by appointing members and alternates.

Section II:

The Town of Willington having accepted the provisions of Section 7-136 of the General Statutes as aforesaid, established an Economic Development Commission in 1980 and hereby amends the ordinance establishing said Economic Development Commission to provide for the appointment of alternates and to provide for an appointment procedure governing members and alternates.

Section III:

The Economic Development Commission shall consist of five (5) members and two (2) alternates who shall be appointed by the chief executive authority of the town, namely the First Selectman.

Section IV:

The terms of the members and alternates shall not exceed five (5) years. The terms of the two alternates to be appointed to the commission shall commence upon appointment by the First Selectman upon or after the effective date of this ordinance. One alternate shall be appointed for a term expiring December 31, 1993. The second alternate shall be appointed for a term expiring December 31, 1994.

Section V:

Upon expiration of the initial terms of said alternates, appointments thereafter shall be made for five (5) year terms.

Section VI:

Alternates shall, when seated, have all the powers and duties of a member of the commission.

Section VII:

Any vacancy in the membership of the commission shall be filled for the unexpired portion of the term by the chief executive authority, namely the First Selectman.

Section VIII:

The First Selectman may remove any member or alternate for cause, and shall fill any vacancy in the position of the alternate or member to complete any unexpired term. If requested by such member or alternate, a public hearing shall be held prior to the removal of said member or alternate from the commission by the First Selectman.

Section IX:

All future appointments of members to the commission shall be made by the chief executive authority of the town, namely the First Selectman.

Section X:

All of the other terms and provisions of the 1980 ordinance establishing an Economic Development Commission, not inconsistent herewith, shall continue in full force and effect.

Section XI:

This ordinance shall become effective fifteen (15) days after publication in a newspaper pursuant to the provisions of Section 7-157 of the General Statutes of the State of Connecticut.

Adopted 03/27/80

Revised 01/03/91

HISTORIC DISTRICT ORDINANCE

Volume 6, page 32

Be it ordained as follows:

Section I:

To promote the educational, cultural, economic and general welfare of the Town of Willington through the preservation and protection of buildings and places of historic interest by the maintenance of such as landmarks in the history of architecture and of the Town of Willington, and through the development of appropriate settings for such buildings, places and districts, there is hereby established an Historic District around the Willington Common, to be known as the WILLINGTON COMMON HISTORICAL DISTRICT and the boundaries of the said Historic District are hereby fixed and defined as follows:

Part One: Beginning on the north taking line of US. Route 44 at the point where the property of Hilal and Phyllis Cokash adjoins that of Clarke Ruby, proceed northerly and easterly along the stones marking the dividing line between the said two properties to the intersecting stone wall also marking the dividing line between these two properties; thence easterly by this intersecting wall, extending past the point of division between the property of said Cokashes and that of Martha and Edward Williams, further past the point of division between the property of the said Williams and that of Mary and Ernest Kline, still further past the point of division between the property of said Klines and the property of the Federated Church of Willington, continuing thence to the point of division between the property of said church and that of Harold and Irene Hipsky; thence southerly along the stones representing the line between the last said properties to the junction of said line with the stone wall forming one boundary between the property of said Hipskys and that of the Town of Willington; thence eastward along this wall to Jared Sparks Road; thence southerly along Jared Sparks Road to Common Road; thence westward, southward and westward along Common Road and Route 44 to the point of beginning.

Part Two: Beginning at the southeast intersection of Jared Sparks Road and Common Road, proceed easterly along the south line of said Common Road and the north line of the property of Alice Cassells to the stone wall marking the boundary between the property of said Cassells and that of Catherine Guck; thence proceed southerly along this boundary to the line marking the boundary between the property of said Guck and that of Denise and Rosario Ferreri; thence proceed easterly along said line to the boundary between the property of said Ferreris' and that of James Bugbee; thence southerly by said boundary to the north taking line of Route 44; thence westerly by said taking line and northerly by Jared Sparks Road to the point of beginning.

Part Three: Beginning at the point of intersection of the south line of Route 44 and the west line of Old Farms Road proceed southeasterly along the easterly bound of the property of Roberta and Michael Helfgott to the stone wall marking the boundary between the property of the said Helfgotts' and that of the Town of Willington; thence westerly along said wall to its intersection with the line between the property of Fern and Floyd Callward and that of the Town

of Willington; thence southerly along the stone wall marking such boundary to its intersection with a stone wall which marks the boundary between the property of Karl Hunting and that of the said Callwards; thence westerly by said wall to the line of Connecticut Highway 320; thence northerly by said highway and easterly by the line of Route 44 to the point of beginning.

Part Four: Beginning at the intersection of the south line of Route 44 and the west line of Highway 320, proceed southerly along the east line of the property of the Federated Church of Willington to the boundary between the said property of the Federated Church and that of David Krivanec; thence along the line of said boundary which also becomes the line of the boundary between the properties of said Krivanec and of Joellen and David Hawkins to a stone wall which marks the boundary between the property of the said Hawkins and that of Hilal and Phyllis Cokash; thence northerly along this wall to the line of Route 44; finally, proceed easterly along the line of the said Route to the point of beginning.

Said District is also described on the accompanying map entitled WILLINGTON COMMON HISTORICAL DISTRICT, 1981.

Section II:

A Historic District Commission is hereby established which shall consist of five (5) members and three (3) alternate members, all of whom shall be electors of the Town of Willington and none of whom shall hold a salaried public municipal office in said town. Said members and alternates are to be appointed within fifteen (15) days of the effective date of this ordinance by the Board of Selectmen for the following terms of office: one member for a term expiring on January 1, 1983; one member for a term expiring January 1, 1984; one member for a term expiring January 1, 1985; one member for a term expiring January 1, 1986; one member for a term expiring January 1, 1987; and, one alternate member for a term expiring January 1, 1983, one alternate member for a term expiring January 1, 1984; and one alternate member for a term expiring January 1, 1985. All subsequent appointments for regular members and for alternate members to fill expiring terms shall be made before December 1st preceding the date of expiration. Appointments of regular members shall be for terms of five (5) years and those of alternate members shall be for terms of three (3) years. At all times, at least one member and one alternate member shall be residents within the Willington Common Historical District hereby established. At the request of the Commission, the Board of Selectmen may appoint one of the alternate members to fill the unexpired term of a regular member who becomes ineligible to continue his service. The vacancy thus created shall be filled in the prescribed manner.

When a member of the Commission is unable to act at a particular time because of absence, sickness, self-interest or other good reason, he shall notify the Chairman of the Commission and the Chairman shall designate an alternate member to serve in the place of such member. If possible, alternate members shall be designated to substitute for regular members in rotation senior member first. Alternates shall not vote on any matter, including election of officers, unless designated by the Chairman to serve in the place of a

regular member. All members and alternates shall serve without compensation.

Section III:

Within thirty (30) days after the appointment of its members the Commission shall meet and elect a Chairman and a Clerk. Annually thereafter and before February 1st the Commission shall meet and elect a Chairman and a Clerk.

In the absence or incapacity of the Chairman the Clerk is authorized to call meetings and to delegate the alternate member who is to serve in his place. A Chairman Pro tem shall be elected.

Section IV:

The Commission shall have such powers, shall perform such functions and shall be subject to such limitations as shall from time to time be prescribed by the applicable General State Statutes of Connecticut.

Section V:

The Clerk of the Commission shall file a copy of the minutes of each meeting with the Clerk of the Town of Willington and an annual report with both the Clerk of the Town of Willington and with the Connecticut Historical Commission.

Section VI:

Decisions shall be by a simple majority.

Section VII:

This ordinance shall take effect on September 20, 1981.

Adopted 08/20/81

PARKING AND SNOW REMOVAL ORDINANCE

Volume 6, Page 81

Pursuant to Section 7-148(15), Connecticut General Statutes, use of Town roads is restricted as follows:

1. Necessity - During and after winter storms which deposit snow, sleet or freezing rain, it is in the interests of public safety and welfare that Town roads be cleared and made safe for public traffic, including the transportation of food and fuel and the passage of vehicles in connection with the provision of medical assistance, fire and police protection and other vital services. In this regard, snow plowing and sanding operations can be effectively accomplished by the Town only if there are no vehicles parked in the traveled portion of the Town roads during and after said storms.

2. Parking Restrictions - In view of the foregoing, it shall be unlawful for any vehicle to remain parked wholly or partially in the traveled portion of any Town road during and after any said storm so as to impede snow plowing or sanding operations.

3. Enforcement - Any vehicle parked in violation of section 2 shall be deemed abandoned within the meaning of Section 14-150, Connecticut General Statutes, and said vehicle may be taken into custody, stored and disposed of pursuant to Sections 14-150(b), (d), (e), and (f), Connecticut General Statutes. Section 14-150(a) shall apply to determine the owner and person who abandoned said vehicle or caused or procured its abandonment.

4. No person shall deposit any snow or ice onto the traveled portion of any Town road. Any person found guilty of a violation of this section shall be fined fifty (\$50) dollars by the Board of Selectmen or the Public Works Supervisor.

Adopted 06/08/83
Published 06/13/88
Amended 11/12/9
Published 11/16/96
Amended 12/05/97
Published 12/11/97

ESTABLISHMENT OF APPOINTED CONSTABLES ORDINANCE

Volume 6, page 151

"The Board of Selectmen is authorized, pursuant to Section 9-185 of the Connecticut General Statutes, to appoint not more than four constables who shall be empowered to act as traffic and crowd control officers only, and not as police officers as defined in Section 7-294a, of the Connecticut General Statutes."

Not more than two constables shall be appointed for a term of two years beginning 11/19/85 and expiring 11/17/87. Not more than two constables shall be appointed for a term of three years beginning 11/19/85 and expiring 11/22/88. Thereafter as each appointment expires the Board of Selectmen shall appoint a constable for a term of three years. Any vacancy shall be filled by the Board of Selectmen for the unexpired term.

The Board of Selectmen may remove or suspend any constable from duty at anytime without a showing of cause.

Adopted 05/22/85

VETERAN'S EXEMPTION ORDINANCE

Volume 6, page 151

At Town Meeting the following ordinance was enacted;

"That any veteran entitled to an exemption from property tax in accordance with subdivision (19) of Section 12-81 of the General Statutes of the State of Connecticut shall be entitled to an additional exemption from such tax in the amount of ONE THOUSAND and NO/100 (\$1,000.00) DOLLARS, provided the total of such veteran's adjusted gross income as determined for purposes of the federal income tax plus any other income of such veteran not included in such adjusted gross income, individually, if unmarried, or jointly if married, in the calendar year ending immediately preceding the assessment date with respect to which such additional exemption is allowed, is not more than thirty four thousand one hundred dollars (\$34,100) if such veteran is not married, and forty one thousand six hundred (\$41,600) if said veteran is married. Further that, any veteran's surviving spouse entitled to an exemption from property tax in accordance with subdivision (22) of Section 12-81 shall be entitled to an additional exemption applicable to the assessed value of property in the amount of one thousand dollars (\$1,000.00), provided the total of such spouse's adjusted gross income, in the calendar year ending immediately preceding the assessment date with respect to which such additional exemption is allowed, is not more than thirty four thousand one hundred (\$34,000) dollars. The amounts of qualifying income shown on the schedule hereto attached and incorporated herein shall be adjusted annually in a uniform manner to reflect the annual inflation adjustment in social security income as determined by the Secretary of the Office of Policy and Management pursuant to C.G.S. 12-170aa(b)(2).

Any such veteran or spouse submitting a claim for such additional exemption shall be required to file an application on a form prepared for such purpose by the assessor, not later than the assessment date of October 1st, with respect to which such additional exemption is claimed. Each such application shall include a copy of such veteran's or spouse's federal income tax return, or in the event such a return is not filed such evidence related to income as may be required by the assessor, for the tax year of such veteran or spouse ending immediately prior to the assessment date with respect to which such additional exemption is claimed. Further, that this ordinance shall take effect October 1, 2014, and each assessment year thereafter. This ordinance adopted pursuant to the authorization of Public Act No. 84-486 amending Section 12-81f of the General Statutes of the State of Connecticut.

Adopted 05/22/85

Amended 8/5/2014

Published 8/14/14

Effective 8/29/14

ESTABLISHING OF FIRE LANE ORDINANCE

Volume 6, page 152

Section I:

A fire lane is a designated, unobstructed passageway sufficient in size to permit free passage of fire and other emergency equipment from a public highway to all necessary areas or portions of any private or public property as hereinafter set forth.

Section II:

Whenever the Fire Marshal of the Town of Willington shall determine that the reasonable safety of persons occupying, or using, any premises, public or private, having a capacity of at least fifteen persons, requires the establishment of a fire lane for orderly access of fire and other emergency equipment, he shall establish such fire lane by written order and cause a public announcement of the establishment of such fire lane to be printed in a newspaper having substantial circulation in the community. Further he shall cause a copy of such order to be delivered, in person or by registered mail, to the owner of any private land on which such fire lane is established or to the agent of such owner.

Section III:

Whenever the Fire Marshal of the Town of Willington establishes a fire lane, he shall file one copy of his order with the Board of Selectmen and one copy with the First Selectman. Any person aggrieved by such order may file with the Board of Selectmen a written notice of appeal setting forth reasons for aggrievement. Such written notice of appeal must be filed with the First Selectman within fifteen (15) days of the date on which such order is published in a newspaper as provided in Section II of this ordinance. Unless the First Selectman receives, in writing notice of an appeal on or before the fifteenth (15) day following the date of such publication, the order of the Fire Marshal shall be final. In the event such a notice of appeal is filed with the First Selectman within such fifteen (15) day period, the Board of Selectmen shall hear such appeal within thirty (30) days after receipt of the notice of appeal by the First Selectman. After hearing the Board of Selectmen may affirm, modify or rescind such ordinance

INLAND WETLAND COMMISSION ORDINANCE

Volume 6, pages 237 & 239

Be it ordained by the legislative body of the Town of Willington, at a Special Town Meeting thereof, held on April 28, 1986, that pursuant to Public Act 155 of the 1972 Session of the Connecticut General Assembly, as amended, there shall be created an Inland Wetland Commission for the Town of Willington.

Section I:

There is hereby created for said Town an Inland Wetland Commission, which shall consist of five (5) regular members and two (2) alternate members, all of whom shall be electors of such Town, hold no salaried municipal office.

Section II:

The regular and alternate members of the Commission shall be appointed by the Board of Selectmen of said municipality pursuant to Section 22a-42c of the General Statutes of Connecticut revision of 1985. Their term shall be as follows;

- Three (3) of the original regular members to serve for two (2) years

- Two (2) regular members to serve for three (3) years

- Two (2) alternate members to serve for three (3) years

Thereafter, each regular and alternate member shall be appointed to serve for three (3) years. The Board of Selectmen may fill any vacancy and may remove any member for cause.

Section III:

The Commission shall select a Chairman and a Secretary from its members, may adopt rules for the transaction of its business and shall keep a public record of its activities. It shall, submit a written report for the preceding fiscal year to the Board of Finance for inclusion in the Annual Town Report.

Section IV:

The Commission shall be authorized to enact regulations consistent with and pursuant to Sections 22a-36 through 22a-45 of the General Statutes of the State of Connecticut and all regulations promulgated pursuant to said statutes by the Commissioner of Environmental Protection, as are necessary to protect the inland wetland and watercourses within the Town, and to charge reasonable fees to applicants.

Section V:

Proposed regulations and amendments shall be referred to the Planning and Zoning Commission for their recommendations at least twenty (20) days prior to the date assigned for the public hearing.

Section VI:

This ordinance shall take effect fifteen (15) days after publication of notice and its adoption in some newspaper as provided in Section 7-157 of the General Statutes of Connecticut.

Adopted 04/28/86

APPOINTED ASSESSOR ORDINANCE, AS AMENDED

Volume 6, page 270

Section I: APPOINTMENT

Pursuant to Section 9-198 of the General Statutes of the State of Connecticut, as amended, the Board of Selectmen shall appoint an assessor to a two year term of office. The initial term of office shall commence on the appointment of an assessor by the Board of Selectmen. All subsequent appointments shall be for two year terms commencing on July 1, 1988, and the terms of the assessors now in office or elected to such office shall terminate upon the appointment of an assessor.

Section II: POWERS AND DUTIES

- A. Such assessor shall have all the powers and duties imposed by the General Statutes on such office.
- B. Such assessor shall appoint and remove, subject to the approval of the Board of Selectmen, an assistant and such other employees as may be required to assist him/her within the limits of the appropriation thereof.

Section III: COMPENSATION

The salary or compensation of such assessor shall be fixed by the Board of Selectmen, subject to approval by the Board of Finance and Annual Town Meeting and Budget Referendum.

Section IV: QUALIFICATIONS

The assessor shall be chosen on the basis of his or her administrative ability, character, knowledge, education and shall have the designation of Certified Connecticut Municipal Assessor and shall not serve on any regular town board or commission or hold any other elective or appointed office within the town.

Section V: VACANCY

The assessor so appointed by the Board of Selectmen may be removed by a majority vote thereof upon a finding of cause for such removal. Upon the removal or resignation of the assessor, the Board of Selectmen shall appoint another person to fill such vacancy and complete the remainder of the term of office left uncompleted by reason of such removal or resignation.

Dated at Willington this 13th day of June, 1986

Adopted 6/12/86

STREET NUMBERING SYSTEM ORDINANCE & AMENDMENTS

Volume 6, pages 275, 283, 330 & 331

Volume 7, pages 150 & 159

For the purpose of creating order in the streets of the Town of Willington, to ensure that the Town has proper and useful planning, to promote public safety and convenience and to ease and speed essential emergency services the Town adopts the following ordinance:

The numbering system, as shown on a set of maps on file in the office of the Assessor and Town Clerk entitled Willington Street Numbering System, 1986 is hereby adopted as specified in Section 7 148 of the General Statutes as the Street Numbering System of the Town of Willington.

To ensure that the street numbering system is correct and understandable and that there is no confusion in street names, the following streets and roads shall henceforth be officially recognized by the names indicated herein:

A road running from an intersection with Tolland Turnpike southerly through an intersection with Old Farms Road then through an intersection with Eldredge Road and ending at the Mansfield Town Line shall be Daleville Road.

A road running from an intersection with Daleville Road north to an intersection with Eldredge Road to a point 1,200 feet + south of an intersection of Eldredge Road and Daleville Road shall be Marco Road.

A road running from an intersection with River Road westerly and northerly to an intersection with Tolland Turnpike, near the Vermont Central Railroad shall be Phelps Way.

A road running from the Tolland Town Line, at the Willimantic River, easterly and traversing the length of Willington to the Ashford Town Line shall be Tolland Turnpike.

A road running from the Mansfield Town Line northerly and traversing the length of Willington to the Tolland Town Line shall be River Road.

A road running from an intersection with Tolland Turnpike southerly to the Mansfield Town Line shall be Storrs Road.

A road running from the Mansfield Town Line easterly to the Ashford Town Line (Route 44) shall be Boston Turnpike.

A road running from an intersection with Storrs Road westerly through an intersection with Cisar Road, proceeding westerly to and through an intersection with Battey Road and ending at River Road shall be Pinney Hill Road.

A road running from an intersection with Tolland Turnpike northerly to an intersection with Turnpike Road thence westerly over Interstate I-84 to an intersection with Lohse Road thence northerly to an intersection with Mihaliak Road shall be Ruby Road.

Certain streets and roads have been numbered which are not Town roads.

This has been done for consistency and convenience and cannot be interpreted as acceptance of the street by the Town.

Approved at a Town Meeting this 30th day of Sept. in the year of our Lord, 1986.

* A road running from an intersection with Tolland Turnpike southerly to the Mansfield Town line shall be Storrs Road to a road running from an intersection with Tolland Turnpike southerly to the Mansfield Town line shall be Willington Hill Road.

Change the spelling of Battey Road to Battye Road.

Town requires that numbers be at least three inches in size, reflective and be posted where they will be visible from the road. Numbers to be posted by July 1, 1987. A \$15.00 fine to owners of residence, if not posted by July 1, 1987. Amendment to the Ordinance becomes effective on publication.

Dated at Willington 2/4/87

* At a legally warned Town meeting on 11/17/87 the ordinance was amended to change Alexander lane to Grange Drive.

Dated at Willington 11/23/87

* For numbering purposes only the "Ordinance Establishing a Street Numbering System" will add a private road off River Road, called George Drive.

* To change the name of a portion of Kollar Road, from the intersection of Luchon Road and Kollar Road to the intersection of Kollar Road and Fisher Hill Road, to Sharps Mill Road.

Dated at Willington this 20th day of June, 1990.

Adopted 09/30/86

Amended 02/03/87

Amended 11/17/87

Amended 02/16/88

Amended 06/20/90

REDEMPTION FEES FOR IMPOUNDED ANIMALS ORDINANCE

Volume 6, Page 283

Whereas, Section 22-333 of the General Statutes of the State of Connecticut, as amended by Public Act 86-284 enacted by the Senate and House of Representatives in General Assembly, authorizes the legislative body of the municipality to set redemption fees for impounded animals;

Now therefore, be it ordained by the Town of Willington that the following redemption fees shall apply to any animal captured or impounded in the Town of Willington:

Section I:

Any animal captured or impounded under the provisions of Chapter 435 of the General Statutes of the State of Connecticut shall be redeemed by the owner or keeper thereof, or the agent of such owner or keeper, upon proper identification once a license and tag is presented if animal is a dog, to the Animal Control Officer, and upon the payment by such owner or keeper or his agent of (1) the redemption fee established by the Town of Willington, which fee is hereby fixed at FIFTEEN (\$15.00) DOLLARS and (2) the cost of advertising incurred under the provisions of Section 22-332 of the General Statutes of the State of Connecticut; provided no animal seized for doing damage under the provisions of Section 22-355 shall be released except upon written order of the commissioner, the chief animal control officer, any animal control officer or any municipal animal control officer.

Section II:

When the owner or keeper of any such impounded animal fails to redeem such animal within twenty-four hours after receiving notification so to do, or, where the owner was unknown within twenty-four hours after notification was effected by means of publication in a newspaper, such owner or keeper shall pay, in addition to such redemption fee and the cost of advertising the amount determined by the Town of Willington to be the full cost of detention and care of such impounded animal. In addition, any owner or keeper of any such impounded animal who fails to redeem such animal within 120 hours after receiving notification so to do shall have committed an infraction. The Town of Willington hereby fixes the full cost of detention and care of any such impounded animal at FIFTEEN (\$15.00) DOLLARS per day.

Ordinance becomes effective on publication.

Dated at Willington 02/04/87

Adopted: 02/03/87

Amended: 08/14/13

Published: 08/22/13

Effective: 09/06/13

STATE BAZAAR AND RAFFLE ORDINANCE

Volume 7, page 5

Section I:

Pursuant to the authority of Section 7-171 of the General Statutes of the State of Connecticut, the Town of Willington hereby adopts the provisions of Section 7-170 to 7-186, inclusive, of the General Statutes of the State of Connecticut, known as the State of Connecticut's Bazaar and Raffle Law.

Section II:

The Town of Willington hereby incorporates by reference all of the terms and provisions of Section 7-170 to 7-186, inclusive of the General Statutes of the State of Connecticut, and all applications for permits, all investigations of applicants and all permit approvals are to be made in accordance with the provisions of said state statutes.

Section III:

All bazaars, raffles and games of chance shall be conducted in accordance with the provisions of Section 7-170 to 7-186 inclusive, of the General Statutes of the State of Connecticut and this ordinance shall in no way be construed to allow or permit any activity not expressly regulated or authorized by the provisions of said statutes. All municipal regulation of said activities shall be done in compliance with the procedural requirements set forth in said statutes and nothing in this ordinance shall be construed so as to conflict with any provision of Sections 7-170 to 7-186 of the General Statutes of the State of Connecticut.

Effective immediately upon publication.

Dated at Willington, 8/23/1988

Adopted 08/17/88

SOLID WASTE ADVISORY COMMISSION ORDINANCE

Volume 7, page 13

Section 1.

There is hereby created a commission, to consist of five (5) members and two (2) alternates as hereinafter set forth, to be known as the Solid Waste Advisory Commission of the Town of Willington, hereinafter referred to as the Commission.

Section 2.

Said Commission shall consist of five (5) members and two (2) alternates, all of whom shall be residents of the Town of Willington, at least 18 years of age, and one of whom shall be a member of the board of Selectmen of the Town of Willington. The above said members and alternates shall be appointed by the majority vote of the Board of Selectmen of the Town of Willington.

Section 3.

The terms of the members of said Commission shall be staggered as follows: three (3) of the regular members shall be appointed to two (2) year terms and simultaneously, two (2) regular members of said Commission shall be appointed to three (3) year terms. One of the alternate members shall be appointed to a two (2) year term and the other alternate member shall simultaneously be appointed to a three (3) year term.

Section 4.

The Commission shall meet at least six (6) times annually in accordance with a schedule to be established.

Section 5.

The Commission shall review the operation of the Town transfer station, monitor its status and all developments affecting the same and shall develop a long-term plan for the operation of the said transfer station. The Commission shall issue recommendations to the Board of Selectmen of the Town of Willington as it may deem necessary or appropriate to ensure the proper management of the Town transfer station.

Section 6.

The Commission shall, whenever it deems it appropriate or necessary, draft and submit regulations governing the operation of the Town transfer station to the Board of Selectmen of the Town of Willington for its consideration in the management of the transfer station.

Section 7.

At all times the said Commission shall operate and propose ordinances and regulations which are consistent with any State or federal regulations governing the disposal of solid and/or hazardous waste.

Section 8.

Annually the Commission may submit a budget to the Board of Selectmen and the Board of Finance of the Town of Willington. The budget for said Commission shall include line items which are separate from any proposed budget submitted to the Board of Finance by the Board of Selectmen of the Town of Willington.

Section 9.

This ordinance shall become effective fifteen (15) days after publication in a newspaper pursuant to the provisions of Section 7-157 of the General Statutes of the State of Connecticut.

Adopted: 10/18/88

Published: 10/22/88

Amended: 08/24/95

Published : 08/29/95

Amended : 11/12/96

Published : 11/16/96

Amended : 8/14/13

Published: 08/22/13

Effective: 09/06/13

MUNICIPAL LIABILITY FOR ICE AND SNOW ON PUBLIC SIDEWALKS ORDINANCE

Volume 7, page 15

Section I:

This ordinance regarding municipal liability for ice and snow on public sidewalks is adopted pursuant to the authority set forth in Section 7-163a of the General Statutes of Connecticut.

Section II:

Notwithstanding the provisions of Section 13a-149 or any other General Statute or Special Act, the Town of Willington shall not be liable to any person injured in person or property caused by the presence of ice or snow on a public sidewalk unless the Town of Willington is the owner or person in possession and control of land abutting such sidewalk other than land used as a highway or street providing the Town of Willington shall be liable for its affirmative acts with respect to such sidewalks.

Section III:

The owner or person in possession and control of land abutting a public sidewalk shall have the same duty of care with respect to the presence of ice or snow on such sidewalk toward the portion of the sidewalk abutting him, her, their or its property as the Town of Willington had prior to the effective date of this ordinance and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of said injury.

Section IV:

No action to recover damages for injury to the person or to property caused by the presence of ice or snow on a public sidewalk against a person who owns or is in possession and control of land abutting a public sidewalk shall be brought but within two years from the date when the injury is first sustained.

Section V:

The owner, agent of the owner or occupant of premises bordering on any street or public place within the Town of Willington where there is an established sidewalk shall cause to be removed there from any and all snow and ice within five (5) hours after the same shall have fallen or formed, or within five (5) hours after sunrise when the same shall have fallen or formed during the night. When it is impracticable to remove ice or snow, the sidewalk shall be made safe and convenient for travel by covering with sand or some other suitable substance.

Adopted 03/20/89

EXCESS TAX PAYMENT ORDINANCE

Volume 8, page 203

Pursuant to Section 12-129 of the Connecticut General Statutes, as amended, the Town of Willington hereby enacts the following ordinance:

The Tax Collector for the Town of Willington has the authority to retain tax payments in excess of the amount due, provided the excess does not exceed \$5.00. Such excess payments will be transferred to the Treasurer at the end of each fiscal year with a detailed listing of names and/or account numbers.

This Ordinance shall become effective 15 days after publication in a newspaper pursuant to the provisions of Section 7-157 of the Connecticut General Statutes.

Adopted 06/13/96

AUTHORIZING EXPLANATORY TEXT OF LOCAL PROPOSALS ORDINANCE

Volume 7, page 61

Section I:

The municipal clerk of the Town of Willington is hereby authorized to prepare and print concise explanatory texts of local proposals or questions approved for submission to the electors of the Town of Willington at a referendum.

Section II:

Each such explanatory text shall be prepared in accordance with the provisions of Section 9-369b of the General Statutes of the State of Connecticut: shall be subject to the approval of the municipal attorney; and shall specify the intent and purpose of each proposal and question. No such text shall advocate either the approval or disapproval of the proposal or question. The municipal clerk shall cause such question or proposal in such explanatory text to be printed in sufficient supply for public distribution and shall also provide for the printing of such explanations of proposals or questions on posters of a size to be determined by said clerk. At least three such posters shall be posted at each polling place at which electors will be voting on such proposals or questions. Any posters printed in excess of the number required by Section 9-369b of the General Statutes of the State of Connecticut to be posted may be displayed by said clerk at his or her discretion at locations which are frequented by the public. The explanatory text shall also be furnished to each absentee ballot applicant pursuant to Subsection (d) of Section 9-140 of the General Statutes of the State of Connecticut.

Section III:

No expenditure of public funds shall be made to influence any person to vote for approval or disapproval of any such proposal or question.

Section IV:

This ordinance shall take effect fifteen (15) days after publication of notice of its adoption pursuant to the provisions of Section 7-157 of the General Statutes of the State of Connecticut.

Adopted 06/16/89

SALARIED POSITION OF TOWN CLERK ORDINANCE

Volume 7 , page 159

Section I:

This ordinance is adopted pursuant to the authority of Section 7-34b(b) of the General Statutes of the State of Connecticut which authorizes that any town may provide that the town clerk receive a salary in lieu of all fees and other compensation provided for in the General Statutes.

Section II:

Commencing July 1, 1990, the Town Clerk of the Town of Willington shall receive a salary in lieu of all fees and other compensation provided for in the General Statutes.

Section III:

Commencing July 1, 1990, the annual salary of the Town Clerk of the Town of Willington shall be twenty-five thousand dollars (\$25,000); and for each fiscal year thereafter the said salary shall be in the amount approved by the annual Town Meeting adopting the annual budget of the Town of Willington.

Section IV:

Commencing July 1, 1990, the fees or compensation provided by the General Statutes to be paid to the town shall be collected by the Town of Willington's Town Clerk and such clerk shall thereafter deposit all such money collected in accordance with the provisions of laws governing the deposit of monies belonging to the Town of Willington.

Section V:

This ordinance shall become effective fifteen days after publication hereof in some newspaper having a circulation in the Town of Willington, pursuant to the provisions of Section 7-157 of the General Statutes of the State of Connecticut.

Adopted 06/20/90

RECYCLING COMPLIANCE ORDINANCE

Volume 7, page 178

Section I: Authorization

This ordinance is adopted pursuant to the authority of Connecticut Public Act No. 90-220 which requires that each municipality adopt an ordinance setting forth measures to ensure the compliance of persons within its boundaries with the recycling requirements mandated by state law and to ensure compliance of collectors with the recycling requirements of state law.

Section II: Purpose

This ordinance shall govern the separation, collection processing and marketing of items generated within the boundaries of the Town of Willington as solid waste and designated for recycling by the commissioner of environmental protection pursuant to Subsection (a) of section 22a-241b of the General Statutes of the State of Connecticut, as amended by Section 1 of Public Act No. 90 220.

The Board of Selectmen is hereby authorized to require the separation and recycling of other items in addition to those designated pursuant to Subsection (a) of Section 22a-241b as amended by Section 1 of Public Act No. 90-220, and may make and adopt such regulations and rules to require such separation and recycling of other items as it deems appropriate or necessary at any time in the future.

Section III: Separation of Solid Waste

(A) Each person who generates solid waste from residential property shall, in accordance with Subsection (c) of Section 22a-220 of the Connecticut General Statutes, as amended by Section 2 of Connecticut Public Act No. 90-220, separate from other solid waste the items designated for recycling pursuant to Subsection (a) of Section 1 of Connecticut Public Act No. 90-220.

Every other person who generates solid waste shall, in accordance with Subsection (c) of the Section 22a-220, as amended by Section 2 of Connecticut Public Act No. 90-220, make provision for the separation from other solid waste of the items designated for recycling pursuant to Subsection (a) of the Section 1 of Connecticut Public Act No. 90 220.

(B) Recyclables shall be separate from other garbage, rubbish or solid waste and placed at the street curb or curblin for collection by private haulers or collectors. Otherwise, said recyclables shall be delivered to the recycling area of the Willington landfill and shall be deposited therein as directed by applicable regulations or by such persons who may be in charge of maintaining said landfill. Any person having custody or control of residential or industrial or business premises within the Town of Willington may dispose of recyclables at the recycling area located at the Willington landfill, so long as any such person complies with all the applicable rules and regulations regarding the disposition of such recyclables at the landfill. The Board of Selectmen is hereby expressly authorized to adopt such rules and regulations as may be convenient or necessary for the maintenance of a recycling area within the Willington landfill.

(C) No person having custody or control of residential, industrial or business premises from which garbage, rubbish or other refuse, including recyclables, is collected for disposal in the Willington landfill shall permit or cause any of the same to become a hazard to public travel, health or safety, or to become a nuisance of any sort.

(D) Additionally, it shall be the responsibility of each owner of property to ensure that all recyclables generated from the occupancy or use of any property situated in the Town of Willington are separated from other garbage, rubbish or solid waste prior to hauling or collection by private haulers or collectors. Owners or landlords shall be responsible for compliance by their tenants with the provisions of this ordinance and any violation of any term of this ordinance by the tenant shall be deemed a violation of this ordinance by the owner or landlord.

(E) No person engaged in the business of separation, recovery, collection, removal, storage or disposition of recyclables generated within the Town of Willington shall haul, collect or procure any such recyclables as defined by this ordinance, except as may be specifically authorized by permit.

Section IV: Assurance of Compliance by Collectors

(A) All collectors registered to haul solid waste within the Town of Willington shall be notified by mail of the provisions made for the collection, processing and marketing of items which are required to be recycled by the terms of this ordinance. After the mailing of such notice, any collector who has reason to believe that a person from whom he collects solid waste has discarded recyclable items with such solid waste in violation of Section 22a-241b of the General Statutes of the State of Connecticut or in violation of this ordinance, shall promptly notify the recycling coordinator designated by the Board of Selectmen of the Town of Willington.

(B) Upon the request of the Town of Willington, a collector shall provide a warning notice, by tag or other means, to any persons suspected by the collector or town of violating separation requirements.

(C) Every collector shall also assist the Town of Willington to identify any person responsible for creating loads containing significant quantities of recyclable items mixed with solid waste which are delivered to a resources recovery facility or solid waste facility by the collector and detected by the owner or operator of such facility pursuant to the provisions of Section 4 of Connecticut Public Act No. 90-220.

(D) The Board of Selectmen of the Town of Willington shall designate a recycling coordinator who shall be responsible for monitoring and enforcing the provisions of this ordinance. The recycling coordinator shall receive notices of violation from collectors and disposal facilities, develop warning notices for collectors to issue and be responsible for imposing penalties on violators.

Section V: Violations/Penalties

(A) For each violation by a commercial establishment of the requirements of Subsection (c) of Section 22a-241b of the General Statutes of the State of Connecticut, as amended by Section 1 of Connecticut Public Act No. 90-220, there is imposed a penalty on the owner of said commercial establishment in the amount of \$500.00.

(B) For violations by persons other than commercial establishments, any person violating any provision of this ordinance, or violating any provision of any regulation duly adopted by the Board of Selectmen pursuant to the authority of this ordinance, shall be subject to a fine or penalty in the amount of \$90.00 for each offense. The recycling coordinator shall make the determination as to when any such offense shall have occurred and if he determines that an offense has occurred, he shall report the same to the Board of Selectmen and shall forthwith issue a notice to the offending party that a fine or penalty has been imposed. All fines or penalties must be paid within 10 days of the issuance of any such finding by the recycling coordinator.

(C) The Board of Selectmen is authorized to revoke or cancel the landfill permit of any party which it determines has committed one or more violations of the terms and conditions of this ordinance or any provision of any regulation duly enacted by the Board of Selectmen pursuant to the authority of this ordinance. Such revocation shall become effective upon the issuance of written notice to the offending party.

(D) All disputes arising out of interpretation, application or enforcement of the terms of this recycling ordinance shall be finally determined by the Board of Selectmen in the event such determination becomes necessary.

Section VI: Reporting

Each private hauler or collector who delivers recyclables generated from within the geographical limits of the Town of Willington to points outside the Town of Willington shall supply the recycling coordinator with tonnage reports on a monthly basis.

Section VII: Regulations

The Board of Selectmen of the Town of Willington is hereby authorized to adopt such regulations as it shall deem in the public interest for the purpose of providing for the separation, collection, processing and marketing of recyclable items and monitoring progress in recycling.

Further, the Board of Selectmen is authorized to employ or contract with such persons, entities or corporations as it deems necessary or appropriate with respect to the separation, recovery, collection, removal, storage and disposal of recyclables generated within the Town of Willington.

Section VIII: Severance Clause

This ordinance and the various parts hereof are declared to be severable; if any part, sentence, section or clause is adjudged invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section IX: Repeal

All ordinances or parts of ordinances, resolutions, regulations or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section X: Effective Date

This ordinance shall become effective fifteen (15) days after publication in a newspaper pursuant to the provisions of Section 7-157 of the General Statutes of the State of Connecticut.

Dated at Willington this 17th day of January, 1991.

Adopted 01/16/91

FLOOD DAMAGE PREVENTION ORDINANCE

Volume 7, page 182

SECTION I. STATUTORY AUTHORIZATION, FINDING OF FACT, PURPOSE AND OBJECTIVES

1.1 Statutory Authorization

In Section 7-148 (c)(7) of the General Statutes, the Legislature of the State of Connecticut delegates to local governmental units the responsibility of adopting regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the legislative body, known as the town meeting, of the Town of Willington, Connecticut, does ordain as follows:

1.2 Findings of Fact

The flood hazard areas of the Town of Willington are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

1.2.2 These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

1.3 Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public private losses due to flood conditions in specific areas by provisions designed to:

1.3.1 Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

1.3.2 Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

1.3.3 Control the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

1.3.4 Control filling, grading, dredging and other development which may increase erosion or flood damage; and

1.3.5 Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

1.4 Objectives

The objectives of this ordinance are:

1.4.1 To protect human life and health;

1.4.2 To minimize expenditure of public money for costly flood control projects;

1.4.3 To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

1.4.4 To minimize prolonged business interruptions;

1.4.5 To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;

1.4.6 To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such manner as to minimize flood blight areas; and

1.4.7 To insure that potential home buyers are notified that property is in a flood hazard area.

SECTION 2. DEFINITIONS

2.1 Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

2.1.1 "Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

2.1.2 "Appeal" means a request for a review of the Zoning Enforcement Agents interpretation of any provision of this ordinance or a request for a variance.

2.1.3 "Area of shallow flooding" means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

2.1.4 "Area of special flood hazard" is the area within a community subject to one percent greater chance of flooding in any given year.

2.1.5 "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

2.1.6 "Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

2.1.7 "Breakdown wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

2.1.8 "Building" means any structure built for support, shelter, or enclosure for any occupancy or storage.

2.1.9 "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.

2.1.10 "Elevated building" means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

2.1.11 "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal water;
2. the unusual and rapid accumulation or runoff of surface waters from any source.

2.1.12 "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as A zones.

2.1.13 "Flood Insurance Rate Map (FIRM)" means an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the applicable risk premium zones.

2.1.14 "Flood Insurance Study "is the official report by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

2.1.15 "Floodway "means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

2.1.16 "Floor "means the top surface of an enclosed area in a building (including basement) i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking of vehicles.

2.1.17 "Functionally Dependent Facility" means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

2.1.18

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

2.1.19 "Lowest Floor "means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor.

2.1.20 "Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

2.1.21 "Manufactured Home Park or Subdivision "a parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.

2.1.22 "Mean Sea Level "means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

2.1.23 "National Geodetic Vertical Datum (NGVD) "as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.

2.1.24 "New Construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance (not the revision date).

2.1.25 "Start of Construction" ("for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piers, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

2.1.26 "Structure" Means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, other man-made facilities or infrastructures.

2.1.27 "Substantial Improvement" means any combination of repairs, reconstruction, alteration, or improvements to a structure taking place over a one (1) year period, in which the cumulative cost equals or exceeds fifty percent of value of the structure. The market value of the structure should be (1) the appraised value of the structure (using the cost approach to value) prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any improvement project required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

2.1.28 "Variance" is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

2.1.29 "Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the flood plans of coastal or riverine areas.

SECTION 3. GENERAL PROVISIONS

3.1 Lands to Which This Ordinance Applies

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town of Willington.

3.2 Basis for Establishing the Areas of Special Flood Hazards

The areas of special flood hazard identified by the Federal Emergency Management Agency in its flood study and/or map, dated June 15, 1982, with accompanying floodway maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this ordinance.

3.3 Establishment of the Floodplain Development Permit

A Development permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

3.4 Compliance

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

3.5 Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.6 Interpretation

In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and (3) deemed neither to limit nor repeal any other powers granted under state statutes.

3.7 Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas flooding or flood damages. This ordinance shall not create liability on the part of the Town of Willington or any

officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 4. ADMINISTRATION

4.1 Designation of the Ordinance Administrator

The Zoning Enforcement Agent of the Town of Willington is hereby appointed to administer and implement the provisions of this ordinance.

4.2 Certification

Where required under this ordinance, a registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance. Such certification must be provided to the Zoning Enforcement Agent.

4.3 Permit Procedures

Prior to any development activities, application for a Development Permit shall be made to the Zoning Enforcement Agent on forms furnished by him or her. Such application shall be accompanied by two sets of plans drawn to scale showing, at a minimum, the property lines and locations of the parcel; existing and proposed contours; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. The following information shall also be submitted to the Zoning Enforcement Agent.

4.3.1 Application Stage

4.3.1.1 Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures (Section 5.3.1);

4.3.1.2 Elevation in relation to mean sea level to which any non residential structure will be flood-proofed (Section 5.3.1.2.2);

4.3.1.3 Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;

4.3.1.4 A statement as to whether or not the proposed alterations to an existing structure meet the criteria of the substantial improvement definition (Section 2.1.29);

4.3.1.5 A statement as to whether there will be dry access to the structure during the 100 year storm event;

4.3.1.6 Certification as to floodproofing, as required by Section 5.3.1.2.2;

4.3.1.7 Certification as the provisions of Section 5.3.2 governing fully enclosed areas below base flood elevation, if the minimum design criteria in Section 5.3.2.1- 5.3.2.3 is not used;

4.3.1.8 Certification as to floodway heights, as required by Sections 5.2.1 and 5.3.3;

4.3.2 Construction Stage

Upon completion of the applicable portion of construction the applicant shall provide the Zoning Enforcement Agent with verification of the as-built lowest floor elevation, defined as the top of the lowest floor (including basement) (Sections 5.3.1.1 and 5.3.1.2.1) or, in the case of floodproofed buildings, the elevation to which the floodproofing is effective (Section 5.3.1.2.2).

4.3.3 Compliance.

Deficiencies in the lowest floor elevations shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit an acceptable survey or failure to make corrections required hereby shall be cause for issuance of a stop-work order.

4.4 Duties and Responsibilities of the Zoning Enforcement Agent

In the administration of this ordinance, the Zoning Enforcement Agent of the Planning & Zoning Commission appointed to enforce this ordinance shall perform the following duties, among others:

4.4.1 Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

4.4.2 Review all development permits to assure that the requirements of this ordinance have been satisfied.

4.4.3 Advise permittee that additional Federal or State permits may be required, and if specific Federal or State permit requirements are known, require that copies of such permits be provided and maintained on file with the Development Permit. Such additional requirements may include, but not be limited to: Stream Channel Encroachment Line Permit, Coastal Area Management Permit, Water Diversion Permit, Dam Safety Permit, Corps of Engineers 404 Permit.

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

4.4.5 Notify adjacent communities and the Department of Environmental Protection, Inland Water Resources Management Division prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency 6.

4.4.6 Assure that maintenance is provided within altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.4.7 Record the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Sections 5.3.1.1 and 5.3.1.2.1.

4.4.8 Record the elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood proofed, in accordance with Section 5.3.1.2.2.

4.4.9 Obtain and maintain all certifications required under this ordinance and assure that they meet the standards of Section 4.2 hereof.

4.4.10 Make the necessary interpretation, where needed, as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

4.4.11 Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source (*) in order to administer the provisions of Section 5.2.3 and Section 5.3, when base flood elevation data or floodway data have not been provided in accordance with Article 3, Section B.

(*) (remove any statement to the effect of: "until such data is provided by FEMA")

4.4.12 Maintain all records pertaining to the provisions of this ordinance.

SECTION 5. PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 General Standards

In all areas of special flood hazard the following provisions shall apply:

5.1.1 New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

5.1.2 New construction and substantial improvements shall be constructed with materials resistant to flood damage;

5.1.3 New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

5.1.4 Electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1.5 New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

5.1.6 New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters;

5.1.7 On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

5.1.8 In any portion of a watercourse which is altered or relocated the flood-carrying capacity shall be maintained;

5.1.9 Manufactured Homes.

All manufactured homes (including "mobile" homes placed on a site for 180 consecutive days or longer) to be placed or substantially improved, shall be:

5.1.9.1 Elevated so that the lowest floor is above the base flood elevation;

5.1.9.2 Placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors;

5.1.9.3 Installed using methods and practices which minimize flood damage. Elevation construction standards include piling foundations placed no more than 10 feet apart, and the provision of reinforcement for piers more than six feet above ground level.

5.1.9.4 Adequate access and drainage should be provided.

5.2 Standards for Stream Without Established Base Flood Elevations and/or Flooding.

The Zoning Enforcement Agent shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to Section 6.4 of this ordinance, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community's FIRM meet the standards in Section 5.3.

5.2.1 In A zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial

improvement, or other development (including fill) shall be permitted which will increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

5.2.2 Should data be requested and/or provided, the Town of Willington shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse.

5.2.3 Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and have erosion potential, no encroachment including fill, new construction, substantial improvements, and other developments shall be permitted in a floodway unless a technical evaluation demonstrates that the encroachment will not result in any increase (0.00) in flood levels during the base flood discharge. All other Flood Plain District standards must also be satisfied.

5.3 Specific Standards

5.3.1 In all areas of special flood hazard AI-30, AE, AH where base flood elevation data has been provided, the following provisions shall apply:

5.3.1.1 Residential Construction

New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least one (1) foot above the base flood elevation.

5.3.1.2 Non-Residential Construction

5.3.1.2.1 New construction or substantial improvement of any commercial, industrial, or non-residential structure located in Zone A1-30, AE & AH shall have the lowest floor, including basement, elevated at least to one (1) foot above the level of the base flood elevation; or

5.3.2.2 Non-residential structures located in A zones may be flood proofed in lieu of being elevated provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection. Such certification shall be provided to the Zoning Enforcement Agent as set forth in 4.3.1.6.

5.3.2.3 Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

SECTION 6. STANDARDS FOR SUBDIVISION PROPOSALS

In all special flood hazard areas the following requirements shall apply:

6.1 All subdivision proposals shall be consistent with the need to minimize flood damage;

6.2 All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

6.3 All subdivision proposals shall provide adequate drainage to reduce exposure to flood hazards; and

6.4 Base flood elevation data shall be provided for all subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which are five acres or fifty lots, whichever occurs first, and are located in Zone A.

SECTION 7. VARIANCE PROCEDURES

7.1 The Zoning Board of Appeals as established by the Town of Willington shall hear and decide appeals and requests for variances from the requirements of this ordinance.

7.2 The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Zoning Enforcement Agent in the enforcement or administration of this ordinance.

7.3 Any person aggrieved by the decision of the Zoning Board of Appeals or any person owning land which abuts or is within a radius of one hundred (100) feet of the land in question may appeal within 15 days after such decision to the State Superior Court of Tolland, as provided in Section 8-8 of the General Statutes.

7.4 Specific Variances

7.4.1 Buildings on an Historic Register

Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section, except for Section 7.5.4.1 - 7.5.4.4 and provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical character.

7.4.2 Pre-Existing, Small Lot Location

Variances may be issued by a community for new construction and substantial improvements to be erected on a lot of one half acre or less in size which is contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with Section 7.5.4.1 -7.5.4.4.

7.4.3 Functionally-Dependent Uses

Variances may be issued for new construction and substantial improvement and other development necessary for the conduct of a functionally dependent use provided the structure or other development is protected by methods that minimize flood damage, creates no additional threat to public safety and meets the requirements of Section 7.5.4.1-7.5.4.4

7.4.4 Floodway Prohibition

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

7.5 Considerations for Granting Variances

In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant facts, all standards specified in other sections of this ordinance; and

7.5.1 The danger that materials may be swept onto other lands to the injury of others;

7.5.2 The danger to life and property due to flooding or erosion damage;

7.5.3 The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

7.5.4 The importance of the services provided by the proposed facility to the community;

7.5.5 The necessity of the facility to waterfront location, in the case of a functionally dependent facility;

7.5.6 The availability of alternative locations which are not subject to flooding or erosion damage for the proposed use;

7.5.7 The compatibility of the proposed use with existing and anticipated development;

7.5.8 The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

7.5.9 The safety of access to the property in times of flood for ordinary and emergency vehicles;

7.5.10 The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

7.5.11 The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas electrical and water systems, and streets and bridges.

7.5.2 Upon consideration of the factors listed above, and the purposes of this ordinance, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

7.5.4 Conditions for Variances

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

7.5.4.2 Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

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

7.5.4.4 The Zoning Enforcement Agent shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

SECTION 8. PENALTIES FOR VIOLATION

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$250.00 per day if proven done willfully and \$100.00 per day if not, or imprisoned for not more than 10 days for each day of violation, or both, and in addition, shall pay all costs and reasonable legal fees involved in the case.

Nothing herein contained shall prevent the Town of Willington from taking such other lawful action as is necessary to prevent or remedy any violation.

Adopted 03/20/91

AN ORDINANCE ESTABLISHING FEES FOR PLANNING AND ZONING

Volume 7, page 274

SECTION 1: Purpose

This ordinance is adopted pursuant to the authorization of Section 8-1c of the General Statutes of the State of Connecticut which authorizes any municipality, by ordinance, to establish a schedule of reasonable fees for the processing of applications by a municipal zoning commission, planning commission or combined planning and zoning commission. It is the stated policy of this ordinance to effect the following:

1.1 To establish a schedule of fees whereby the approximate administrative costs for reviewing, evaluating and processing such applications are covered by such fees.

1.2 To ensure that the system of fees does not include municipal expenses incurred in negotiating with applicants for agreements, conveyances, conditions modifications or any other concessions desired by the municipality during the application process.

1.3 To encourage applicants to become familiar with municipal zoning and development regulations, to submit applications which comply with applicable regulations, and to submit plans, applications and proposals with fewer errors and omissions, thereby reducing municipal processing costs.

SECTION 2: Definitions

2.1 Subdivision Application - Any Sub division application to The Planning and Commission (herein after "Commission) including, but not limited to, an application for any of the following: Subdivision or Resubdivision, or application for amendment or revision to same.

2.2 Review, Evaluation and Processing - Review, evaluation and processing is to include all functions performed in connection, with or associated with, an application, by the Planning Commission, and any other Department of the Town Of Willington or any Consultant hired by the Town to review, evaluate or process applications, including but not limited to:

Legal advertisements regarding public hearings; decisions of the Commission and other matters requiring publication in a newspaper; recording and transcribing public hearings and minutes of Commission meetings relative to the application; staff salaries and overhead expenses for the Town Planner, Town Sanitarian, and other Town Officials, and Consultant expenses in direct connection with the technical and regulatory review; and the Town Attorney fees in direct connection with legal advice and review of documents directly related to the Subdivision.

2.3 Applicant - Any person, corporation, partnership or other entity who submits a Subdivision Application, or an application for any other permit or approval, authorized by the Willington Subdivision Regulations or Zoning Regulations, or a successor in interest.

SECTION 3: Fees Charged for Applications

3.1 Subdivision Applications

3.1.1 Base Fee: The Subdivision applicant shall pay a base application fee of two hundred fifty (\$250) dollars which intended to cover a portion or the Town's costs for review, evaluation and processing of a Subdivision application. To this base Subdivision application fee shall be added the following fees to cover engineering review or construction plans and inspection of improvements during construction:

3.1.2 A fee of Eighty Five (\$85.00) Dollars for every one hundred (100) feet, or any part thereof, of new roadway proposed to be constructed as part of the Subdivision and intended to be dedicated to the Town as a public highway.

3.1.3 A fee of Fifty Five (\$55.00) Dollars for every one hundred (100) feet, or part thereof, of existing or approved public rights of way for Town or State roadways abutted by the boundaries of the land contained in the proposed Subdivision.

3.1.4 A Subdivision lot fee of One Hundred Fifty (\$150.00) Dollars for each of the first Twenty (20) lots; One Hundred Twenty Five (\$125.00) Dollars for each of the Twenty First through the Fiftieth (21-50) lots; One Hundred (\$100.00) Dollars for each of the Fifty First through the Hundredth lots (51-100); and Seventy Five (\$75.00) Dollars for each new lot over One Hundred (100) lots to be created by the Subdivision filed with the Commission.

3.1.5 An inspection fee of Fifty (\$50.00) Dollars per lot to cover a portion of the Town's cost of inspections and administrative actions to insure compliance with approved plans for sedimentation and erosion control measures in connection with the approved Subdivision application.

3.1.6 The developer shall pursuant to Chapter 6 Section 5 Town of the Willington Subdivision Regulations, prior to the commencement of the construction, arrange with the Commission and the Board of Selectmen for the employment of a clerk of the works to supervise the installation of all improvements. Such clerk of the works shall be qualified to perform the duties of such office; shall be an individual(s) approved by the First Selectman; shall be answerable and report, as requested, to the Commission and the Board of Selectmen, acting by and through the First Selectman; and all fees and expenses of such clerk of the works shall be payable directly to the Town by the developer.

3.2 Special Permit/Regulation-Map Revision Fees

3.2.1 Special Permit or supporting Site Plan for non Residential Projects with estimated improvements costing in excess of \$500,000 shall be \$500.00.

3.2.2 All other non Residential Special Permit Applications: \$175.00.

3.2.3 Special Permit for Multi Family: \$500.00 and \$10.00 per dwelling unit.

3.2.4 Revision to Special Permit or Subdivision prior to approval and after approval: 2/3 of initial application fee.

3.2.5 Application for Regulation change: \$75.00.

3.2.6 Application Zone Change/Map Revision: \$25.00 per acre.

3.2.7 Special Permit for new (or conversion) two-family in R-80 zone: \$100.00.

3.2.8 Special Permit for home occupation application fee \$50.00.

3.2.9 Special Permit for Sand and Gravel:

Less than 1000 cubic yards - \$ 250.00
1000 - 50,000 cubic yards 500.00
50,000 - 100,000 cubic yards - 1 000.00
More than 100,000 cubic yards 2 000.00

3.3 Application for Certificate of Compliance/Zoning Permit.

3.3.1 Application for new single family residence house or new construction: \$50.00.

3.3.2 Application for Pool: \$20.00

3.3.3 Addition or Accessory Building:

Structure over 300 square feet \$30.00
Structure under 300 square feet \$15.00

3.3.4 Application for non-residential structure:

Gross Square Footage: Under 1 000 square feet \$200.00
1,000 - 5,000 square feet \$300.00
5,000 - 10,000 square feet \$500.00
Over 10,000 square feet \$500.00 (plus \$10.00/1,000
square feet of floor area over 10,000)

3.4 All applicable fees must be paid in full at the time the application is filed with the Commissioner/Zoning Enforcement Officer as the case may be.

3.5 Any fees for legal advertisements, transcribing or recording of hearings and/or minutes relative to the application, not covered by the base fee, shall be paid for by the Applicant.

SECTION 4: Severance Clause

This ordinance and the various parts hereof are declared to be severable; and if any part, sentence, section or clause is adjudged to be invalid, it is hereby provided that the remainder of this ordinance shall not be affected hereby and shall remain in full force and effect.

SECTION 5: Repeal

All ordinances or parts Or ordinances resolutions regulations or other documents inconsistent with the provisions of this ordinance are hereby replaced to the extent of such inconsistency.

SECTION 6: Effective Date

This Ordinance shall become effective 15 days after publication in a newspaper pursuant to the provisions of Section 7.157 of the General Statutes of the State of Connecticut.

Adopted 04/08/92

ORDINANCE TO ESTABLISH A TERM OF FOUR YEARS FOR THE OFFICE OF TAX COLLECTOR

Volume 7, page 313

Section 1.

This ordinance is adopted pursuant to Section 9-189 of the General Statutes of the State of Connecticut which authorizes a town to establish the term of its collector of town taxes for a term of not less than two (2) years and not more than six (6) years.

Section 2.

Commencing with the next municipal election, the Town of Willington shall elect its collector of town taxes for a term of four (4) years.

Section 3.

The collector of taxes shall hold office for the term for which he or she is elected and until his or her successor is elected and has qualified.

Section 4.

This ordinance shall become effective fifteen (15) days after publication hereof in a newspaper having a circulation in the Town of Willington pursuant to the provisions of Section 7-157 of the General Statutes of the State of Connecticut.

Adopted 10/07/92
Published 10/12/92
Effective 10/27/92

ORDINANCE TO ESTABLISH A TERM OF FOUR YEARS FOR THE OFFICE OF TOWN TREASURER

Volume 7, page 313

Section 1.

This ordinance is adopted pursuant to Section 9-189 and 9-189a of the General Statutes of the State of Connecticut which authorizes a town to establish a four-year term of its town treasurer.

Section 2.

Commencing with the next municipal election, the Town of Willington shall elect its town treasurer for a term of four (4) years.

Section 3.

The town treasurer shall hold office for the term for which he or she is elected and until his or her successor is elected and has qualified.

Section 4.

This ordinance shall become effective fifteen (15) days after publication hereof in a newspaper having a circulation in the Town of Willington pursuant to the provisions of Section 7-157 of the General Statutes of the State of Connecticut.

Adopted 03/31/03

Published 04/03/03

Effective 04/18/03

ORDINANCE CONCERNING THE PARKING OF MOTOR VEHICLES DURING ROAD MAINTENANCE

Volume 7, page 330

Section I:

During the maintenance of any town roads, streets or highways, no automobile, truck, motor vehicle, nor any personal property of any kind or description, shall be parked, placed, deposited, left or allowed to remain within the limits of any street, road or highway to be maintained by the Town of Willington so as in any way to prevent, impede, or hinder the planned maintenance of such roads, streets or highways until such time as said maintenance is complete. The selectmen may, at their discretion, provide notice of proposed maintenance to property owners on affected streets, roads or highways, by such means as they shall deem necessary or convenient.

Section II:

Notice may be given in writing, posting or in person to affected persons. Any written notice described in Section I shall set forth: a description of the street, highway or road scheduled for maintenance; the date maintenance of the street, highway, or road will begin; and shall state that a ban on parking on the affected street, highway or road will be in effect until such time as the required maintenance is complete. Notice by posting of no parking signs on affected streets is also hereby authorized, said ban to be effective 24 hours after such posting.

Section III:

Any selectman of the Town of Willington, or his duly authorized agent, may order any motor vehicle parked in violation of this ordinance to be towed, and/or any personal property to be removed, to a garage or other place of storage designated by such selectman or authorized agent. The owner of said motor vehicle or personal property shall be liable for all costs of removal, toweling and storage thereof. The owner, or other person entitled to possession, of any such motor vehicle or personal property may recover possession thereof upon payment of all expense and cost of removal and storage thereof.

Section IV:

Any owner or person who violates this ordinance shall pay a fine to the Town of Willington in the amount of \$25.00 for each such offense. This fine is in addition to any cost of removal, towing and/or storage.

Section V:

This ordinance and the various parts hereof are declared be severable; if any part, sentence, section or clause is adjudged invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section VI:

This ordinance shall become effective fifteen (15) days after publication in a newspaper pursuant to the provisions of Section 7-157 of the General Statutes of the State of Connecticut.

Adopted 12/16/92

Published 12/21/92

Effective 01/05/93

ORDINANCE REGARDING PUBLICATION OF ORDINANCES

Volume 7, page 338

Section I.

This ordinance is adopted pursuant to the provisions of Section 7-157(b) of the General Statutes of the State of Connecticut which authorizes the legislative body of a town to provide that a summary of any ordinance be published in lieu of such ordinance.

Section II.

Whenever the legislative body of the Town of Willington enacts any ordinance, the summary of such ordinance shall be published in lieu of such ordinance, provided that, in any case in which a summary is published, the clerk of the Town of Willington shall make a copy of such ordinance available for public inspection and shall, upon request, mail a copy of such ordinance to any person requesting a copy at no charge to such person.

Section III:

Any summary so published shall bear a disclaimer as follows:

"This document is prepared for the benefit of the public, solely for purposes of information, summarization and explanation. This document does not represent the intent of the legislative body of the Town of Willington for any purpose."

Section IV:

Pursuant to the requirement of Section 7-157(b) of the General Statutes of the State of Connecticut, the provisions of this ordinance shall not apply to any ordinance which makes or requires an appropriation.

Section V:

This ordinance shall become effective fifteen (15) days after publication thereof in a newspaper having a circulation in the Town of Willington, pursuant to the provisions of Section 7-157(a) of the General Statutes of the State of Connecticut.

Adopted 04/06/93

Published 04/12/93

Effective 04/27/93

ORDINANCE REGARDING TAX COLLECTOR FEES

Volume 7, page 425

Section 1.

This ordinance is adopted pursuant to the provisions of Section 7-148(c)(5)(C) of the General Statutes of the State of Connecticut, which authorizes a municipality to provide for the employment and prescribe the salaries and compensation of all officers of the municipality, and the duties of same not expressly defined by the General Statutes of the State of Connecticut.

Section 2.

To the extent that the tax collector of the Town of Willington recovers or receives any monies for tax collector fees, including any fees of a tax collector collectable pursuant to the General Statutes of the State of Connecticut, to the extent authorized by law, then all such sums shall be paid over to the treasurer of the Town of Willington for the benefit of the Town of Willington. Insofar as the tax collector of the Town of Willington receives a salary from said town, said tax collector shall not keep or retain any tax collector fees collected pursuant to the General Statutes of the State of Connecticut, but rather shall pay over the same to the treasurer of the Town of Willington.

Section 3.

This ordinance shall become effective fifteen (15) days after publication thereof in a newspaper having a circulation in the town of Willington, pursuant to the provisions of Section 7-157(a) of the General Statutes of the State of Connecticut.

Adopted 07/28/93
Published 07/31/93
Effective 08/15/93

TOWN OF WILLINGTON TRANSFER STATION ORDINANCE

Volume 8, page 82

Section 1. Definitions

For the purpose of this ordinance, certain words and terms used herein shall be used, interpreted and defined as set forth in this section.

- (a) TOWN shall mean the Town of Willington, a municipal corporation located in Tolland County, State of Connecticut.
- (b) TRANSFER STATION shall mean any area of land owned or utilized by the Town, presently or at any time in the future, which is designated for the disposal of municipal solid waste, recyclable material and/or other waste materials.
- (c) PERSON shall mean any individual, corporation, partnership or any other entity recognized by the laws of the State of Connecticut or by the United States of America.
- (d) MUNICIPAL SOLID WASTE shall mean all solid wastes including garbage, rubbish and other non-recyclable material.
- (e) RECYCLABLE MATERIALS shall mean any item deemed as such by State or Town mandate.
- (f) REFUSE shall mean municipal solid waste and recyclable material.
- (g) MANAGEMENT PLAN shall mean the Transfer Station and Operation Management Plan.

Section 2. Transfer Station Use

No refuse shall be placed in, at or upon the Transfer Station unless it has been generated from within the geographical limits of the Town.

Section 3. Prohibited Refuse

No person shall deposit any amount of prohibited items at the Transfer Station. The Board of Selectmen shall itemize prohibited items in the Management Plan.

Section 4. Access to Transfer Station

With proper permits, only the following categories of persons shall be allowed to dispose of refuse at the Transfer Station:

- (a) Residents of the Town;
- (b) Non-resident owners of residential property (3 or fewer units) situated within the Town but only for the purpose of disposing of routine residential or household refuse generated from residential property situated within the Town;

(c) Any person operating a small business or non-profit entity which is situated within the Town but only for the purpose of disposing of routine business refuse generated by administrative activities within the Town.

Section 5. Permit System (General)

The Board of Selectmen of the Town shall institute a permit system and fee schedule requiring all persons who dispose of refuse at the Transfer Station to obtain a permit for each motor vehicle utilized by any such person in the hauling or disposing of refuse at the Transfer Station. No person shall be permitted access to deposit or dispose of any refuse of any nature at the Transfer Station without first having obtained such permit. Special exceptions may be requested in writing to the Board of Selectmen.

Section 6. Permits (Commercial Contractors)

The facility is not intended for commercial uses, although small repair/remodeling contractors doing work for residents may be allowed limited use to dispose of material incidental to their work within the limits of the Town. Proof of residency and building permits, as applicable, will be checked as part of normal facility operations to ensure the facility waste stream remains residential in nature.

Section 7. Designated Areas

No refuse shall be disposed of at the Transfer Station except in those areas specifically designated in the Management Plan.

Section 8. Transportation of Refuse

All vehicles transporting refuse shall have such refuse secured so that no material can fall from such vehicle.

Section 9. Access to Transfer Station

(a) If a representative of the Town believes that refuse was generated outside the geographic limits of the Town, such access and privileges may be denied. Such access shall be denied even though the person seeking to deposit such refuse holds or displays a current, valid permit.

(b) Permits must be permanently affixed to the transporting vehicle. Any person who fails to display such permit in such manner shall not be permitted entry to the Transfer Station.

(c) All motor vehicles displaying residential permits must be registered to a resident of the Town and the operator or one occupant must be a resident of the Town at the time of entry to the Transfer Station.

(d) Special exceptions may be requested in writing to the Board of Selectmen.

Section 10. Powers of Board of Selectmen

(a) The Board of Selectmen is hereby authorized to establish rules and regulations for the purpose of implementing this Transfer Station Ordinance and for the maintenance of the Transfer Station in an efficient, safe and sanitary manner. The Board of Selectmen shall have the authority to regulate the hours of operation and to designate locations for disposal of refuse within the Transfer Station.

(b) The Board of Selectmen shall institute an application system, permit system and fee schedule for the purpose of implementing this Transfer Station Ordinance. Such fee schedules, rules and regulations shall be set forth in the Management Plan, which shall be available for inspection at the First Selectman's office and the Transfer Station.

Section 11. Fees and Fee Payments

(a) The Board of Selectmen shall institute a permit system and fee schedule requiring all persons who dispose of refuse at the Transfer Station to obtain a permit for each motor vehicle utilized by any such person in the hauling or disposing of refuse at the Transfer Station.

(b) All permits requiring the payment of fees shall be obtained at the First Selectmen's office during business hours. All commercial contractor permits must be obtained from the Town's Building Official; while other permits requiring the payment of fees must be obtained from the First Selectman's office. All permits which do not require the payment of fees shall be obtained at the transfer station.

(c) The Board of Selectmen shall have the authority to set and change fees as it deems appropriate, but only after a duly warned Town Meeting is held thereon.

(d) There shall be no fee charged to residents for disposing of residential or household refuse except those items as specifically designated in the Management Plan as requiring a fee.

Section 12. Separation of Refuse

Municipal solid waste and recyclable material shall be separated and handled as described in the Management Plan.

Section 13. Hours of Operation

The Transfer Station shall be opened for use as authorized by the Board of Selectmen. The Board of Selectmen shall have the authority to change use hours from time to time as it may deem appropriate. The hours of operation and public access shall be posted at the Transfer Station and available through the Town's Office Building.

Section 14. Scavenging Prohibited

Scavenging at the transfer station is prohibited with the exception of items in the designated Swap Sheds.

Section 15. Trespassing

No person shall enter or be permitted within the Transfer Station except during the hours when it is open to the public and when a representative of the Town is on duty.

Section 16. Civil Penalties

(a) Any person who violates any provision of this ordinance or any provision of any regulation duly adopted by the Board of Selectmen pursuant to the authority granted by this ordinance shall pay a civil penalty designated by the Board of Selectmen for each such violation. Commercial haulers shall pay a civil penalty up to the maximum legal limits to the Town for each such violation. Each deposit or dumping of a load of refuse in violation of this Ordinance or of any regulation adopted pursuant to this Ordinance shall be considered a separate violation and shall be subject to a separate civil penalty for each violation. Each item specified in the item fees schedule that is deposited without payment of the appropriate fee shall also be considered a separate violation. Non-payment of civil penalty is grounds for revocation of a permit.

(b) The Town or the Attorney General at the request of the Commissioner of the Department of Energy and Environmental Protection, may bring an action pursuant to Section 22a-220a of the Connecticut General Statutes in the event of any such violation.

(c) The First Selectman is hereby vested with the authority to revoke the permit of any person who violates any term in this Ordinance or any regulation adopted by the Board of Selectmen pursuant to its authority granted by this Ordinance.

(d) The First Selectman shall provide the holder of such permit with at least five (5) days notice of his/her intent to revoke said permit. Said five (5) day period shall commence on the first day following notice to the permit holders by registered mail, return receipt requested. If the permit holder desires to contest such proposed revocation, he/she shall file a written notice to the Board of Selectmen that he/she contests the proposed revocation no later than the sixth day after the date the notice was mailed. The Board of Selectmen shall, upon receipt of such notice of contest, conduct a hearing within ten (10) days of its receipt to determine the merits of the matter. Upon a determination of the merits of such matter, the Board of Selectmen shall forthwith issue its decision. Nothing in this appeal procedure shall be construed to permit an unauthorized or illegal dumping of refuse at the Transfer Station. Any action taken by the Board of Selectmen pursuant to this paragraph is in addition to any civil penalties or fines.

Section 17. Invalidity

If any provision of this Ordinance or its application to any person, situation, or circumstances is held invalid, such invalidity shall not affect any other provision or application of same.

Section 18. Effective Date

This ordinance shall become effective fifteen (15) days after publication in a newspaper pursuant to the provisions of Section 7-157 of the General Statutes of the State of Connecticut.

Adopted 06/14/95
Published 06/19/95
Effective 07/05/95
Amended 03/31/03
Published 04/03/03
Effective 04/18/03
Amended 10/22/13
Published 10/31/13
Effective 11/15/13

WITHDRAWAL FROM WINDHAM PLANNING REGION ORDINANCE

Volume 8, page 266

Section I: This ordinance is adopted pursuant to the provisions of Section 8-36a of the Connecticut General Statutes which authorizes any town, city or borough which has adopted the provisions of Chapter 127 of the Connecticut General Statutes to withdraw from a regional planning agency.

Section II: The Town of Willington having previously adopted the provisions of Chapter 127 of the Connecticut General Statutes and, pursuant thereto, having elected to participate in the Windham Planning Region as the same has been defined by The Connecticut Development Commission and as may have been redefined by the Secretary of the Office of Policy and Management or his designee, now hereby declares its intent to withdraw from said Windham Planning Region.

Section III: In accordance with the provisions of 8-36a of the Connecticut General Statutes, the Town of Willington, acting herein by its legislative body, hereby declares that it shall withdraw from participation in the regional planning agency now in existence for the Windham Planning Region, and that such withdrawal shall become effective six months after the enactment of this ordinance.

Section IV: This ordinance shall become effective fifteen (15) days after publication thereof in a newspaper having circulation in the Town of Willington, pursuant to the provisions of Section 7-157(a) of the Connecticut General Statutes.

Adopted 03/18/97
Published 03/21/97
Effective 04/06/97

FOOD SERVICE ESTABLISHMENTS ORDINANCE

Volume 9, page

§ 1. Authority.

§ 2. Definitions.

§ 3. License required.

§ 4. License fee, contents and display; exemptions.

§ 5. License procedure.

§ 6. License expiration.

§ 7 Suspension of license.

§ 8. Revocation of license.

§ 9. Service of notice

§10 Reapplication of license.

§ 11. Submission of plans.

§ 12. Preoperational inspection.

§13. Examination and condemnation of food.

§14. Establishments based outside town limits.

§ 15. Penalties for offenses.

[HISTORY: Adopted by the Board of Selectmen of the Town of
Willington Approved at a town meeting
Effective

§ 1. Authority.

This chapter is enacted pursuant to Section 7-194 of the Connecticut
General Statutes.

§ 2. Definitions.

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

FOOD SERVICE ESTABLISHMENT- Any fixed or mobile restaurant, industrial feeding establishment, catering kitchen, commissary, food vending machine location or similar place where food or drink is prepared for sale or for service on the premises or elsewhere more than twice a year.

§ 3. License required.

No person shall operate a food service establishment who does not have a valid license issued to them by the Department of Health. Only a person who complies with the requirements of this chapter and the Public Health Code of the State of Connecticut shall be entitled to receive or retain such a license. Licenses are nontransferable. A valid licenser shall be posted in every food service establishment.

§ 4. License fee, contents, and display; exemptions.

A. The annual fee for such a license shall be established from time to time by resolution of the Board of Selectmen. Each license shall state the name, type of business, the business address, and the residence of the licensee.

B. The provisions of this section shall not apply to fixed and mobile nonresident establishments and caterers delivering food and or drink to private homes in Willington, provided that they have a valid food service license issued by the Director of Health or his/her agent for the town in which the business is based. The license shall be made available upon request or be prominently displayed.

§ 5. License procedure.

A. Any person desiring to operate a food service establishment shall make a written application for a license on forms provided by the Director of Health. Such application shall include the name and address of the owner of the establishment, the location and type of the proposed food service establishment and the signature of each owner.

B. Prior to issuing a license, the Director of Health or his/her authorized agent shall inspect the proposed food service establishment to determine compliance with the provisions of this chapter and the Public Health Code of the State of Connecticut.

C. The Director of Health shall issue a license to the applicant if the inspection reveals that the proposed food service establishment complies with the requirements of this chapter and the Public Health Code of the State of Connecticut.

§ 6. License expiration.

All licenses shall expire annually on March 31 and be reviewed for another year upon application and payment of the annual fee.

§ 7. Suspension of license.

A. The Director of Health through his agent shall suspend any license to operator a food service establishment if the license holder does not comply with the requirements of this chapter or the Public Health Code of the State of Connecticut. If the Director of Health or his/her authorized agent finds unsanitary or other conditions in the operation of a food service establishment which in his/her judgment constitutes a substantial hazard to public health, he/she shall immediately notify the license holder or operator, citing such conditions and specifying the corrective action to be taken and the time periods within which such action shall be taken. If deemed necessary, he/she shall make immediate correction. If the correction is not made in the stated time, the license shall be suspended. Suspension is effective upon service of a notice as stated in this chapter. When a license is suspended, food service operations shall immediately cease.

B. Whenever a license is suspended, the license holder or person in charge may, within forty-eight (48) hours, file a written appeal with the Director of Health. If no appeal is filed within forty-eight (48) hours, the suspension becomes final. If an appeal is filed, the Director of Health shall thereupon immediately examine the merits of such suspension and may vacate or affirm such suspension.

§ 8. Revocation of license.

The Director of Health may, after providing opportunity for an appeal, revoke a license for serious or repeated violations of any of the requirements of this chapter or the Public Health Code of the State of Connecticut or for interference with the Director of Health or his authorized agent in the performance of their duties. Prior to revocation, the Director of Health shall notify the license holder or person in charge, in writing, of the reasons for which the license is subject to revocation and that the license shall be revoked at the end of fourteen (14) days following service of such notice unless an appeal is filed with the Director of Health by the license holder within forty-eight (48) hours. If no request for appeal is held within forty-eight (48) hours, the revocation of the license becomes final. If any appeal is filed, the Director of Health shall thereupon immediately examine the merits of such revocation and may vacate or affirm such revocation.

§ 9. Service of notice.

A notice as provided for herein is deemed to be properly served when it is delivered to the license holder or person in charge or when it is sent by registered or certified mail, return receipt requested, to the address shown on the last completed application of the license holder. A copy of any notice shall be filed in the records of the Director of Health.

§10. Reapplication for license.

A Suspension Whenever a license has been suspended. the holder of the suspended license may make a written request for reinstatement of the suspended license. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing the suspension have been corrected, the Director of Health or his/her authorized agent shall make a re-inspection If the applicant is complying with the requirements of this chapter and the Public Health Code, the license shall be reinstated.

B. Revocation. After a period of sixty (60) days from the date of revocation, a written application may be made for the reinstatements of a license as provided in § 10 of this chapter and upon payment of the annual fee.

§11 . Submission of plans.

Whenever a food service establishment is constructed or remodeled and whenever an existing structure is converted to use as a food service establishment, plans or blueprints drawn to a scale of [one-fourth 1/4 inch equals one (1) foot] and specifications for such construction, remodeling or alteration from an architectural or a Food Service Consultant shall be submitted to the Director of Health or his/her authorized agent for review and approval before construction, remodeling or alterations is begun. The plans and specifications shall indicate the proposed floor plan and layout, construction materials of work areas and the type and model of proposed hxed equipment. The Director of Health or his/her authorized agent shall review the plans, and specifications to see if they meet the requirements of this chapter and the Public Health Code of the State of Connecticut. No food service establishment shall be constructed, remodeled or altered except by the Director of Health or his/her authorized agent.

§ 12. Preoperational inspection.

Whenever plans and specifications are required by §11 of this chapter, the Director of Health or his/her authorized agent shall inspect the food service establishment prior to commencing operations. The Director of Health or his/her authorized agent shall determine compliance with the approved plans, specifications and requirements of the Public Health Code of the State of Connecticut and this chapter.

§13. Examination and condemnation of food.

Food samples may be analyzed by the Director of Health or his/her authorized agent as often as necessary for enforcement of this chapter or the Public Health Code of the State of Connecticut. The Director of Health or his/her authorized agent shall notify the owner or person in charge specifying the reasons to place a hold order on any food or beverage which he/she believes

is unfit for human consumption. The Director of Health or his/her authorized agent shall tag, label or otherwise identify any food subject to the hold order. No food subject to a hold order shall be used, served or removed from the establishment. The Director of Health shall permit storage of the food under conditions specified in the hold order, unless storage is not possible without risk to the public health. In such a case, immediate destruction shall be ordered and accomplished. The hold order shall state that a request for hearing may be held with the Director of Health within forty-eight (48) hours and that if no hearing is requested, the food shall be destroyed. The Director of Health shall hold a hearing, if requested and on the basis of evidence produced at that hearing, the hold order may be vacated or the owner or person in charge of the food may be directed, by written order, to denature or destroy such food or bring it into compliance with the provisions of this chapter or the Public Health Code of the State of Connecticut. The requested hearing must take place within twenty four (24) hours from issuance of the hold order.

§ 14. Establishments based outside town limits.

Food prepared by food service establishments located outside the jurisdiction of the Director of Health of the Town of Willington may be sold within the Town of Willington if such food service establishments conform to the provisions of this chapter. To determine the extent of compliance with such provisions, the Director of Health may accept reports from responsible authorities in other jurisdictions where such food service establishments are located.

§15. Penalties for offenses.

Any person who violates any of the provisions of this chapter and/or the Public Health Code of the State of Connecticut shall be guilty of an infraction and, upon conviction thereof, shall be punished by a FINE of not more than One Hundred dollars (\$100.). Each day of the violation thereof shall be deemed a separate offense. In addition thereto, such persons may be enjoined from continuing such violations. If criminal prosecution is the result of noncompliance of any of the provisions of this chapter, the defendant shall be subject to the Town of Willington costs, together with reasonable attorney's fees.

Adopted 06/30/99

Published 07/05/99

Effective 07/21/99

AN ORDINANCE AUTHORIZING THE APPOINTMENT OF A MUNICIPAL COLLECTOR OF TAXES

1. The Board of Selectmen of Willington is hereby authorized and empowered to appoint a Municipal Collector of Taxes and revenue who shall have and exercise all rights powers and duties as conferred upon a municipal collector of taxes under the Connecticut General Statutes as amended from time to time.

2. Term, Qualifications and Method of Appointment: The appointment shall be for a period of four years pursuant to State Statute 9-189. In selecting a Municipal Collector, the Board of Selectmen shall consider the knowledge, education, skills and experience of all candidates. The appointed person having a Bachelor's degree (B. A.) from four-year college or university; or two to three years related experience and/or training; or equivalent combination of education and experience; and must be a Certified Connecticut Municipal Collector. The person shall have the ability to use computers and other equipment financial record keeping, the ability to calculate figures and amounts such as discounts, interest, commissions, proportions and percentages, the ability to supervise and train staff and work well with other Town departments, State, Federal, other agencies and the general public. The Board of Selectmen is authorized to execute a contract with the appointee based on this ordinance.

3. Evaluation, Reappointment and Dismissal: The Board of Selectmen shall perform an evaluation of the collector each year in the month of April. Such evaluation shall be based upon the effectiveness and abilities of the collector as described in the job qualifications. Should the Board of Selectmen find in their evaluation that, in their opinion, the Collector is not fulfilling the requirements of the position, they shall dismiss the Tax Collector pursuant to the Connecticut General Statutes as amended from time to time. Reappointment of a Collector for a succeeding four year term shall be carried out after the evaluation and before the appointment expires. Failure of the Board of Selectmen to make a reappointment shall result in the Collector's renewal of a four year term.

4. This ordinance shall take effect fifteen (15) days after publication.

Town of Willington

Job Description

Job Title: Municipal Revenue Collector
Department: Municipal Revenue Collection Department
Reports To: First Selectman
FLSA Status: Exempt
Prepared By: John Patton
Prepared Date: 08/02/99
Approved By:
Approved Date:

SUMMARY

Directs and administers the statutory and ordinance responsibilities of the office. Plans, organizes and supervises billing and collection of motor vehicle and personal property taxes. Assigns work to Assistance collector and clerical staff in receiving, reconciling and depositing collections and charges on a daily basis. Coordinates with auditors, review of tax information and personal property tax administration. Implements collection procedures for delinquent taxpayers. Coordinates collection receipts and reconciles funds with Town Treasurer Provides information to various departments and general public as required. Prepares narrative and statistical reports for the Boards of Selectmen and Finance, Treasurer, the auditor and the State Office of Policy and Management.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following. Other duties may be assigned.

Supervises employees of the Municipal Revenue Collection Department

Prepares daily cash deposits and fills out cash control sheet daily.

Enters finalized cash receipts and updates receivable ledger by customer.

Annually prepares the municipal real estate, personal property and motor vehicle tax bills and mails copies to taxpayers.

Researches and processes customer claims of tax payment.

Researches and processes charge backs, returns, and bad checks.

Answers tax accounts phone inquiries and follows up.

Calls and/or mails correspondence to customers as necessary in order to update accounts.

Arranges payment plans with delinquent taxpayers or coordinates collection procedures as required.

Assists with related special projects, as required.

SUPERVISORY RESPONSIBILITIES Directly supervises 1 to 2 employees in the Municipal Revenue Collection Department. Carries out supervisory responsibilities in accordance with the organization's policies and applicable laws. Responsibilities include interviewing, recommendation for hiring, and training employees; planning, assigning, and directing work; appraising performance; rewarding and disciplining employees; addressing complaints and resolving problems.

QUALIFICATIONS To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

EDUCATION and/or EXPERIENCE

Bachelor's degree (B. A.) from four-year college or university; or two to three years related experience and/or training; or equivalent combination of education and experience.

LANGUAGE SKILLS

Ability to read, analyze, and interpret general business periodicals, professional journals, technical procedures, or governmental regulations.

Ability to write reports, business correspondence, and procedure manuals.

Ability to effectively present information and respond to questions from groups of managers, clients, customers, and the general public.

MATHEMATICAL SKILLS

Ability to calculate figures and amounts such as discounts, interest, commissions, proportions and percentages.

REASONING ABILITY

Ability to apply common sense understanding to carry out instructions furnished in written, oral, or diagram form. Ability to deal with problems involving several concrete variables in standardized situations.

CERTIFICATES, LICENSES, REGISTRATIONS

Certified Connecticut Municipal Collector is required

PHYSICAL DEMANDS The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to talk or hear. The employee frequently is required to sit and reach with hands and arms. The employee is occasionally required to stand; walk; and use hands to finger, handle, or feel. The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision.

WORK ENVIRONMENT The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is usually moderate.

Adopted 08/02/99

Published 08/09/99

Effective 08/24/99

HISTORICAL SOCIETY TAX EXEMPTION

Pursuant to Connecticut General Statutes 12-81b, the property located at 2 Ruby Road and acquired by the Willington Historical Society on April 6, 1999 shall be exempt from taxes as of the date of the acquisition provided that the Willington Historical Society shall meet the other requirements for property tax exemption in Connecticut General Statutes 12-81 (7) through (16).

This ordinance was adopted on August 16, 1999

Adopted 08/16/99

Published 08/23/99

Effective 09/18/99

Last Updated: Tuesday, Apr 10, 2001

ORDINANCE ESTABLISHING AN AQUIFER PROTECTION AGENCY

WHEREAS, Section 22a-354o of the Connecticut General Statutes provides that each municipality in which an aquifer protection area is located shall authorize by ordinance an existing board or commission to act as an aquifer protection agency; and

WHEREAS, the Town, acting by and through its Town Meeting, has determined that is in the Town's best interests to designate the Inland Wetlands and Watercourses Commission as the Town's Aquifer Protection Agency;

NOW, THEREFORE, IT IS HEREBY ORDAINED, that:

1. Designation and Membership

Pursuant to Section 22a-354o of the Connecticut General Statutes, the Inland Wetlands and Watercourses Commission of the Town of Willington ("Commission") is authorized to be the Aquifer Protection Agency of the Town ("Agency"). Each member of the Commission shall be a member of the Agency, and the terms of each member on the Commission shall be co-extensive with their respective terms on the Agency. Each alternate member of the Commission shall be an alternate member of the Agency, and the terms of each alternate member on the Commission shall be co-extensive with their respective terms on the Agency. All ordinances, rules and regulations pertaining to the method of selection and removal of members and alternate members and the filling of vacancies on the Commission shall be deemed to be applicable in equal force and extent to the Agency.

2. Powers and Duties

The Agency shall have all such powers and duties, and shall be bound by such requirements, obligations and limitations, as may be prescribed by Sections 22a-354a through 22a-354bb of the Connecticut General Statutes, as amended, as well as any other statutes pertaining specifically to municipal aquifer protection agencies.

3. Regulations

The Agency shall adopt regulations in accordance with Section 22a-354p of the Connecticut General Statutes, as amended.

Adopted	4/13/04
Published	4/20/04
Effective	5/05/04

ORDINANCE ESTABLISHING A WATER POLLUTION CONTROL AUTHORITY

IT IS HEREBY ORDAINED by the electors of the Town of Willington assembled at Town Meeting:

Section 1. Provisions of statute adopted.

The provisions of Chapter 103, Municipal Sewerage Systems, of the General Statutes of Connecticut (2005) as amended, are hereby adopted by the Town of Willington.

Section 2. Water Pollution Control Authority established; powers and duties.

The Board of Selectmen is hereby designated as the Water Pollution Control Authority (hereafter "WPCA") of the Town of Willington in accordance with Section 7-246 of the Connecticut General Statutes. The WPCA shall have all of the powers, purposes, and objectives set forth in Chapter 103, Municipal Sewerage Systems, of the General Statutes of the State of Connecticut (2005) as amended.

Public Hearing	11/30/2005
Adopted	11/30/2005
Published	12/03/2005
Effective	12/18/2005

LOCAL DISASTER EMERGENCY ORDINANCE

Declaration of local disaster emergency – Authority

The chief executive officer of the municipality is authorized to declare a local disaster emergency in accordance with the terms of Conn. Gen. Stat. sections 28-8(a) and 28-1(8).

Declaration of local disaster emergency – Effect

Upon the declaration of a local disaster emergency by the chief executive officer of the municipality the chief executive officer, or his designee, and the local emergency management director shall exercise all powers and authority granted to the municipality and/or its chief executive officer under Title 28 of the Connecticut General Statutes.

Activation of emergency operations center; determination of need for declaration of local disaster emergency.

In times of serious disaster or civil emergency, the chief executive officer of the municipality, or his designee, is authorized to activate the municipal emergency operations center. The commanding officer of Connecticut State Police – Troop C, the chiefs of the Willington fire departments, the Director of the Eastern Highlands Health District, the emergency management director, or their designated representatives, shall assist the chief executive officer in evaluating the need for the declaration of a local disaster emergency.

Coordination with Area Coordinator.

In times of serious disaster or civil emergency, the chief executive officer of the municipality, or his designee, will coordinate his or her responsive activities with the appropriate Area Coordinator from the Connecticut Department of Emergency Management and Homeland Security.

Public Hearing 6/29/2006

Adopted 6/29/2006

Published 7/05/2006

Effective 7/20/2006

ORDINANCE FOR THE TERMS OF THE OFFICE OF THE BOARD OF ASSESSMENT APPEALS

1. At the regular Town election to be held in November, 2007 two members of the Board of Assessment Appeals shall be elected for a term of four years, and one member shall be elected for a transitional term of two years.
2. At the regular Town election to be held in November, 2009, one member of the Board of Assessment Appeals shall be elected for a term of four years. This position shall replace the position of the member who was elected to a two-year transitional term in 2007 pursuant to section 1 of this ordinance.
3. The purpose of the foregoing sections shall be to create a three-member Board of Assessment Appeals with staggered four-year terms. The two-year term specified in section 1 of this ordinance is a transitional measure to achieve such staggered terms.
4. This ordinance shall take effect fifteen days after publication

Public Hearing Date: April 24, 2007

Adoption Date: April 24, 2007

Publication Date: April 27, 2007

Effective Date: May 12, 2007

ORDINANCE REGARDING PARTICIPATION IN THE WINDHAM REGION COUNCIL OF GOVERNMENTS

Section I: ADOPTION OF ORDINANCE

Pursuant to the provisions of Chapter 127 of the General Statutes, Connecticut, as amended, The Town of Willington does hereby adopt the provisions of said Chapter and elects to participate in the regional planning agency now existing under authority of said Chapter in the Windham Planning Region as defined by the Connecticut Office of Policy and Management pursuant to the provisions of said Chapter and known as the Windham Region Council of Governments.

Section II: NUMBER OF REPRESENTATIVES

The Town of Willington having a population of 5,959 according to the federal census of 2000 shall have two (2) representatives to said agency.

Section III: APPOINTMENT OF REPRESENTATIVES

The Board of Selectmen shall appoint to the agency one elector of the Town of Willington who shall serve an initial term of one year. Thereafter, such appointment shall be made for a term of two years.

The Planning and Zoning Commission of the Town of Willington shall appoint one elector to the agency. Such appointment shall be made for a term of two years.

Appointees shall serve for the term of their office and until their successors shall have been appointed. Appointees may be reappointed. Terms of office shall commence when the appointment is made.

Section IV: VACANCIES

Vacancies created by resignation or inability to serve shall be filled for the remainder of the unexpired term by the authority which appointed said representative. Any representative who is absent from three consecutive regular meetings of the regional planning agency, and any intervening duly called special meetings thereof, shall be considered to have resigned from said agency, except that the requirements of this section may be waived for good cause by the authority which appointed said representative.

Section V: EFFECTIVE DATE

This ordinance shall become effective fifteen (15) days after adoption.*

Public Hearing August 7,2007

Adoption Date August 7, 2007

Publication Date August 10, 2007

Effective Date August 25,2007

* Effective date is 15 days after publication per State Statute and Town Ordinance

ORDINANCE TAX ABATEMENT WILLINGTON WOODS 60A OLD FARMS ROAD

Pursuant to Connecticut General Statutes s8-215, the real property taxes for Willington Woods, 60A Old Farms Road, Willington, and Connecticut shall be partially abated in order to reduce rents below the levels which would be achieved in the absence of such abatement and to improve the quality and design of such housing for low income persons or their families.

The Board of Selectmen shall enter into a contract between the Town of Willington and Access Senior Housing of Willington, Inc. which shall provide for the terms of such abatement, the moneys equal to the amount of such abatement shall be used for the purpose stated herein and that such abatement shall terminate at any time when said property is not solely used for the housing of low income persons or families.

Public Hearing	March 26, 2008
Adoption Date	March 26, 2008
Publication Date	March 29, 2008
Effective Date	April 14, 2008

ORDINANCE RENAMING THE RECREATION COMMISSION AS THE PARKS AND RECREATION COMMISSION

IT IS HEREBY ORDAINED by the electors of the Town of Willington assembled at Town Meeting:

1. That the Recreation Commission, as previously established by ordinance, shall hereafter be known and referred to as the Parks and Recreation Commission.
2. That this ordinance shall become effective fifteen (15) days after publication in a newspaper having a general circulation in the Town of Willington.

Public Hearing March 18, 2009

Adoption Date March 18, 2009

Publication Date March 31, 2009

Effective Date April 15, 2009

AMENDED ORDINANCE ESTABLISHING LAND USE APPLICATION PROCESSING FEES

Sections:

- 1 Authority; Purpose; Fees Established
- 2 Definitions
- 3 Fee schedule for Fixed Application Fees
- 4 Maximum Fee; Calculation of Fee
- 5 Additional Expenses
- 6 Fees Not in Lieu of Bonds
- 7 Exemptions
- 8 Payment of fees
- 9 Periodic Updates of Fee Schedule

SECTION 1: Authority; Purpose; Fees Established.

Pursuant to Section 8-1c of the Connecticut General Statutes there is established a schedule of fees for the processing of land use applications received by the planning and zoning commission, zoning board of appeals. The schedule of fees established shall supersede those fees presently charged by the land use commissions and board as previously established pursuant to any provision of the General Statutes or any Special Act. These fees are intended to cover a portion of the Town's costs for processing and administrative handling of land use applications, including, but not limited to: legal advertisements regarding public hearings, decisions of a commission, and other matters requiring publication in a newspaper; other notifications or referrals required or authorized by applicable law; recording and transcribing, where necessary, of public hearings and meetings, the preparation of minutes and other documentation applicable to the application, and other clerical expenses; staff salaries and overhead expenses for staff to the commission, including officials of the Town for whom land use application review is only a part of his/her duties, such as the sanitarian, fire chief, etc.; Town Attorney fees in direct connection with legal advice, review of documents, and attendance at meeting, where deemed desirable, in connection with the application; inspection of construction and other work to insure compliance with approved permits and applicable regulations; keeping and updating of files and other documentation relative to the application; and such other expenses as may be incidental to the processing of land use applications in the Town of Willington.

SECTION 2: Definitions.

For the purpose of this Ordinance the following definitions shall apply:

“Applicant” means any person, corporation, partnership, limited liability company or other entity that submits an application to a commission.

“Commission(s)” means one or all of the land use regulatory agencies of the Town of Willington known as the Planning and Zoning Commission and the Zoning Board of Appeals.

“Processing of land use application(s)” means the actions of a commission, supported by staff employed by the Town of Willington, independent contractors, or consultants, in receiving, reviewing and acting upon an application to conduct an activity regulated by said commission and including both pre-action reviews and post-approval supervision of work and inspection of activities permitted.

“Fixed Application Fees” shall mean those set forth in Section 3 of this Ordinance.

“Additional Expenses” shall mean those reimbursements set forth in Section 5 of this Ordinance.

Any other term not defined in this Ordinance shall have the meaning set forth in the “definitions” section of any applicable regulations (e.g., the zoning regulations for zoning applications, the subdivision regulations for subdivision or resubdivision applications, etc.).

SECTION 3: Fee schedule for Fixed Application Fees.

Commissions shall charge Fixed Application Fees for the processing of land use applications in accordance with the following schedule:

3.1 Subdivision Applications

- 3.1.1 Base Fee: The Subdivision applicant shall pay a base application fee of two hundred fifty (\$250) dollars which is intended to cover a portion of the Town’s costs for review, evaluation and processing of a Subdivision application. To this base Subdivision application fee shall be added the following fees to cover engineering review of construction plans and inspection of improvements during construction:
- 3.1.2 A fee of Eighty Five (\$85.00) Dollars for every one hundred (100) feet, or any part thereof, of new roadway proposed to be constructed as part of the Subdivision and intended to be dedicated to the Town as a public highway.
- 3.1.3 A fee of Fifty Five (\$55.00) Dollars for every one hundred (100) feet, or part thereof, of existing or previously approved public right of way for Town or State roadways abutted by the boundaries of the land contained in the proposed Subdivision.
- 3.1.4 A subdivision lot fee of One Hundred Fifty (\$150.00) Dollars for each of the first Twenty (20) lots; One Hundred Twenty Five (\$125.00) Dollars for each of the Twenty First through the Fiftieth (21-50) lots; One Hundred (\$100.00) Dollars for each of the Fifty First through the Hundredth lots (51-100); and Seventy Five (\$75.00) Dollars for each new lot over One Hundred (100) lots to be created by the Subdivision filed with the Commission.
- 3.1.5 An inspection fee of fifty (\$50.00) Dollars per lot to cover a portion of the Town’s cost of inspections and administrative actions to insure compliance with approved plans for sedimentation and erosion control measures in connection with the approved Subdivision application.
- 3.1.6 The developer shall, pursuant to Chapter 6 Section 5 of the Town of Willington Subdivision Regulations, prior to the commencement of construction, arrange with the Commission and the Board of Selectmen for the employment of a clerk of the works to supervise the installation of all improvements. Such clerk of the works shall be qualified to perform the duties of such office; shall be an individual(s) approved by the First Selectman; shall be answerable and report, as requested, to the Commission and the Board of Selectmen, acting by and through the First Selectman; and all fees and expenses of such clerk of the works shall be payable directly to the Town by the developer.

3.2 Special Permit/Regulation-Map Revision Fees

- 3.2.1 Special Permit or supporting Site Plan for non Residential Projects with estimated improvements costing in excess of \$500,000 shall be \$500.00.
- 3.2.2 All other non Residential Special Permit Applications: \$175.00
- 3.2.3 Special Permit for Multi Family: \$500.00 base fee plus \$10.00 per dwelling unit.
- 3.2.4 Revision to Special Permit or Subdivision approval : 2/3 of initial application fee.
- 3.2.5 Application for Regulation change: \$75.00
- 3.2.6 Application Zone Change/Map Revision: \$25.00 per acre.
- 3.2.7 Special Permit for new (or conversion) two-family in R-80 zone: \$100.00
- 3.2.8 Special Permit for home occupation, application fee \$50.00.
- 3.2.9 Special Permit for Sand and Gravel:
- | | |
|--------------------------------|------------|
| Less than 1,000 cubic yards | - \$250.00 |
| 1,000 – 50,000 cubic yards | - 500.00 |
| 50,000 – 100,000 cubic yards | - 1,000.00 |
| More than 1000,000 cubic yards | - 2,000.00 |

3.3 Application for Certificate of Compliance/Zoning Permit.

- 3.3.1 Application for new single family residence house or new construction: \$75.00.
- 3.3.2 Application for Pool: \$20.00
- 3.3.3 Addition or Accessory Building:
- | | |
|---------------------------------|---------|
| Structure over 300 square feet | \$30.00 |
| Structure under 300 square feet | 15.00 |

3.3.4 Application for non-residential structure:

Gross Square Footage:	Under 1,000 square feet	\$200.00
	1,000 – 5,000 square feet	300.00
	5,000 – 10,000 square feet	500.00
	Over 10,000 square feet	500.00 (plus \$10.00/1,000 square feet of floor area over 10,000)

3.4 Zoning Board of Appeals

- 3.4.1 Variances
- | | | |
|-----|----------------|--------|
| i. | Residential | 120.00 |
| ii. | Nonresidential | 175.00 |
- 3.4.2 Appeals of Zoning Enforcement Officer Decision 120.00

- 3.4.3 Automotive Use Location Applications: 120.00
- 3.4.4 Special Exceptions 175.00
- 3.5 Legal Notice, Transcription and Related Expenses.

Any fees for legal advertisements, transcribing or recording of hearings and/or minutes, relative to the application, not covered by the Fixed Fee, shall be paid for by the Applicant.

SECTION 4: Maximum Fee; Calculation of Fee.

Except as provided in Section 5 below, no application fee calculated in accordance with the preceding formulae shall exceed \$10,000.00. Each applicant for any permit shall provide, at the time of application, the necessary data to permit the calculation of the application fee (such as cubic yards of material to be filled/excavated in an excavation application, square footage of land area to be disturbed in a wetlands application, etc.), and such information shall, where appropriate, be certified by a licensed land surveyor, professional engineer, or registered architect. Failure to file any application fee set forth in this ordinance shall be grounds for denial, without prejudice, of such application.

SECTION 5: Additional Expenses.

In addition to the fixed fees set forth in Section 3 of this Ordinance, the commissions may collect payment for direct costs of materials and services performed by other than town employees, including but not limited to specialized inspection, third party professional certifications, legal, stenographic and transcription services associated with any type of land use application, or require an applicant to provide certifications, inspections or professional consultant reports at the applicant's expense, where the fixed fees set forth in Section 3 are not anticipated to cover, or do not in fact cover, such costs or expenses.

SECTION 6: Fees Not in Lieu of Bonds.

The payment of fees shall not prohibit commissions from requiring performance or forfeiture bonds to ensure the successful completion of all work as may be prescribed in the respective land use regulations.

SECTION 7: Exemptions

All boards and agencies of the Town of Willington, including the use of fire company properties for fire protection purposes, shall be exempt from the payment of fees established pursuant to this Ordinance. This exemption shall not prohibit a commission from requiring consultant reports, professional certification or conducting inspection to ensure conformance with land-use regulations.

SECTION 8: Payment of fees

- 8.1. Other Fees. The payment of a fee established in accordance with the provisions of this Ordinance shall not relieve the applicant, owner or their agent from the payment of other fees that may be prescribed for a different type of land use application, or by another ordinance of the Town of Willington.
- 8.2. Fees Nonrefundable. All fees received by a commission as part of a land use application submission shall be nonrefundable.

- 8.3 Method and Timing of Payment, Failure to Pay. All Fixed Application Fees shall be paid by cash, check or money order made payable to the Town of Willington. Fees shall be paid at the time of application submission. The applicant shall be provided with invoices or other evidence of any Additional Expense(s), and reimbursement to the Town shall be made within thirty (30) days after presentation of such invoices or other evidence. Failure to comply with this subsection shall be grounds for denial of any application without prejudice, or revocation of any permit previously issued. Reimbursement of the Town under this subsection shall be a condition for the endorsement of any plan, the issuance of any final permit, or the issuance of any certificate of zoning compliance for an approved application, or the renewal of any periodic or temporary approval, as the case may be.

SECTION 9: Periodic Updates of Fee Schedule

The foregoing fees schedules are based upon an analysis of the expenses incurred, on average, in the processing of land use applications as of the date of passage of this Ordinance. The Board of Selectmen shall periodically examine the expenses incurred by the Town in the processing of land use applications, and shall make recommendations for adjustments to the foregoing fee schedules based upon current staffing, regulatory requirements, and other relevant factors.

M:\landuse\common\fee\feeordinance2009amendment

7/16/09

Adopted: 08/19/2009

Published: 08/24/2009

Effective: 09/08/2009

VOLUNTEER FIRE DEPARTMENT PERSONNEL TAX ABATEMENT ORDINANCE

PURPOSE:

In recognition of the benefits to the people of the Town of Willington by the dedicated service of the Town's volunteer fire and ambulance personnel, the Town of Willington hereby establishes a tax abatement program pursuant to Public Act No. 99-272 Sections 6 and 7 for volunteer fire and ambulance personnel within the conditions outlined below.

This ordinance shall be only applicable to residential and personally owned property. Commercial and non-member occupied investment property shall not be covered by this ordinance. This ordinance shall not be construed to imply that if an eligible member has less tax liability than their permitted amount of tax abatement that they are entitled to receive any additional funds from the Town of Willington under this ordinance. In a household with two or more participating members the maximum amount of tax abatement shall be \$2000.00. In this instance, if the eligible members have less tax liability than their permitted amount of tax abatement, they will not receive any additional funds from the Town of Willington under this ordinance.

ELIGIBILITY:

Members of both the Willington Hill and Willington Fire Departments who reside or pay property tax in the Town of Willington shall be eligible when meeting the following criteria:

1. Member must have achieved two years of active service defined herein by July 1 of the current year to be eligible for a tax abatement on July 1 of the following year; and
2. In order to earn credit for a year of active service the member must satisfy the following requirements:
 - a) Attendance at fifty percent (50%) of department meetings;
 - b) Attendance at a minimum of five (5) training sessions per year;
 - c) Response to a minimum of ten percent (10%) of non-mutual aid emergency calls per year;

- d) Members with prior active service within the department for at least 15 years and continue to actively serve in an administrative leadership role (Corporate Officer, Board of Directors);
 - e) Personnel that are dual members of both Fire Departments are not eligible for a double benefit. Prior to the eligibility list being established, the member must choose which department from which their eligibility shall be determined.
3. This ordinance shall take effect immediately upon passage and may be applied during its first of effectiveness to taxes payable on July 1, 2015, the initial date of abatement hereunder.
 4. Except for the year immediate preceding the July 1 on which the eligibility determination was made, it shall be presumed that any year prior to July 1, 2015, during which the member was active in the department was a year of active service.
 5. Eligible members receiving this benefit must be current on their taxes for at least 2 years.

CERTIFICATION:

Annually, on or before August 31 of each year, the Board of Directors of each respective department shall submit to the Board of Selectmen or their designees a list of the members of each department who are eligible as defined in Section 2. This list shall contain the names, addresses and the amount of the abatement for which the member is eligible. All supporting documentation of verifying the eligibility shall be submitted as well. When determining the list of eligible members only non-mutual aid emergency calls that occur within the Town of Willington are to be used in the calculation. Mutual Aid requests for service are not be included in the overall calculation of activity as it pertains to emergency call activity.

ABATEMENT SCHEDULE:

Abatement of property taxes shall be granted the following July 1 to eligible members as follows:

- a) If a member has completed two years of active service as of July 1 preceding the date of abatement, the member shall be entitled to a \$500.00 annual abatement of property taxes.
- b) If a member has completed five years of active service as of July 1 preceding the date of abatement, the member shall be entitled to a \$750.00 annual abatement of property taxes.

- c) If a member has completed ten years of active service as of July 1 preceding the date of abatement, the member shall be entitled to a \$1000.00 annual abatement of property taxes.
- d) If a member has completed fifteen years of active service as of July 1 preceding the date of abatement and continues in an administrative leadership role, the member shall be entitled to a \$750.00 annual abatement of property taxes.

This ordinance shall become effective fifteen (15) days after publication as provided in the Connecticut General Statutes.

Presented at Town Meeting on: 08/05/2014

Adopted 8/5/14

Published 8/14/14

Effective 8/29/14

TAX EXEMPTION FOR PERSONAL PROPERTY LEASED TO THE TOWN OF WILLINGTON

WHEREAS, the Town of Willington (hereinafter “Town”) is a duly organized municipality under the laws of the State of Connecticut; and

WHEREAS, the Town is a non-profit organization for purposes of taxation under Chapter 203 of the Connecticut General Statutes; and

WHEREAS, the Town is exempt from taxation for federal income tax purposes; and

WHEREAS, General Statute §12-81(58) authorizes the Town, by ordinance, to exempt from taxation, inter alia, any personal property leased to a non-profit organization that is exempt from taxation for federal income tax purposes; and

WHEREAS, the Town wishes to save money on its leased equipment by exempting taxes on said leased equipment in order to reduce lease payments the Town is obligated to make.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE LEGAL VOTERS OF THE TOWN OF WILLINGTON IN LAWFUL TOWN MEETING DULY ASSEMBLED THAT:

Section 1. The ordinances of the Town of Willington be amended by adding a section to read as follows:

Pursuant to the authority of General Statute §12-81(58), any personal property leased to the Town of Willington shall be exempt from taxation, provided such personal property is used exclusively and entirely for the purposes of the Town, and is not otherwise exempt under General Statute §12-81.

Section 2. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. If any provision of this ordinance or the application thereof is held to be invalid such invalidity shall not affect other provisions or applications of any other part of this ordinance which can be given effect without the invalid provisions of applications; and to this end the provisions of this ordinance and the various applications thereof are declared to be severable.

This Ordinance shall become effective following approval by Town Meeting and fifteen (15) days after publication in a newspaper having a substantial circulation within the Town of Willington and shall encompass the fiscal year July 2015-2016 tax billing.

Adopted 06/23/2015

Published 07/02/2015

Effective – 07/17/2015

**ORDINANCE TO ESTABLISH TERM OF FOUR YEARS
FOR THE OFFICE OF REGISTRAR OF VOTERS**

Section I.

This ordinance is adopted pursuant to Section 9-189a of the General Statutes of Connecticut which authorizes a town or municipality to provide, by charter or ordinance, that the registrars of voters of such town or municipality be elected for terms of four (4) years.

Section II.

Commencing with the next succeeding regular municipal election for the offices of the registrars of voters, the Town of Willington shall elect its registrars of voters for terms of four (4) years.

Section III.

This ordinance shall become effective fifteen (15) days after publication hereof in some newspaper having a circulation in the Town of Willington pursuant to Section 7-157 of the General Statutes of Connecticut.

Adopted: 03/22/2016
Published: 03/31/2016
Effective: 04/15//2016

AN ORDINANCE FOR APPOINTED TOWN CLERK

The Board of Selectmen shall appoint a Town Clerk who shall be qualified by training and experience for a 4 year term.

Said Town Clerk shall have all powers and duties, not inconsistent with this ordinance, conferred or imposed by the General Statutes on town clerks, and such other powers and duties as are prescribed in this ordinance and as may be prescribed by the Board of Selectmen.

The Town Clerk shall receive such compensation as the Board of Selectmen may determine and all fees collected by the Town Clerk shall be paid into the Town treasury, except for fees due monthly for the State and fees collected for two special Town Clerk's Preservation Accounts per State Statute. The Town Clerk may appoint and may remove, subject to the approval of the Board of Selectmen, and subject to such rules and regulations covering town employees as may be adopted by the Board of Selectmen, all deputies, assistants or employees in his/her office.

The Board of Selectmen shall perform an evaluation of the Town Clerk each year in the month of April. Such evaluation shall be based upon the effectiveness and abilities of the Town Clerk as described in the job qualifications. Should the Board of Selectmen find in their evaluation that, in their opinion, the Town Clerk is not fulfilling the requirements of the position, they shall dismiss the Town Clerk pursuant to the Connecticut General Statutes as amended from time to time. Reappointment of a Town Clerk for a succeeding four year term shall be carried out after the evaluation and before the appointment expires. Failure of the Board of Selectmen to make a reappointment shall result in the Town Clerk's renewal of a four year term.

This Ordinance shall take effect fifteen (15) days after publication.

Adopted: 03/29/2017
Published: 04/14/2017
Effective: 04/29/2017

**TOWN OF WILLINGTON
ORDINANCE PROHIBITING THE STORAGE, DISPOSAL OR USE OF
WASTE FROM OIL AND GAS EXPLORATION OR EXTRACTION ACTIVITIES,
OR ANY DERIVATIVE THEREOF, IN THE TOWN OF WILLINGTON,
CONNECTICUT.**

Section 1. Prohibitions.

- A. The application of natural gas waste or oil waste, whether or not such waste has received Beneficial Use Determination or other approval for use by DEEP (Department of Energy & Environmental Protection) or any other regulatory body, on any road or real property located within the Town for any purpose is prohibited.
- B. The introduction of natural gas waste or oil waste into any solid waste facility within or operated by the Town is prohibited.
- C. The introduction of natural gas waste or oil waste into any wastewater treatment facility within or operated by the Town is prohibited.
- D. The storage, disposal, sale, acquisition, handling, treatment and/or processing of waste from natural gas or oil extraction activities is prohibited within the Town.

Section 2. Provision to be included in bids and contracts for construction or maintenance of Town roads and real property.

- A. All bids and contracts related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and/or maintained road or real property within the Town shall include a provision stating that the materials shall not contain natural gas waste or oil waste.
- B. All bids and contracts related to the solicitation of services to construct or maintain any publicly owned and/or maintained road or real property within the Town shall include a provision stating that no materials containing natural gas waste or oil waste shall be utilized in providing such services to the Town.
- C. The following statement, which shall be a sworn statement under penalty of perjury, shall be included in all bids related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and/or maintained road or real property within the Town and all bids related to the solicitation of services to construct or maintain any publicly owned and/or maintained road or real property within the Town: "We _____ hereby submit a bid for materials, equipment and/or labor to the Town of WILLINGTON. The bid is for bid documents titled _____. We hereby certify under penalty of perjury that, if this bid is selected, no natural gas waste or oil waste will be used by the undersigned bidder in the performance of the contract. We further certify that no subcontractor, agent or vendor will be allowed or permitted to use materials containing natural gas waste or oil waste."

Section 3. Penalties.

In addition to any other remedy the Town has in law or equity, the First Selectman or his/her designee is authorized to issue written orders ordering any person in violation of this ordinance to cease activities which do or may violate this ordinance and to desist from the same. Where such activities cause damage or injury to property within the Town, whether such property be land, a road, a

building, an aquifer, a well, water course or other asset, public or private, the First Selectman or his/her designee may order such person to remedy the damage or injury and to restore, at such person's sole cost and expense, the property to the condition in which it was prior to such damage or injury. A violation of this ordinance may be punished by a fine not exceeding \$250 per violation, with each day any violation of this ordinance shall continue constituting a separate offense.

Any person receiving a cease and desist or remedial order or fine from the First Selectman or his/her designee may appeal in accordance with the Town's Code of Ordinances.

Section 4. Definitions.

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

APPLICATION - The physical act of placing or spreading natural gas waste or oil waste on any road or real property located within the Town of WILLINGTON.

HYDRAULIC FRACTURING - The fracturing of underground rock formations, including shale and non-shale formations, by man-made fluid-driven techniques for the purpose of stimulating oil, natural gas, or other subsurface hydrocarbon production.

NATURAL GAS EXTRACTION ACTIVITIES - All geologic or geophysical activities related to the exploration for or extraction of natural gas, including, but not limited to, core and rotary drilling and hydraulic fracturing.

NATURAL GAS WASTE -

A. Any liquid or solid waste or its constituents, that is generated as a result of natural gas extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants;

B. Leachate from solid wastes associated with natural gas extraction activities;

C. Any waste that is generated as a result of or in association with the underground storage of natural gas;

D. Any waste that is generated as a result of or in association with liquefied petroleum gas well storage operations; and

E. Any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.

OIL EXTRACTION ACTIVITIES - All geologic or geophysical activities related to the exploration for or extraction of oil, including, but not limited to, core and rotary drilling and hydraulic fracturing.

OIL WASTE -

A. Any liquid or solid waste or its constituents that is generated as a result of oil extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants;

B. Leachate from solid wastes associated with oil extraction activities; and

C. Any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.

Section 5. Transportation.

Nothing in this ordinance shall be interpreted to ban the transportation of any product or by-product described herein on any roadway through the Town.

SECTION 6. Severability

If any provision of this ordinance shall be determined by any court of competent jurisdiction to be invalid and unenforceable to any extent, the remainder of this ordinance shall not be affected thereby, and each provision hereof shall be valid and shall be enforced to the fullest permitted by law.

Adopted: 6/20/17

Published: 6/29/17

Effective: 7/14/2017

ADULT-ORIENTED BUSINESS ORDINANCE FOR THE TOWN OF WILLINGTON

Section I. Short Title

This ordinance shall be known as the “Adult-Oriented Business Ordinance for the Town of Willington”.

Section II. Policy Statement

The Town Meeting of the Town of Willington, Connecticut finds:

A. Adult-oriented establishments located in the Town of Willington require supervision from the Town’s Public Safety and Zoning Enforcement agencies in order to protect and preserve the health, safety, and welfare of the patrons of such establishments, as well as the health, safety, and welfare of the Town of Willington’s citizens.

B. Statistics and studies performed by a substantial number of cities and towns in the United States indicate that:

1. Large numbers of persons, primarily male, frequent such adult-oriented establishments, especially those which provide closed booths, cubicles, studios, and rooms for the private viewing of so-called adult motion pictures and/or video tapes and/or live entertainment; and

2. Persons under the age of eighteen (18) may be attracted to adult-oriented establishments and seek to enter or loiter about them without the knowledge or permission of their parents or guardians; and

3. Closed booths, cubicles, studios, and rooms within adult-oriented establishments have been used by patrons, clients or customers of such adult-oriented establishments for the purpose of engaging in certain sexual acts; and

4. Male and female prostitutes have been known to frequent such establishments in order to provide sex for hire to the patrons, clients or customers of such establishments within such booths, cubicles, studios, and rooms; and

5. Doors, curtains, blinds, and/or other closures installed in or on the entrances and/or exits of such booths, cubicles, studios, and rooms which are closed while such booths, cubicles, studios, and rooms are in use encourage patrons using such booths, cubicles, studios, and rooms to engage in sexual acts therein with prostitutes, thereby promoting and encouraging prostitution and the commission of sexual acts which cause blood, semen and urine to be deposited on the floors and/or walls of such booths, cubicles, studios, and rooms, which deposits could prove detrimental to the health and safety of other persons who may come in contact with such deposits; and

6. The reasonable regulation and supervision of such adult-oriented establishments tends to discourage such sexual acts and prostitution, and thereby promotes the health, safety, and welfare of the patrons, clients, and customers of such establishments.

- C. The continued unregulated operation of adult-oriented establishments including, without limitation, those specifically cited at Paragraph 1 hereof, is and would be detrimental to the general welfare, health, and safety of the citizens of Willington.
- D. The Constitution and laws of the State of Connecticut grant to the Town powers, especially police power, to enact reasonable legislation and measures to regulate and supervise adult-oriented establishments as hereinafter defined in order to protect the public health, safety, and welfare.
- E. It is not the intent of the Town Meeting, in enacting this Ordinance, to deny any person rights to speech protected by the United States and/or State Constitutions, nor is it the intent of the Town Meeting to impose any additional limitations or restrictions on the contents of any communicative materials, including sexually oriented films, video tapes, books and/or other materials. Further, by enacting this Ordinance, the Town Meeting does not intend to deny or restrict the rights of any adult to obtain and/or view any sexually oriented materials protected by the United States and/or State Constitutions, nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of such sexually oriented materials may have to sell, distribute or exhibit such materials.

Section III. Definitions

For the purpose of this ordinance, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

- A. "Adult bookstore" means an establishment having any portion of its stock and trade in books, films, video cassettes, compact discs or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas". This definition shall not apply to any establishment in which such materials are concealed so as not to permit the observation of "specified sexual activities" and "specified anatomical areas" by the general public.
- B. "Adult amusement machine" includes any amusement machine that is regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to "specified sexual activities" or "specified anatomical areas", as defined below, for observation by patrons.
- C. "Adult entertainment" means any exhibition of any motion pictures, video tapes, live performances, displays or dances of any type, which has as a significant or substantial portion of such performances any actual or simulated performance of "specified sexual activities" or exhibition and viewing of "specified anatomical areas".
- D. "Adult motion picture theater" means an enclosed building regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below for observation by patrons therein.
- E. "Adult-oriented establishment" shall include, without limitation, "adult bookstores", "adult motion picture theaters" commercial establishments containing one or more "adult amusement machines" and commercial establishments within which "adult entertainment" or performances and/or presentations by "entertainers" occur. Adult-oriented establishment further means any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult entertainment when such establishment is operated or maintained for a profit, direct or indirect.

F. "Amusement machine" includes any machine which, upon the payment of a charge or upon the insertion of a coin, slug, token, plate or disk, may be operated by the public for use as a game, entertainment or amusement, whether or not registering a score and whether or not electronically operated.

G. "Employee" means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult-oriented establishment.

H. "Entertainer" means any person who provides entertainment within an adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor.

I. "Inspector" means an agent of the Director of Health, the Zoning Enforcement Officer, the Building Official, any Police Officer, the Fire Marshal, and any person to whom any of those officials or the Board of Selectmen may delegate the duty to perform functions under this Ordinance.

J. "Minor" shall be deemed to refer to a person under the age of eighteen (18) years.

K. "Operator" means any person, partnership, limited liability company or corporation operating, conducting or maintaining an adult-oriented establishment.

L. "Specified anatomical areas" means:

1. Less than completely and opaquely covered:
 - a. Human genitals and pubic region;
 - b. Buttocks;
 - c. Female breasts below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely opaquely covered.

M. "Specified sexual activities" means:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

N. Specified anatomical areas and specified sexual activities as used in this Ordinance do not include materials depicted in any medical publications or films, in any bona fide educational publications or films, any art or photography publications which devote at least twenty-five percent (25%) of the lineage of each issue to articles and advertisements dealing with subjects of art or photography, in any news periodical which reports or describes current events and which, from time to time, publishes photographs of nude or semi-nude persons in connection with the dissemination of the news, or in publications or films which describe and report different cultures which, from time to time, publish or show photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the population.

O. "Town Meeting" means the Town Meeting of the Town of Willington, Connecticut.

P. "Willington Chief of Police" means either the Chief of Police of the Town of Willington or any other official statutorily empowered to supervise law enforcement within the Town of Willington.

Section IV. Operating Requirements

A. License required.

1. Except as provided in subsection A(4) below, from and after the effective date of the ordinance from which this section is derived, it shall be unlawful for any person, partnership or corporation to engage in, conduct, or carry on or permit to be

engaged in, conducted, or carried on, in or upon any premises in the Town, the operation of an adult-oriented establishment without first obtaining a license to operate from the Willington Town Clerk.

2. A license may be issued for only one adult-oriented establishment located at a fixed and certain place. Any person, partnership, or corporation which desires to operate more than one adult-oriented establishment must have a license for each.

3. It shall be a violation of this article for any entertainer, employee, owner, or operator to knowingly work in or about, or to knowingly perform any service directly related to the operation of any unlicensed adult-oriented establishment.

4. All existing adult-oriented establishments at the time of the passage of this article must submit an application for a license within 60 days of the effective date of this article. If no application is filed within said 60-day period, then such existing adult-oriented establishment shall cease operations.

5. Each license shall be specific to a licensee and to a location and may not be sold, assigned or transferred to any person, limited liability company, corporation or partnership in any way.

B. No operator or employee of an adult-oriented establishment shall allow or permit any minor to enter into such establishment or to loiter upon the grounds and parking lot of such establishment.

C. Each adult-oriented establishment shall display prominently a sign in the dimensions of twenty-four (24) inches by twenty-four (24) inches outside of, and adjacent to, each entrance bearing the words "Adult- Oriented Establishment – Persons Under 18 Not Admitted" in white letters against a red background.

D. No adult-oriented establishment shall be conducted in such a manner that permits the observation of any material depicting specified sexual activities or specified anatomical areas from outside of the building that houses the adult-oriented establishment.

E. Every adult-oriented establishment doing business in the Town of Willington on and after the effective date of this Ordinance shall be well lighted at all times and be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be clearly visible from the common areas of the premises. Visibility into such booths, cubicles, rooms or stalls shall not be blocked or obscured by doors, curtains, partitions, drapes or any other obstruction whatsoever. After the effective date of this Ordinance, it shall be unlawful to install closed booths, cubicles, rooms or stalls within adult-oriented establishments for the purpose of viewing adult entertainment.

F. On and after the effective date of this Ordinance, the operator of each adult-oriented establishment shall be responsible for and shall provide that any room or other area used for the purpose of viewing adult entertainment shall be well lighted and readily accessible at all times and shall be continuously open to view in its entirety. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1.0) foot candle as measured at the floor level. It shall be the duty of the operator and its agents to endure that the illumination described above is maintained at all times that any patron is present on the premises.

G. Every act or omission by an employee constituting a violation of the provisions of this Ordinance shall be deemed the act or omission of the operator or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

H. An operator shall be responsible for the conduct of all employees while on the licensed premises, and any act or omission of any employee constituting a violation of the provisions of this Ordinance shall be deemed the act or omission of the operator for purposes of determining whether the operator shall be subject to penalties imposed by this Ordinance.

I. All adult-oriented establishments shall be open to inspection at all reasonable times by inspectors or such other persons as the Town Meeting may designate.

J. No adult-oriented establishment shall be permitted that is less than one thousand (1000) feet from an area zoned residential. The measurement referred to herein shall be the straight horizontal distance from any developed part (e.g., buildings, structures, parking lots) of a parcel of land housing an adult-oriented establishment to any boundary of a zoning district that is zoned for residential use.

K. No adult-oriented establishment shall be permitted that is less than one thousand (1000) feet from an existing adult-oriented establishment. The measurement referred to herein shall be the straight horizontal distance from any part of a building housing an adult-oriented establishment to any part of the other building housing an adult-oriented establishment.

L. No adult-oriented establishment shall be permitted that is less than one thousand (1000) feet from a public park, preexisting school, including a licensed daycare (whether public or private) or place of worship meaning to include parish houses and convents. The measurement referred to herein shall be the straight horizontal distance from any part of a building housing an adult-oriented establishment to any part of a public park, or to any part of a building housing a preexisting school, including a licensed daycare (whether public or private) or place of worship.

M. The provisions of Sections IV J., IV K., and IV L. shall not be deemed to prohibit any use preexisting the enactment of this Ordinance. Any preexisting use which shall be discontinued for a period of thirty (30) days shall thereafter conform to Sections IV J., IV K., and IV L.

Section V. Application for License

A. Any person, partnership or corporation desiring to secure a license shall make application to the Town Clerk. Seven (7) copies of the application shall be filed with, and dated by, the Town Clerk. Copies of the application shall be distributed promptly, by the Town Clerk, to the Willington Chief of Police, the First Selectman, the Building Official, the Director of Health, the Zoning Enforcement Officer, and the Planning and Zoning Commission. (Separate permits from these and other agencies may be required in addition to the license.)

B. The application for a license shall be upon a form provided by the Town Clerk. An applicant for a license, which shall include all partners or limited partners of a partnership applicant, all officers or directors of a corporate applicant, and all stockholders holding more than five percent (5%) of the stock of a corporate applicant, and all members or managers of a limited liability company applicant, and all members holding more than five percent (5%) of the membership interests of a limited liability company applicant or any other person who is interested directly in the ownership or operation of the business, shall furnish the following information:

1. Name and address, including all aliases;
2. Written proof that the individual is at least eighteen (18) years of age;
3. All residential addresses of the applicant for the past ten (10) years;
4. The applicant's height, weight, color of eyes, and hair;

5. The businesses, occupations or employment of the applicant for ten (10) years immediately preceding the date of application;

6. Whether the applicant previously operated in this or any other county, town, city or state under an adult-oriented establishment license or similar business license; whether the applicant has ever had such license revoked or suspended, the reason therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.

7. All criminal statutes, whether federal or state, or Town Ordinance violation convictions, forfeiture of bond and pleading of nolo contendere on all charges, except minor traffic violations;

8. Fingerprints and two (2) portrait photographs at least two (2) inches by two (2) inches of the applicant;

9. The address of the adult oriented establishment to be operated by the applicant; and

10. If the applicant is a corporation or limited liability company, the applicant shall specify the name of the corporation or limited liability company, the date and state of the incorporation or formation, the name and address of the registered agent, and the name and address of all shareholders or members owning more than five percent (5%) of the stock or membership interests in said corporation or limited liability company and all officers and directors of the corporation or members and managers of the limited liability company.

C. Within seventy-five (75) days of receiving an application for a license, the Town Clerk shall notify the applicant whether the application is granted or denied. The Town Clerk shall grant the application upon written certification from the First Selectman, [Resident State Trooper(?)], the Building Official, the Director of Health, and the Zoning Enforcement Officer that all applicable requirements have been met and upon the following circumstances:

1. The required fees have been paid;
2. The applicant conforms in all respects to the provisions of this Ordinance;
3. The applicant has not made a material misinterpretation of the facts in the application;

4. That neither the applicant, if an individual, nor any person financially interested, if a corporation, or any of the partners, including limited partners, nor the holder of any profit interest, nor the manager or other person principally in charge of the operation of the proposed business has been convicted of, pleaded nolo contendere or guilty to any felony or to a misdemeanor involving moral turpitude;

5. The applicant has not had a license, similar to the one issued pursuant to the provisions of this Ordinance, issued by another local authority suspended or revoked for cause within the five (5) year period immediately preceding the date of the filing of the application;

6. The proposed business complies with all applicable regulations of the Town of Willington Planning and Zoning Commission; and

7. The applicant, manager or other person principally in charge of the operation of the business is at least eighteen (18) years of age.

The Town Clerk shall deny the application if all of the requirements set forth in paragraphs 1 – 7 above have not been met.

D. Whenever an application is denied, the Town Clerk shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of receipt of the notification of denial, a public hearing shall be held within thirty (30) days thereafter before the Board of Selectmen, as hereinafter provided.

E. Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination regarding said application, or his or her refusal to submit to cooperate with any investigation required by this Ordinance shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the Town Clerk.

Section VI. Standards for Issuance of License

A. To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:

1. If the applicant is an individual:

a. The applicant shall be at least eighteen (18) years of age.

b. The applicant shall not have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application. Such crimes include, but are not limited to, obscenity, child pornography, prostitution, patronizing a prostitute, promoting or permitting prostitution and sexual assault.

c. The applicant shall not have been found to have previously violated this Ordinance within five (5) years immediately preceding the date of the application.

2. If the applicant is a corporation:

a. All officers, directors and stockholders required to be named under Section V

B. of this Ordinance shall be at least eighteen (18) years of age;

b. No officer, director or stockholder required to be named under Section V B. of this ordinance shall have been convicted of or pleaded nolo contendere to a felony or crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.

c. No officer, director or stockholder required to be named under Section V B. of this Ordinance shall have been found to have previously violated this Ordinance within five (5) years immediately preceding the date of the application.

3. If the applicant is a partnership, joint venture or any other type of organization where two (2) or more persons have a financial interest:

a. All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age;

b. No person having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application. . Such crimes include, but are not limited to, obscenity, child pornography, prostitution, patronizing a prostitute, promoting or permitting prostitution and sexual assault.

c. No person having a financial interest in the partnership, joint venture or other type of organization shall have been found to have violated any provision of this Ordinance within five (5) years immediately preceding the date of the application.

4. If the applicant is a limited liability company:

a. All managers and members required to be named under Section V B. of this Ordinance shall be at least eighteen (18) years of age;

b. No manager or member required to be named under Section V B. of this ordinance shall have been convicted of or pleaded nolo contendere to a felony or crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any

jurisdiction within five (5) years immediately preceding the date of the application. .
Such crimes include, but are not limited to, obscenity, child pornography, prostitution, patronizing a prostitute, promoting or permitting prostitution and sexual assault.

c. No manager or member required to be named under Section V B. of this Ordinance shall have been found to have previously violated this Ordinance within five (5) years immediately preceding the date of the application.

B. No license shall be issued unless the Willington Chief of Police has investigated the applicants' qualifications to be licensed. The results of that investigation shall be filed in writing with the Town Clerk no later than sixty (60) days after the date of the application.

Section VIII. Fees

A. A license fee of nine hundred fifty dollars (\$950.00) shall be submitted with the completed application for a license. If the application is denied, one-half (1/2) of the fee shall be returned.

Section VIII. Renewal of License Permit

A. Every license issued pursuant to this Ordinance will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the Town Clerk. The application for renewal shall be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the Town Clerk. A copy of the application for renewal shall be distributed promptly by the Town Clerk to the Willington Chief of Police and to the operator. The application for renewal shall be upon a form provided by the Town Clerk and shall contain such information and data as is required for an application for a new license.

B. A license renewal fee of five hundred dollars (\$500.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of one hundred dollars (\$100.00) shall be assessed against the applicant who files for a renewal less than sixty (60) days before the license expires. If the application is denied, one-half (1/2) of the total fees collected shall be returned.

C. If the Willington Chief of Police is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the Town Clerk.

Section IX. Revocation of License

A. The Board of Selectmen shall revoke a license or permit for any of the following reasons:

1. Discovery that false or misleading information or data was given on any application or material facts were omitted from any application;
2. The operator or any employee of the operator violates any provision of this Ordinance or any rule or regulation adopted by the Board of Selectmen pursuant to this Ordinance; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the Board shall find that the operator had no actual or constructive knowledge of such violation and could not, by the exercise of due diligence, have had such actual or constructive knowledge;
3. The operator becomes ineligible to obtain a license or permit;
4. Any cost or fee required to be paid by this Ordinance is not paid; or
5. Any alcoholic liquor or alcoholic beverage, as defined in CGS 30-1(3), is served or consumed on the premises of the adult-oriented establishment.

B. The Board of Selectmen, before revoking or suspending any license or permit, shall give the operator at least ten (10) days written notice of the charges against him and the opportunity for a public hearing before the Board within thirty (30) days after receipt of the notice.

C. The transfer of a license or any interest in a license shall automatically and immediately revoke the license.

D. Any operator whose license is revoked shall not be eligible to receive a license for one (1) year from the date of revocation. No location or premises for which a license has been issued shall be used as an adult-oriented establishment for six (6) months from the date of revocation of the license.

E. The Board of Selectmen shall give notice to the Town Clerk of any revocations or suspensions.

Section X. Savings Clause

Should any court of competent jurisdiction declare any section, clause or provision of this ordinance to be unconstitutional or otherwise invalid under Connecticut state law, such decision shall affect only such section, clause or provision so declared unconstitutional or invalid and shall not affect any other section, clause or provision of this Ordinance.

Dated at Willington

Adopted: 11/1/2017

Published: 11/16/2017

Effective: 12/01/2017

OPEN SPACE ORDINANCE PA 490

Each parcel of records, as recorded in the assessment records, shall be treated as a separate parcel. No tacking or combining of separately assessed parcels shall be permitted to determine the eligibility for treatment as Open Space. Any residentially zoned parcel that exceeds 5 acres is eligible for treatment as Open Space for assessment purposes. No property for which the assessment is determined pursuant to the terms of Section 12-76 of the Connecticut General Statutes, as it may be amended from time to time, shall be eligible. The property owner must make application for Open Space assessment as provided in the Connecticut General Statute 12-107e, as it may be amended from time to time. Effective October 1, 2019

Adopted:	December 2, 2019
Published:	December 11, 2019
Effective:	October 1, 2019