

**Proposed Code Adoption Ordinance  
Town of Suffield**

Be it enacted and ordained by the Town of Suffield in Town Meeting assembled:

**§ 1-7. Adoption of Code.**

The compilation of the ordinances of the Town of Suffield, codified and consolidated into chapters and sections in the form attached hereto and made a part hereof, and consisting of Chapters 1 through 290, together with an Appendix, is hereby approved, adopted, ordained and enacted as the "Code of the Town of Suffield, Connecticut," hereinafter called the "Code." All provisions contained in the compilation provided for herein and known as the "Code of the Town of Suffield" shall be in force and effect on and after the effective date of this ordinance.

**§ 1-8. Continuation of existing provisions.**

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

**§ 1-9. Repealer.**

- A. All ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Town of Suffield which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.
- C. The following ordinances are specifically repealed:
  - 1) Sunday sales of alcoholic beverages, ordinance adopted May 28, 1947 (Ch. 3 of the 1987 Code).

- 2) Constables, ordinance adopted July 27, 1945, amended May 18, 1983 (§ 8-3 of the 1987 Code).
- 3) Board of Education, ordinance adopted July 27, 1945, amended February 23, 1982 (§ 8-4 of the 1987 Code).
- 4) Uniform fiscal year, ordinance adopted June 29, 1961 (§ 2-2 of the 1987 Code).
- 5) Annual budget meeting, ordinance adopted April 13, 1962 (§ 2-3 of the 1987 Code).
- 6) Capital Region Planning Agency, ordinance adopted October 6, 1969 (Ch. 14, Art. VIII, of the 1987 Code).
- 7) Board for Admission of Electors, ordinance adopted July 5, 1973 (§ 8-2 of the 1987 Code).
- 8) Election officials, ordinance adopted April 9, 1980 (§ 8-1 of the 1987 Code).
- 9) Snowstorms, ordinance adopted March 13, 1985 (Ch. 17, Art. II, Div. 3, of the 1987 Code).
- 10) Litter, Ordinance No. 2000-02, adopted May 17, 2000 (Ch. 15, Art. IV, of the 1987 Code).
- 11) Public Works Commission, Ordinance No. 2002-02, adopted May 16, 2002.

**§ 1-10. Severability.**

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

**§ 1-11. Copy of Code on file.**

A copy of the Code has been filed in the office of the Town Clerk of the Town of Suffield and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Town Clerk of the Town of Suffield, and such certified copy shall remain on file in the office of said

Town Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

**§ 1-12. Amendments to Code.**

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

**§ 1-13. Code to be kept up-to-date.**

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

**§ 1-14. Sale of Code; supplementation.**

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

**§ 1-15. Penalties for tampering with Code.**

Any person who, without authorization from the Town Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the Town of Suffield, or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Town of Suffield to be misrepresented thereby, or who violates any other provision of this ordinance, shall, upon conviction thereof, be subject to a fine of not more than \$250.

**§ 1-16. Changes in previously adopted ordinances.**

A. In compiling and preparing the ordinances for publication as the Code of the Town of Suffield, no changes in the meaning or intent of such ordinances have been made, except as provided in Subsection B of this section. Certain other minor nonsubstantive corrections were made in one or more of said ordinances. It is the intention of the Town

Meeting that all such changes be adopted as part of the Code as if the ordinances had been previously formally amended to read as such.

- B. The amendments as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

**§ 1-17. Rules of construction.**

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

**§ 1-18. When effective.**

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

**Schedule A**  
**(As referenced in § 1-16B)**

Throughout the Code, references to the "Zoning and Planning Commission" are amended to "Planning and Zoning Commission"; the title "Chairman" is amended to "Chairperson"; and references to the "Department of Environmental Protection" are amended to "Department of Energy and Environmental Protection."

Chapter 1, General Provisions.

Section 1-2A(4) is added to read as follows: "Director of Health. Whenever reference is made to the Director of Health, it shall be construed to mean the North Central District Health Department or its designee."

Section 1-2A(32) is amended to change "council or other body" to "Board of Selectmen or other body."

Section 1-5A is amended to change "ordinances passed by the Board of Selectmen" to "ordinances passed by the Town Meeting."

Section 1-6A is amended to change "a fine not exceeding \$100" to "a fine not exceeding the maximum amount authorized by the Connecticut General Statutes."

Chapter 8, Building Code Board of Appeals.

Section 8-4 is amended to delete "Section 126.0" after "State Building Code."

Chapter 12, Capital Region Council of Governments.

Sections 12-1 and 12-3 are amended to change "Director of the Office of State Planning" to "Secretary of the Office of Policy and Management."

Chapter 18, Conservation Commission.

Section 18-1 is amended as follows: "The Conservation Commission shall consist of ~~five~~ seven regular members and two alternate members all of whom shall be appointed as ~~hereinafter~~ provided in the Town Charter."

Section 18-2 is amended to change "Commissioner of Agriculture and Natural Resources" to "Commissioner of Energy and Environmental Protection."

Chapter 26, Economic Development Commission.

Section 26-3 is amended as follows: "The Economic Development Commission shall consist of five regular members, not more than ~~three~~ four of whom shall belong to the same political party, and two alternate members who shall be appointed by the Board of Selectmen."

Chapter 36, Emergency Management.

Section 36-1 is amended to change "Office of Civil Preparedness" to "Emergency Management Office."

Section 36-3 is amended to change "Director of Civil Preparedness" to "Emergency Management Director."

Chapter 40, Ethics.

Section 40-9A is amended as follows:

There is hereby established an Ethics Commission consisting of five members who shall be electors of the Town, no more than ~~two~~ four of whom shall be of the same political party. The members shall be appointed by the First Selectman with the approval of the Board of Selectmen and shall serve for a term of five years, except that of the initial ~~board~~ Commission a member shall be appointed seriatim for a term of one year, two years, three years, four years and five years. No member shall serve as a member of any other Town board, ~~neither~~ or be employed by the Town or Board of Education.

Section 40-11A is amended as follows:

Any request or opinion, the disclosure of which invades the personal privacy of any individual [as that term is used in ~~§ 1-19(b)(2)~~ § 1-210(b)(2) of the General Statutes, by the State Freedom of Information Commission and the courts] or violates the provisions of § 10-151c of the General Statutes, shall be kept confidential in a personnel or similar file and shall not be subject to public inspection or disclosure.

Section 40-11B and F(1) are amended to change "Board of Ethics" to "Ethics Commission."

Chapter 45, Finance.

Section 45-3 is amended change "all of whom shall be appointed as hereinafter provided" to "all of whom shall be appointed as provided in the Town Charter" and as follows: "No more than ~~three~~ four regular members shall belong to the same political party."

Chapter 48, Flood and Erosion Control Board.

Sections 48-3 and 48-4 are amended to delete "in accordance with Suffield Code § 14-54" after "the balance of their existing terms."

Chapter 66, Landfill Appeals Board.

Section 66-3 is amended to change "Board of Tax Review" to "Board of Assessment Appeals."

Chapter 68, Landfill Management Commission.

Section 68-4E is amended to update the reference to the Connecticut Resource Recovery Authority to the Materials Innovation and Recycling Authority.

Chapter 71, Library.

Section 71-2A is amended to update the reference to § 36-81 of the General Statutes to § 36a-352 of the General Statutes.

Chapter 82, Officers and Employees.

Section 82-2 is amended to update the reference to Title 9, Chapter 146, of the General Statutes to § 7-100k of the General Statutes.

Section 82-5 is amended to update the reference to § 9-198 of the General Statutes to § 7-100k of the General Statutes.

Chapter 87, Parks and Recreation Commission.

Section 87-1 is amended as follows: "The Commission shall consist of seven regular members and two alternate members all of whom shall be appointed as provided in ~~this chapter~~ the Town Charter."

Chapter 91, Permanent Building Commission.

Section 91-1F is amended to update the reference to § 1-15 of the General Statutes to § 1-212 of the General Statutes.

Chapter 111, Social Services Commission.

Sections 111-1, 111-3 and 111-4 are amended to change "Commission for Social Services" to "Social Services Commission."

Chapter 134, Adult-Oriented Establishments.

The definition of "adult-oriented establishment" in § 134-2 is amended as follows: "An adult-oriented establishment includes, without limitation, any adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import."

The definition of "inspector" in § 134-2 is amended to change "Director of Public Health" to "Director of Health."

Section 134-5B is amended to read as follows: "Each violation of this chapter shall be considered a separate offense, and each day on which a violation occurs or continues, after the time for the correction of the violation given in any order has elapsed, will be considered a separate violation of this chapter."

Chapter 153, Bingo.

Section 153-1 is amended to read as follows: "The playing of bingo within the Town under and subject to the provisions and restrictions of § 7-169 et seq. of the General Statutes is hereby permitted, and such reasonable rules and regulations concerning the conduct of the game as may be necessary may be made."



Chapter 159, Building Construction.

Section 159-1 is amended to update the reference to § 19-395 of the General Statutes to § 29-252 of the General Statutes.

Section 159-3 is amended to change "BOCA Basic/National Building Code published by the Building Officials and Code Administrators International, Inc." to "International Building Code published by the International Code Council" and to delete the fees and insert wording stating that the fees are set by the Board of Selectmen.

Section 159-5A is amended to read as follows: "Any work regulated by the State Building Code which has commenced before a permit is applied for and before permission is given by the Building Official to commence such work shall be subject to a late filing fee set by the Board of Selectmen in addition to any other fee required."

Chapter 163, Buildings, Numbering of.

Section 163-3 is amended to delete "within 90 days after the effective date of this chapter."

Chapter 195, Historic Preservation.

Section 195-2A is amended as follows: "The Commission shall consist of five regular and three alternate members who shall be appointed as provided in ~~section 14-79 and two alternate members who shall be appointed as provided in section 14-80~~ the Town Charter."

Sections 195-5B and 195-7 are amended to change "Building Inspector" to "Building Official."

Section 195-5C is amended to change "circuit court" to "Superior Court for the judicial district."

Section 195-6 is amended to change "Court of Common Pleas for Hartford County" to "Superior Court."

Chapter 200, Housing Standards.

Chapter 200 is amended in its entirety to read as follows:

§ 200-1. Adoption of Housing Code; enforcement.

The Town of Suffield hereby adopts Connecticut General Statutes §§ 47A-50 through 47A-56 and § 19A-109 as its Housing Code. Unless specifically having to do with situations involving

imminent harm to the public, the Town delegates all routine enforcement of said code to the North Central Health District.

Chapter 235, Parks and Recreation.

Section 235-3 is amended to change "State Board of Fisheries and Game" to "State Department of Energy and Environmental Protection."

Chapter 239, Peace and Good Order.

Section 239-1 is amended to change "shall be fined not more than \$50" to "shall be fined in accordance with § 1-6 of this Code."

Chapter 242, Peddling and Soliciting.

Sections 242-6A and 242-9 are amended to remove the permit fee of \$25 and insert "set by the Board of Selectmen."

Section 242-6B is amended to read as follows: "A person engaging in those activities stated in § 242-1 shall perform those actions between 9:00 a.m. and 15 minutes before sunset."

Section 242-12 is amended to read as follows: "Any person who violates any provision of this article shall be fined in an amount not exceeding the maximum amount authorized by the Connecticut General Statutes."

Chapter 257, Sewers.

Section 257-1 is amended to delete the reference to "the February 4, 1959 ordinance of the Town" and to update the reference to § 7-346 of the General Statutes to § 7-245 of the General Statutes.

Section 257-7 is amended to change "Building Inspector" to "Building Official."

Section 257-10 is amended to update the reference to § 53-46 of the General Statutes to § 53a-115 et seq. of the General Statutes.

Section 257-15A is amended to update the reference to § 12-170a of the General Statutes to § 12-170aa of the General Statutes.

Section 257-26 is amended as follows:

When any building or other structure previously served by a connection to any public sewer is demolished, destroyed, abandoned, or altered so that any sewer or portion of an abandoned plumbing system which is directly or indirectly connected to any public sewer is no longer used and is no longer connected to the sewer system which discharged, directly or indirectly, into a public sewer, such sewer or system shall be promptly closed and sealed off so that no water or wastes not otherwise permitted to enter the public sewer shall be so discharged thereinto.

Section 257-27 is amended to read as follows:

No person other than a drain layer licensed by the State of Connecticut shall construct, repair, alter or remove any sewer, building drain, building sewer, or sewer line connected to or with or discharging directly or indirectly to or into any public sewer of the Town or intended to discharge thus at some future time, regardless of whether the work is located in a public street or in public or private land.

Section 257-28A(2) is amended to update the reference to the State Highway Department to the State Department of Transportation.

Section 257-52D is amended to delete the following from the end of the subsection: "Pretreatment System as described in Section 6C."

Section 257-56G(1) is amended to read as follows: "Violation: 30 days from notice to correct violation."

#### Chapter 265, Streets and Sidewalks.

Section 265-21 is amended to read as follows: "First offense for failure to comply with this article will result in a fine of \$75 with \$25 additional for all subsequent days. Furthermore, a subsequent offense will increase the first day of penalty an additional \$50. Thus, the penalty for the first day of a second offense will be \$125. Appeals of any fine will be made to the Board of Selectmen within 30 days."

#### Chapter 270, Taxation.

Section 270-1 is amended as follows: "The Town hereby adopts § 12-41 of the General Statutes providing for the elimination of the listing of real estate and certain personal property with the Assessors ~~and the Assessors shall be authorized and empowered to take such action as may be necessary to secure the approval of the State Tax Commissioner of the elimination of listing of real estate and certain personal property as provided in such section.~~"

Article II is amended in its entirety to read as follows:

ARTICLE II

**Exemption for Active Solar Energy Heating or Cooling Systems**

**§ 270-2. Exemption granted.**

In accordance with the provisions of § 12-81(56) of the General Statutes, the following described property shall be exempt from taxation subject to the provisions of this article: any building, the construction of which is commenced on or after October 1, 1976, which is equipped with an active solar energy heating or cooling system, or any building to which a solar energy heating or cooling system is added on or after October 1, 1976, 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 15 assessment years following construction of such building or addition of any such system to a building.

**§ 270-3. Definition.**

As used in this article, "active 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, employs mechanical means such as fans or pumps to transfer energy, and meets standards established by regulation, in accordance with the provisions of Chapter 54 of the General Statutes, by the Secretary of the Office of Policy and Management.

**§ 270-4. Application for exemption.**

Any person claiming the exemption provided in this article for any assessment year shall, on or before the first day of November in such assessment year, file with the Assessor written application claiming such exemption. Failure to file such application in the manner and form as provided by such Assessor within the time limit prescribed shall constitute a waiver of the right to such exemption for such assessment year. Such application shall not be required for any assessment year following that for which the initial application is filed, provided that if such solar energy heating or cooling system is altered in a manner which would require a building permit, such alteration shall be deemed a waiver of the right to such exemption until a new application, applicable with respect to such altered system, is filed and the right to such exemption is established as required initially.

Section 270-9 is amended as follows: "The Town of Suffield, commencing with the property tax list of October 1, 1991, waives any property tax due the Town in an amount less than \$~~5~~ \$25."

Section 270-11A is amended to delete the reference to §§ 12-129h and 12-129i of the General Statutes (repealed in 1999) and to update the reference to §§ 12-170a to 12-170c of the General Statutes to §§ 12-170aa to 12-170cc.

Section 270-16A is amended as follows:

Provided all property taxes of a volunteer (as defined in this article) are paid current, ~~the property taxes of~~ each such qualified volunteer emergency responder of the Suffield Volunteer Fire Department who has served as an emergency responder for the Town of Suffield for not less than two immediately preceding calendar years shall have any real and/or motor vehicle property taxes owed to the Town of Suffield by such responder abated in an amount as calculated in the following schedule but in no event more than the maximum amount permitted under Public Act 00-120, Section 10, or any amendment thereto:

Section 270-17 is amended to delete "during the proceeding calendar year" from Subsection B(1), (2) and (3) and to revise Subsection A as follows:

Provided all property taxes of a volunteer (as defined in this article) are paid current, ~~the property taxes of~~ each such qualified volunteer emergency responder of the Suffield Volunteer Ambulance Association, Inc., who has served as an emergency responder for the Association for not less than one immediately preceding calendar year shall have any real and/or motor vehicle property taxes owed to the Town of Suffield by such responder abated in an amount as calculated in the following schedule:

Section 270-23 is amended to change "exempt tax purposes" to "tax-exempt purposes" in the last sentence.

Section 270-26 is amended as follows: "This article shall apply to real and personal properties acquired by a qualifying exempt organization on or after September 1, 2013. The tax exemption shall expire when the property is sold or no longer used exclusively for tax-exempt purposes ~~or on June 30, 2014, whichever is first to occur.~~"

#### Chapter 281, Vehicles and Traffic.

Section 281-4 is amended as follows: "The penalty for any violation of this article shall be in accordance with the ~~fee~~ schedule set by the Board of Selectmen."

Section 281-7 is amended to delete the definitions of "educational," "industrial," "institutional," "mercantile," "office," "residential" and "storage" and to delete "P29-41-4.02 of" before "the State Fire Safety Code" in the definition of "building."

#### Chapter 286, Waste Management.

Article I, Contracting for Services, is adopted to read as follows:

**§ 286-1. Right reserved to delegate duties by contract.**

The Town of Suffield by the Board of Selectmen reserves the right to delegate by contract waste management and recycling services. Where the Board of Selectmen has chosen to delegate its duties by contract, the provisions of the contract shall supersede the terms of Articles II, III and IV of this chapter.

Throughout this chapter, references to the "Public Works Commission" are amended to "Public Works Department."

The definition of "garden and yard refuse" in § 286-2 is amended to "garden and lawn refuse."

Section 286-4C(4) is amended as follows: "This permit allows residents who qualify for Town curbside pickup but who have elected not to have curbside pickup ~~and choose~~ to bring household refuse/trash and recyclables to the Landfill's transfer station."

Section 286-9A is amended to revise the second sentence to read as follows: "In addition, any violation shall be subject to a fine of not more than the maximum amount authorized by the Connecticut General Statutes and/or the permit shall be revoked for a duration as decided by the Public Works Department as long as each violation or failure to comply continues."

Section 286-19 is amended to revise the first sentence to read as follows: "Any person violating the terms of this article shall be fined not more than the maximum amount authorized by the Connecticut General Statutes, in addition to any other penalty imposed hereunder."

Section 286-20 is amended to read as follows: "Violations of this article shall be investigated by the Suffield Police Department."

Section 286-21A is amended as follows: "Any such lien may be continued, recorded and released in the manner provided by the Connecticut General Statutes for continuing, recording and releasing tax liens."

Section 286-22 is amended to change "Landfill Commission" to "Public Works Department."