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ORDINANCE #1

AUTHORIZATION TO BORROW MONEY IN ANTICIPATION OF TAXES

The Town of Vernon is hereby authorized to borrow monies in amounts not to exceed \$500,000.00 as needed in anticipation of taxes. The Mayor and Treasurer of the Town of Vernon are hereby authorized to act for the Town to execute whatever evidences of indebtedness are required.

Introduced: July 1, 1965
Advertised: July 2, 1965 in The Manchester Evening Herald
Public Hearing: July 7, 1965
Board Action: Voted to adopt on July 7, 1965
Advertised: July 8, 1965 in The Rockville Journal
Effective Date: July 23, 1965

ORDINANCE #2 *

ORDINANCE APPROPRIATING \$330,000 FOR TRUNK SEWER

BE IT ORDAINED, That the sum of Three Hundred Thirty Thousand Dollars be appropriated for the installation of a trunk sewer extending from a point approximately 1,200 feet southerly of the Rockville Sewage Treatment Plant to the site of the new Junior High School and to the vicinity of the convalescent home on the Hartford Turnpike; such sewers will generally follow along Talcottville, Regan, Center and Peterson Roads to West Street; along West Street to the school site; and along Center Road from Peterson Road to the Hartford Turnpike, as shown on Plate No. 13 of the Preliminary Report on Sewerage and Sewage Disposal, Vernon Connecticut, dated May 1965, prepared by Anderson-Nichols Associates.

That the Town, to finance said appropriation, issue its serial bonds pursuant to the provisions of Section 7-259 of the General Statutes of Connecticut, Revision of 1958, in the principal sum of \$330,000, in one or more series, the Treasurer shall keep a record of such bonds; such bonds shall be signed by the Mayor and Director of Administration who are authorized to determine the form and text, the date of issue, dates of maturity, rate of interest, the bank or trust company to act as certifying and paying agent, the attorneys at law to render an opinion approving the legality of such issue, to sell such bonds at public sale and to do all other acts necessary and appropriate to complete the issue of such bonds; and issue its temporary notes from time to time in an amount not exceeding \$330,000, pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958, in anticipation of the receipt of the proceeds from the sale of the aforesaid bonds; and the Mayor and Director of Administration are hereby authorized to determine the amount, date, maturity, interest rate, form and other details of such notes and to execute, sell and deliver the same. Such bond issue may be combined with and issued as a part of any larger bond issue hereafter approved.

The effective date of this ordinance is fifteen (15) days from the date of this publication.

- Introduced: October 4, 1965
- Advertised: October 7, 1965 in The Rockville Journal
- Public Hearing: October 18, 1965
- Board Action: Voted to adopt Ordinance on October 18, 1965
- Advertised: October 21, 1965 in The Rockville Journal
- Effective Date: November 5, 1965
- * Special Referendum: December 14, 1965 approved Ordinance #2

ORDINANCE #3

ABANDONMENT OF VEHICLES

SECTION 1. Definitions.

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

(1) "Person" shall mean any person, firm, partnership, associations, corporation, company, or organization of any kind.

(2) "Vehicle" shall mean a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon.

(3) "Street or highway" shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(4) "Property" shall mean any real property within the Town which is not a street or highway.

SECTION 2. Abandonment of Vehicles.

No person shall abandon any vehicle within the Town and no person shall leave any vehicle at any place with the Town for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

SECTION 3. Leaving of Wrecked, Non-operating Vehicle on Street.

No person shall leave any partially dismantled, non-operating, wrecked, or junked vehicle on any street or highway within the Town.

SECTION 4. Disposition of Wrecked or Discarded Vehicles.

No person In charge or control of any property within the Town, whether as owner, tenant, occupant, lessee, or otherwise shall allow any partially dismantled, non-operating, wrecked, junked, or discarded vehicle to remain on such property longer than 72 hours; and no person shall leave any such vehicle on any property within the Town for a longer time than 72 hours; except that this Ordinance shall not apply with regard to a vehicle in an enclosed building; a vehicle on the premises of a business enterprise operated in a lawful place arid manner, when necessary to the operation of such business enterprise; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Town.

SECTION 5. Impounding.

The Building official or any member of his Department designated by him is hereby authorized to remove or have removed any vehicle left at any place within t he Town which reasonably appears to be in violation of this Ordinance or lost, stolen or unclaimed after giving written notice to the registered owner of any such vehicle which is in violation of this ordinance, or such owner or tenant, etc. as hereinbefore defined, that said vehicle violated this Ordinance and demand that said vehicle be removed from the Town of Vernon within 72 hours, or that within 72 hours the same may be housed in a building where It will not be visable from the street. Said notice may be given by personal service or by registered mail, return receipt requested.

SECTION 6. Penalties.

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding One Hundred (100) dollars. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

After giving the hereinbefore required notice and after waiting 72 hours the said Building Inspector or any member of his department designated by him may so remove such vehicle or vehicles by a town truck or by a commercial town truck, to a commercial garage or an automobile wrecking yard or any suitable place for the disposal of rubbish

ORDINANCE #3

ABANDONMENT OF VEHICLES

and he may thereafter file an action in the name of the Town of Vernon in the appropriate court upon any person or persons upon whom he served the aforesaid demand for the purpose of recovering the cost of removing and storing said vehicle or vehicles, to the event the proceeds of any sale thereof shall be insufficient to recover said costs.

Nothing herein shall be construed to require the Building official or any member of his department to hold a sale of said vehicle or vehicles.

Introduced: December 6, 1965
Advertised: December 9, 1965 in The Rockville Journal
Public Hearing: December 20, 1965
Board Action: Adopted Ordinance December 20, 1965
Advertised: December 23, 1965 in The Rockville Journal
Effective Date: January 7, 1966
Ordinance #3 Repealed October 4, 1983 - See Ordinance #150

ORDINANCE #4

PARKING DURING PERIODS OF SNOW REMOVAL

BE IT ORDAINED BY THE TOWN OF VERNON THAT:

- a. No person shall park a motor vehicle within the limits of a public highway in the Town of Vernon in such a manner as to interfere with, impede or obstruct the removal of snow from said highway, or the sanding of said highway, during any storm or for eight hours after such storm has subsided.
- b. Nothing in paragraph a herein shall restrict the parking by a physician on emergency call, nor prevent a vehicle, which has become disabled to such an extent that it is impossible or impracticable to remove it, from remaining for a reasonable time for the purpose of making repairs thereto or of obtaining sufficient assistance to remove it.
- c. Whenever any motor vehicle is found parked in violation of this ordinance, it may be removed and conveyed by, or under the direction of, any law enforcement officer having jurisdiction in the Town of Vernon, by means of towing or otherwise, to a vehicle pound designated by the Mayor of said Town. Before any designated place or garage shall be authorized to be a vehicle pound, or before towing, such garage shall furnish to the Mayor of said Town satisfactory evidence of insurance coverage to protect the Town of Vernon from any claims for damages arising from towing or storage of any impounded vehicle. Before the owner or person in charge of such vehicle shall be permitted to remove the same from such vehicle pound, he shall furnish to the Mayor or to such law enforcement officer as the Mayor shall designate, evidence of his identity, ownership or right to possession, and shall sign a receipt for the same, and he shall pay the costs of removal and storage, but not exceeding the sum of \$10.00 for towing nor exceeding \$1.00 for each day, or portion of a day, said vehicle is stored in the vehicle pound in excess of the first 24 hours said vehicle is impounded.

The owner of any impounded vehicle shall be duly informed as to the nature and circumstances of the violation on account of which such vehicle has been impounded. In case protest is made against the payment of any towing or storage fees, the designated law enforcement officer shall mark upon the receipt evidencing payment of the towing and storage fees the words "paid under protest." In such case, it shall thereupon be the duty of the law enforcement officer having knowledge of the facts to forthwith institute the proper proceedings in any Circuit Court having jurisdiction within said Town, charging the owner or driver of such vehicle with the violation of the ordinance on account of which the vehicle was impounded. In the event the owner or driver of said vehicle is found not guilty of the offense charged, he shall be reimbursed the sum so paid under protest.

It shall be the duty of the law enforcement officer designated by the Mayor to keep a record of the names of all owners of vehicles impounded, the numbers of their state license plates, the place where such vehicle was impounded, the nature and circumstances of each violation, and the disposition of each case.

d. Proof of the registration number of any motor vehicle concerned with a violation of this ordinance shall be prima facie evidence in any criminal action that the registered owner was the operator thereof.

e. Any person who violates any provisions of this ordinance shall be fined not more than \$5.00, in addition to any other charges set forth in paragraph c of this ordinance."

- Introduced: January 3, 1966
- Advertised: January 6, 1966 in The Rockville Journal
- Public Hearing: January 17, 1966
- Board Action: Adopted Ordinance January 17, 1966
- Advertised: January 20, 1966 in The Rockville Journal
- Effective Date: March 1, 1966

* Repealed by Ordinance No. 117

ORDINANCE #5
FINES FOR PARKING VIOLATIONS

The following amounts shall be assessed as fines by the Town of Vernon as fines for the offenses set forth below:

The following offense shall require a fine of \$1.00.

- a.) parking within 10' of a hydrant
- b.) parking within 25' of a corner
- c.) parking within 25' of a stop sign
- d.) parking on the sidewalk
- e.) parking on the wrong side of the street
- f.) parking so as to obstruct a driveway
- g.) parking more than 12 inches from the curb

The following offenses shall require a fine of \$3.00.

- a.) Double parking
- b.) Parking in an intersection
- c.) Parking in a "Bus Stop" area
- d.) Violation of the Town of Vernon Ordinances re: Night time parking

The following offense shall require a fine of \$5 .00

- a) Violation of the Town of Vernon Ordinance re: temporary no parking areas for snow removal or sanding

The above fines shall be those payable until the fourth day after a ticket or summons showing a violation and fine have been issued. If the required fine is not paid during that period, the fine due and payable from the 5th to the 10th day after issue shall be double the amount indicated. If the fine remains unpaid the amount payable from the 10th day after issue until the 30th day after issue shall be 4 times the amount indicated. If payment is not received within 30 days after issue, a warrant will be issued for the arrest of the person named on the ticket or summons and said person shall be subject to the maximum penalties provided by law. The ticket or summons issued to the violator shall show the offense charged, and a warning showing the consequences of late payment as set forth herein.

Introduced:	January 3, 1966
Advertised:	January 6, 1966 in The Rockville Journal
Public Hearing:	January 17, 1966
Board Action:	Adopted Ordinance January 17, 1966
Advertised:	January 20, 1966 in The Rockville Journal
Effective Date:	March 1, 1966

ORDINANCE #5a

I, Henry F. Butler, Town Clerk of the Town of Vernon do certify that there was an error made in recording Ordinance #5 from the original and further certify that the following is a true copy of Ordinance #5 as adopted on January 17, 1966 and advertised January 20, 1966:

FINES FOR PARKING VIOLATIONS

The following amounts shall be assessed as fines by the Town of Vernon as fines for the offenses set forth below:

The following offense shall require a fine of \$1.00.

- a) Overtime parking

The following offenses shall require a fine of \$2.00.

- a.) parking within 10 of a hydrant
- b.) parking within 25' of a corner
- c.) parking within 25' of a stop sign
- d.) parking on the sidewalk
- e.) parking on the wrong side of the street
- f.) parking so as to obstruct a driveway
- g.) parking more than 12 inches from the curb

The following offenses shall require a fine of \$3.00.

- a.) Double parking
- b.) Parking in an intersection
- c.) Parking in a "Bus Stop" area
- d.) Violation of the Town of Vernon Ordinance re: Night time parking

The following offense shall require a fine of \$5.00.

- a) Violation of the Town of Vernon Ordinance re: temporary no parking areas for snow removal or sanding.

The above fines shall be those payable until the fourth day after a ticket or summons showing a violation and fine have been issued. If the required fine is not paid during that period, the fine due and payable from the 5th to the 10th day after issue shall be double the amount indicated. If the fine remains unpaid the amount payable from the 10th day after issue until the 30th day after issue shall be 4 times the amount indicated. If payment is not received within 30 days after issue, a warrant will be issued for the arrest of the person named on the ticket or summons and said person shall be subject to the maximum penalties provided by law. The ticket or summons issued to the violator shall show the offense charged, and a warning showing the consequences of late payment as set forth herein.

Introduced: January 3, 1966
Advertised: January 6, 1966 in The Rockville Journal
Public Hearing: January 17, 1966
Board Action: Adopted Ordinance January 17, 1966
Advertised: January 20, 1966 in The Rockville Journal
Effective Date: March 1, 1966

Attest: Henry F. Butler
Henry F. Butler
Town Clerk

Dated at Vernon, Connecticut this 29th day of March, 1976.

* Repealed May 18, 1981. See #126, Page 218

ORDINANCE #6
NIGHT TIME PARKING

Any person leaving a vehicle parked upon a public street or highway in the Town of Vernon for more than 120 minutes between the hours of two o'clock A.M. and five o'clock A.M. of any day, unless for the reason of fire, sickness, or emergency, shall be fined the sum of \$3.00.

Introduced: January 3, 1966
Advertised: January 6, 1966 in The Rockville Journal
Public Hearing: January 17, 1966
Board Action: Adopted Ordinance January 17, 1966
Advertised: January 20, 1966 in The Rockville Journal
Effective Date: March 1, 1966

* Repealed by Ord. No. 151, Ord. #182 Repealed

ORDINANCE #7
REGIONAL COUNCIL OF ELECTED OFFICIALS

The Town of Vernon does hereby join with such of the towns, cities or boroughs within its planning region as defined by the Connecticut development commission, as may enact a similar ordinance, to create a Regional Council of Elected Officials as said Council is defined by Public Act 511 of the 1965 General Assembly.

Introduced:	January 17, 1966
Advertised:	January 20, 1966 in The Rockville Journal
Public Hearing:	February 7, 1966
Board Action:	Adopted Ordinance February 7, 1966
Advertised:	February 10, 1966 in The Rockville Journal
Effective Date:	February 25, 1966

ORDINANCE #8*

CAPITOL REGION PLANNING AGENCY

Section 1 - Adoption of Ordinance

Pursuant to the provisions of Chapter 127 of the General Statutes, 1958 Revision, as amended, the Town of Vernon hereby adopts Sections 8-31a to 8-37a, inclusive, and joins the regional planning agency for the Capitol Region as defined by the Connecticut Development Commission under the provisions of Section 32-7.

Section II -. Local Representation

The Town of Vernon, having a population of 16,961, according to the 1960 Census, is entitled to two regional planning representatives on the Agency, in accordance with the provisions of Section 8-31a. The Planning Commission is hereby authorized to appoint one representative for a term expiring July 31, 1966 and the Mayor is authorized to appoint one representative, subject to ratification by the Board of Representatives, by a majority of those members present and voting at the meeting, for a term expiring July 31, 1967. Thereafter, appointments shall be made for a period of two years. An appointee shall continue to serve after expiration of his term until his successor has been appointed and takes office. Appointees may be reappointed for successive terms. Any vacancy shall be filled by the appointing body for the unexpired term.

Section III - Attendance of Regional Representative

Any representative who is absent from three consecutive regular meetings of the Capitol Region Planning Agency and any intervening duly called special meetings thereof shall be considered to have resigned from said Agency. The provisions of this section may be waived where illness or other extenuating circumstances makes it impossible for a representative to meet the attendance requirements of this section.

Section IV - Notification of Agency

The town clerk shall transmit a copy of this ordinance, and of any amendments thereto, to the Capitol Region Planning Agency and shall notify said Agency of the appointments and reappointments of representatives to the Agency.

Introduced:	February 7, 1966
Advertised:	February 10, 1966 in The Rockville Journal
Public Hearing:	February 21, 1966
Board Action:	Adopted Ordinance February 21, 1966
Advertised:	February 24, 1966 in The Rockville Journal
Effective Date:	March 11, 1966

* See Amendment November 16, 1970 - Ordinance #54

ORDINANCE #9

AN ORDINANCE ESTABLISHING USER CHARGES FOR THE COLLECTION OF GARBAGE AND RUBBISH WITHIN THE TOWN OF VERNON

In accordance with the requirements of Chapter 13, Section I of the Charter of the Town of Vernon, the Board of Representatives has prepared lists of properties against which User Charges for the collection of rubbish and garbage are to be charged, and hereby establishes the following rates for this service for the fiscal year ending June 30, 1966 payable May 1, 1966.

SECTION I. Definition: The following definition shall apply in the interpretation and enforcement of this ordinance:

a) Dwelling Unit: Any group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

SECTION II. For all single and multiple residential structures located within the geographical limits of the Town of Vernon, the annual rate shall be as follows:

For a single dwelling \$16.00

For a building or structure containing in excess of one dwelling unit, the rate shall be \$16.00 plus a charge of \$9.00 for each dwelling unit in excess of one.

Where more than one multi-family residential structure has a common owner or owners and such structures are on the same tract or contiguous tracts of the common owner or owners, the rate shall be \$16.00 plus \$9.00 for each dwelling unit in excess of one dwelling unit without regard to the number of structures.

SECTION III. The Tax Collector of the Town of Vernon is hereby designated as the collector of the charges provided for herein and the said Tax Collector is further authorized to collect such charges in accordance with the provisions of the General Statutes of the State of Connecticut for the collection of property taxes. The Tax Collector is further authorized to print on the bill for the charges provided for herein a notice that if the said bill is not paid within one month of the due date, interest will be charged on the delinquent amount at the rate of one – half (1/2) of one percent (1%) per month from the due date as per Connecticut State Law.

Introduced:	February 21, 1966
Advertised:	February 22, 1966 in the Manchester Evening Herald
Public Hearing:	February 28, 1966
Board Action:	Adopted Ordinance February 28, 1966
Advertised:	March 3, 1966 in the Rockville Journal
Effective Date:	March 18, 1966

ORDINANCE #10

AN ORDINANCE ESTABLISHING USER CHARGES FOR THE COLLECTION AND DISPOSAL OF SEWAGE WITHIN THE TOWN OF VERNON

In accordance with the requirements of Chapter 13, Section I of the charter of the Town of Vernon, the Board of Representatives has prepared lists of properties against which User Charges for the collection and disposal of sewage are to be charged, and hereby establishes the following rates for this service for the fiscal year ending June 30, 1966 payable May 1, 1966.

SECTION I. Definition: The following definition shall apply in the interpretation and enforcement of this ordinance:

- a) Dwelling Unit: Any group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

SECTION II. For all residential structures located within the geographical limits of the Town of Vernon, the annual rate shall be as follows:

For a single dwelling	\$16.00
For a building or structure containing two separate dwelling units	\$31.00
For a building or structure containing in excess of two separate dwelling units, the rate shall be \$31.00 plus a charge of \$8.00 for each dwelling unit in excess of two.	

Where more than one multi-family residential structure has a common owner or owners and such structures are on the same tract or contiguous tracts of the common owner or owners, the rate shall be \$31.00 plus \$8.00 for each dwelling unit in excess of two dwelling units without regard to the number of structures.

SECTION III. For all users other than residential users located within the geographical limits of the Town of Vernon, the annual rate shall be as follows:

The average daily flow of sewerage discharged into the sewerage system shall be determined and the annual charge shall be determined in accordance with the schedule set forth herein.

<u>Average daily flow in gallons</u>	<u>Rate</u>
Less than 50,000	\$16.00 per thousand gallons
In excess of 50,000 but not in excess of 100,000	\$800.00 plus \$10.00 per thousand gallons on gallons in excess of 50,000
In excess of 100,000 but not in excess of 200,000	\$1300.00 plus \$7.00 per thousand gallons on gallons in excess of 100,000
In excess of 200,000 but not in excess of 300,000	\$2,000.00 plus \$6.00 per thousand gallons on gallons in excess of 200,000
In excess of 300,000 but not in excess of 400,000	\$2,600.00 plus \$5.00 per thousand gallons on gallons in excess of 300,000
In excess of 400,000	\$3,100.00 plus \$3.00 per thousand gallons on gallons in excess of 400,000

SECTION IV. The Tax Collector of the Town of Vernon is hereby designated as the collector of the charges provided for herein and the said Tax Collector is further authorized to collect such charges in accordance with the provisions of the General Statutes of the State of Connecticut for the collection of property taxes. The Tax Collector is further authorized to print on the bill for the charges provided for herein a notice that if the said bill is not paid within one month of the due date, interest will be charged on the delinquent amount at the rate of one-half (1/2) of one percent (1%) per month from the due date as per Connecticut State Law.

- Introduced: February 21, 1966
- Advertised: February 22, 1966 in the Manchester Evening Herald
- Public Hearing: February 28, 1966
- Board Action: Adopted Ordinance February 28, 1966
- Advertised: March 3, 1966 in the Rockville Journal
- Effective Date: March 18, 1966

ORDINANCE #11
NUMBER OF JUSTICES OF THE PEACE TO BE ELECTED

Be It Ordained:

That in accordance with Chapter III, Section 2 of the Charter of the Town of Vernon, the Board of Representatives determines that no more than 20 Justices of the Peace be elected from the Town of Vernon.

Introduced:	May 2, 1966
Advertised:	May 5, 1966 in the Rockville Journal
Public Hearing:	May 16, 1966
Board Action:	Adopted Ordinance May 16, 1966
Advertised:	May 19, 1966 in the Rockville Journal
Effective date:	June 3, 1966

ORDINANCE #12

DEFINING COLLECTION OF RUBBISH AND GARBAGE AS A GENERAL BENEFIT

Be It Ordained:

That the Board of Representatives in accordance with Chapter 13, Section 1 of the Charter of the Town of Vernon hereby defines the collection of rubbish and garbage as a service which is of general benefit to the town and funds necessary to provide said service shall be raised by taxation as part of the general budget for the fiscal year commencing July 1, 1966.

Introduced: May 26, 1966
Advertised: June 1, 1966 in the Hartford Courant
Public Hearing: June 6, 1966
Board Action: Adopted Ordinance June 6, 1966
Advertised: June 9, 1966 in the Rockville Journal
Effective Date: June 24, 1966

ORDINANCE #13

HOUSING ORDINANCE REGULATING SUPPLIED FACILITIES, MAINTENANCE AND OCCUPANCY OF DWELLINGS AND DWELLING UNITS

An Ordinance establishing minimum standards governing the condition and maintenance of dwellings; establishing minimum standards governing supplied utilities and facilities and other physical things and conditions essential to make dwellings safe, sanitary and fit for human habitation; establishing minimum standards governing the condition of dwellings offered for rent; fixing certain responsibilities and duties of owners and occupants of dwellings; authorizing the inspection of dwellings, and the condemnation of dwellings unfit for human habitation; and fixing penalties for violations.

WHEREAS, in the Town of Vernon, there are or may in the future be dwelling structures which are so dilapidated, unsafe, dangerous, unhygienic, or unsanitary as to constitute a menace to the health and safety of the people of the Town of Vernon; and

WHEREAS, such dwelling structures are a principal cause of deterioration and blight in residential areas essential to the well-being of the Town; and

WHEREAS, the owners and occupants of dwelling structures have certain responsibilities to prevent the blighting of residential areas and the burdens they create for the Town at large; and

WHEREAS, the housing Code is essential to establish these responsibilities and to set minimum standards sufficient to protect public health and safety and to halt the spread of blight;

BE IT THEREFORE ordained by the Board of Representatives of the Town of Vernon, as follows:

HOUSING CODE

Introduction

The purpose of the Housing Code is to insure safe, sanitary, and decent housing for all residents of the Town. The Code has been adopted to fulfill the Town's responsibility to provide for the health, safety, and welfare of its inhabitants. Since this is one of the more vital responsibilities of the Town, a Housing Code applies to every structure used for living purposes no matter how long ago it was built.

The Housing Code of the Town of Vernon, as herein enacted, sets minimum standards for the condition and facilities of dwelling structures.

The owner of a dwelling structure must provide such major facilities as a kitchen sink, a complete bathroom unit, hot and cold running water and either central or space heating equipment of a prescribed capacity.

The Code includes minimum standards for other things such as electrical service, window space and ventilation, and the general up-keep and structural condition of the dwelling. It also describes the responsibilities of owners and occupants for maintaining the premises in a clean and sanitary condition.

Rooming Houses are subject to certain additional standards, including the issuance of Rooming House licenses.

Administration of the Housing Code is entrusted to the Board of Health. The Building Inspector and his authorized representatives are permitted by law to inspect all dwelling structures and to order any repairs or additional facilities necessary to meet code standards. The Building Inspector is also empowered to condemn dwellings that are unfit for human habitation, and the owner of a condemned dwelling then must bring the structure up to code standards or cease its use for living purposes. Appeals from the actions of the Building Inspector may be taken to the Code Enforcement Committee.

The provisions of the Housing Code are supplemented in some instances by the State Tenement House Act., Chapter 352 of the General Statutes of the State of Connecticut and by the State Fire Safety Code adopted under Chapter 530 of the General Statutes. These State Laws and Regulations apply to all dwelling structures occupied by three or more families.

Unsafe and unsanitary housing conditions are a prime cause of blight and decay in residential neighborhoods. Thus, the Housing Code together with the Zoning Regulations and the Building, Plumbing and Electrical Code, are basic elements of a comprehensive program for protecting residential neighborhoods.

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Section 1. DEFINITIONS.

- 1.0 The following definitions shall apply in the interpretation and enforcement of this Ordinance:
- 1.1 BASEMENT shall mean a portion of a building located partly underground, but having less than half of its clear floor-to ceiling height below the average grade of the adjoining ground.
- 1.2 BUILDING INSPECTOR shall mean the legally designated Building Inspector of the Town of Vernon or his designated assistant.
- 1.3 CELLAR shall mean a portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- 1.4 DWELLING shall mean any building which is used or intended to be used in whole or in part for living or sleeping by human occupants; provided that temporary housing as hereinafter defined in Sub-section 1.24 shall not be regarded as a dwelling.
- 1.5 DWELLING UNIT shall mean any group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.
- 1.6 EXECUTIVE DIRECTOR OF THE HOUSING AUTHORITY shall mean the legally designated Executive Director of the Vernon Housing Authority or his designated assistant.
- 1.7 EXECUTIVE DIRECTOR OF THE REDEVELOPMENT AGENCY SHALL mean the legally designated Executive Director of the Vernon Redevelopment Agency or his designated assistant.
- 1.8 EXTERMINATION shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the Health Officer of the Town of Vernon and the State Department of Health.
- 1.9 FIRE CHIEF of the Town of Vernon shall mean the legally designated Fire Chief of the Rockville Fire Department and/or the legally designated Fire Chief of the Vernon Fire Department.
- 1.10 GARBAGE shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- 1.11 HABITABLE ROOM shall mean a room or enclosed floor space or intended to be used for living, sleeping, cooking, or eating purposes excluding bathroom, water closet compartments, laundries, pantries, foyers, or hallways, closets, recreation room (but not including "living rooms"), private workshops or hobby rooms, and storage spaces.
- 1.12 INFESTATION shall mean the presence, within or around a dwelling, of any insects, rodents or other pests.
- 1.13 MULTIPLE DWELLING shall mean any dwelling containing more than two dwelling units.
- 1.14 OCCUPANT shall mean any person living,, sleeping, cooking, or eating in or having actual possession of a dwelling unit or rooming unit.
- 1.15 OPERATOR shall mean any person who has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.
- 1.16 OWNER shall mean any person who, alone or jointly or severally with others; shall
 - a. Have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or,
 - b. Have charge, care, or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this ordinance, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

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- 1.17 PERSON shall mean and include any individual, firm, corporation, association, or partnership.
- 1.18 POLICE CHIEFS shall mean the legally designated Police Chiefs of the Town of Vernon.
- 1.19 PLUMBING shall mean and include all of the following supplied facilities and equipment; gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, showers, installed clothes-washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.
- 1.20 ROOMING UNIT' shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
- 1.21 ROOMING HOUSE shall mean any dwelling, or that part of any dwelling containing one or more rooming units, in which space is. let by the owner or operator to more than three persons who are not husband or wife, son or daughter, mother or father, sister or brother of the owner or operator; provided that hospitals, homes for the aged, and other institutions licensed by the State Department of Health under Chapter 181 of the General Statutes shall not be regarded as rooming houses or as subject to the provisions of this ordinance.
- 1.22 RUBBISH shall mean combustible and non-combustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust or other items as specified by the Health Officer of the Town of Vernon.
- 1.23 SUPPLIED shall mean paid for, furnished, or provided by or under the control of the owner or operator.
- 1.24 TEMPORARY HOUSING shall mean any tent, trailer, or similar structure which is used for human shelter.
- 1.25 MEANING OF CERTAIN WORDS. Whenever the word dwelling, dwelling unit, rooming house, rooming unit, premises, are used in this ordinance, they shall be construed as though they were' followed by the words ¹¹or any part thereof." Whenever the masculine pronoun is used, it shall also mean the feminine pronoun.

Section 2. INSPECTION OF DWELLINGS, DWELLING UNITS, ROOMING UNITS AND PREMISES.

- 2.1 The Building Inspector is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units, and premises located within this Town of Vernon in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections the Building Inspector is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming units, and premises. The owner or occupant of every dwelling, dwelling units, and rooming units, or the person in charge thereof, shall give the Building Inspector free access to such dwelling, dwelling unit or rooming unit and its premises, at all reasonable times for the purpose of such inspection, examination, and survey. Each occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs and/or alterations as are necessary to effect compliance with the provisions of this ordinance.

Section 3. ENFORCEMENT, SERVICE OF NOTICE AND ORDERS. CODE ENFORCEMENT COMMITTEE, HEARINGS.

- 3.1 There is hereby created a Code Enforcement Committee which shall consist of the Building Inspector who shall serve as Chairman; the Health Officer; the Fire Chiefs of the Town of Vernon; the Police Chief; the Executive Director of the Redevelopment Agency; and the Executive Director of the Housing Authority. Said committee shall be responsible for coordinating the code enforcement program of the Town of Vernon, with particular reference to the urban renewal and general planning objectives established, by the Program of Community Improvement of the Town of Vernon. Any member of the committee may designate an official of his department to represent him at meetings of the Committee.

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- 3.2 Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, he shall give notice of such alleged violation to the person or persons responsible therefor as hereinafter provided. Such notice shall:
- a. Be in writing.
 - b. Include a statement of the reason why it is being issued.
 - c. Allow a reasonable time for the performance of any act it requires.
 - d. Be served upon the owner or his agent, or the occupant, as the case may require; PROVIDED that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally or if a copy thereof is sent by certified mail to his last known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of this State.
 - e. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this ordinance and with rules and regulations adopted pursuant thereto.
- 3.3 Any person affected by any notice which has been issued in connection with the enforcement of any provision of this ordinance may request and upon the payment of a ten dollar (\$10.00) fee payable to the Treasurer of the Town of Vernon shall be granted a hearing on the matter before the Code Enforcement Committee created in Sub-section 3.1 of this ordinance; provided that such person shall file in the office of the Building Inspector a written petition requesting such hearing and setting forth a brief statement of the grounds thereof within 20 days after the day the notice was served. Upon receipt of such petition the Building Inspector shall set a time and place for such hearing and shall give the petitioner five days written notice, thereof.
1. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified, extended or withdrawn or a variance granted.
 2. The hearing shall be commenced not later than 60 days after the day on which the petition was filed; provided that upon application of the petitioner the said committee may postpone the date of the hearing for a reasonable time beyond such 60 day period, if in its judgment the petitioner has submitted a good and sufficient reason for such postponement, but in no event shall said hearing be postponed longer than 60 days.
- 3.4 Such hearing shall be had before a panel of three or more members of the said Committee. Said panel, by a majority vote of those present, may sustain, modify or withdraw the notice; it may also grant an extension or variance in accordance with the following conditions;
- a. The time for performance of any act required by the notice may be extended for not more than 18 months subject to appropriate conditions and where the committee makes specific findings of fact based on evidence relating to the particular case.
 1. that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of any provision of this ordinance; and
 2. that such extension is in harmony with the general purpose and intent of this, ordinance in securing the public health, safety and general welfare.
 - b. A variance may be granted in a specific case and from a specific provision of this ordinance subject to appropriate conditions and where the committee makes specific findings of fact based on evidence relating to the particular case:
 1. that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provision;
 2. that the effect of the application of the provisions would be arbitrary in the specific case;
 3. that an extension would not constitute an appropriate remedy for these practical difficulties or unnecessary hardships and this arbitrary effect; and
 4. that such variance is in harmony with the general purpose and intent of this

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ordinance in securing the public health, safety and general welfare.

- 3.5 If the notice is sustained, modified, or extended, it shall become an order as so sustained, modified, or extended. If the notice is withdrawn, the ten dollar fee shall be returned to the petitioner. Any notice served pursuant to Sub-Section 3.2 of this ordinance shall automatically become an order if a written petition for a hearing is not filed in the office of the Health Officer within 20 days after such notice is served.
- 3.6 After a hearing in the case of any notice suspending any permit required by this ordinance, when such notice has been sustained by the said committee, the permit shall be deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the Health Officer within 20 days after such notice is served.
- 3.7 The proceedings at such hearings, including the findings and decision of the Code Enforcement Committee, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Building Inspector and open to reasonable public inspection. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by a decision of the Health Officer may seek relief therefrom in any court of competent jurisdiction, within fifteen days from the date of the sending of notice of the decision of the Health Officer, in accordance with the general provisions of the Statutes relating to the taking of appeals from municipal commissions, boards and committees.

Section 4. MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES.

- 4.0 No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:
- 4.1 Every dwelling unit shall contain a room or space for the storage, preparation and cooking of food, which shall include space for stove or other cooking facilities and space for dry food storage and space for refrigerated food storage; and shall include a kitchen sink installed. The sink shall be in good working condition and properly connected to hot and cold running water system under pressure and sewer system shall be installed and maintained in a manner prescribed by ordinance, rules and regulations of the Town of Vernon.
- 4.2 Every dwelling unit shall be equipped with a complete bathroom fixture group consisting of a flush water closet, lavatory basin, and bathtub or shower in good working condition and installed and maintained in a manner prescribed by ordinances, rules and regulations of the Town of Vernon. Said fixture group shall be properly connected to an approved sewer system and to an approved 'hot and cold running water system under pressure, except that the flush water closet shall be connected to an approved sewer system and to an approved cold running water system under pressure. The flush water closet, lavatory basin and bathtub or shower need not be installed in the same room, but said room or rooms shall afford privacy to a person within said room or rooms.
- 4.3 Every dwelling unit shall be supplied with adequate rubbish storage facilities and with adequate garbage disposal facilities or garbage storage containers whose type and location are approved by the Building Inspector. It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a multiple dwelling. In all other cases it shall be the responsibility of the occupants to furnish such facilities or containers.
- 4.4 The water-heating facilities necessary to provide the hot water required under Sub-section 4.1, 4.2, 9.5, and 9.12 shall be properly installed and connected to the hot water lines required under those Sub-sections; shall be maintained in safe and good working condition, and shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees F. Such supplied water-heating facilities shall be capable of meeting the requirements of this Sub-section when the dwelling, dwelling unit, rooming house, or rooming unit heating facilities required under the provisions of Sub-section 5.5 are not in operation.
- 4.5 Every dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level as required by the statutes, ordinances and regulations of the State of

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Connecticut and the Town of Vernon.

Section 5. MINIMUM STANDARDS FOR LIGHT, VENTILATION AND HEATING.

- 5.0 No person shall occupy as owner-occupant or let to another for occupancy any dwelling unit, for the purpose of living therein, which does not comply with the following requirements:
- 5.1 Every habitable room shall have at least one window facing directly to the outdoors. The minimum aggregate glass area of windows for habitable rooms shall be not less than one-tenth (1/10) of the floor area of the room served by them. Whenever walls or other portions of structures face a window of any habitable room any such light-obstruction structures are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such window shall not be included as contributing to the required total window area.
- 5.2 Every habitable room shall have at least one window which can be easily opened, or such other device as will adequately ventilate the room. The total of the openable window area in every habitable room shall be equal to at least 45 per cent of the minimum aggregate glass area of the window as required in Sub-Section 5.1 except where there is supplied some other device affording adequate ventilation and approved by the Building Inspector.
- 5.3 Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in Sub-section 5.1 and 5.2 except where the bathroom or water closet compartment is adequately ventilated by a ventilation system which is kept in continuous or automatic operation and approved by the Building Inspector.
- 5.4 Every dwelling unit and all public and common areas shall be supplied with electric service outlets, and fixtures which shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a manner prescribed by the ordinances, rules and regulations of the Town of Vernon. The capacity of such services and the number of outlets and fixtures shall be:
- a. every habitable room shall have an electric service and outlets and/or fixtures capable of providing at least three (3) watts per square foot of floor area.
 - b. every habitable room shall have at least one (1) floor or wall-type electric convenience outlet for each sixty (60) square feet or fraction thereof of floor area, and in no case less than two (2) such outlets.
 - c. every water closet compartment, bathroom, laundry room, furnace room and public hall shall contain at least one supplied ceiling-or-wall type electric light fixture.
- 5.5 Every dwelling or dwelling units shall be supplied with heating facilities which are properly installed; are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments located therein to a temperature of at least 70 degrees F. at a distance three feet above floor level when outdoor temperature is 10 degrees F. below zero. Either central or space heating facilities may be used but must meet the following requirements:
- a. Every central heating unit and/or central hot water heating unit shall:
 1. have every heat duct, steam pipe and/or hot water pipe free of leaks and functioning properly to provide an adequate amount of heat and/or hot water to the intended place of delivery;
 2. be provided with seals between sections of hot air furnaces to prevent the escape of noxious gases into heat ducts;
 3. if employing electricity, be connected to an electric circuit of adequate capacity in an approved manner; and
 4. be provided with automatic or safety devices and be installed and operated in the manner required by the statutes, ordinances, and regulations of the State of Connecticut and the Town of Vernon.
 - b. Every space heating unit and/or unit hot water facility shall
 1. not use gasoline as a fuel.
 2. not be of the portable type if using solid, liquid or gaseous fuel.
 3. If employing a flame, be connected to a flue or vent in the manner required by the

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statutes, ordinances and regulations of the State of Connecticut and the Town of Vernon.

4. If employing solid or liquid fuels, have a fire-resistant panel beneath it.
 5. be located at least two (2) feet away from any wall or be equipped in an approved manner, with insulation sufficient to prevent the overheating of any wall.
 6. If employing gaseous fuel, be equipped with any other than rubber tube or armored rubber tube connector.
 7. if employing electricity, be connected to an electric circuit of adequate capacity in an approved manner.
 8. be installed and operated in the manner required by the statutes, ordinances and regulations of the State of Connecticut and the Town of Vernon.
- 5.6 Every common hallway and stairway in every multiple dwelling shall be adequately lighted with lighting facilities sufficient to provide a light intensity of at least one (1) lumen at the floor or stair tread level at all times, every common hallway and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units may be supplied with conveniently located switches controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.
- 5.7 During that portion of each year when the Building Inspector deems it necessary for protection against mosquitoes, flies, and other insects, every door opening directly from a dwelling unit to outdoor space shall have supplied screens and a self-closing device; and every window or other device with openings to outdoor space, used or intended to be used, for ventilation shall likewise be supplied with screens; provided that such screens shall not be required during such period in rooms deemed by the Building Inspector to be located high enough in the upper stories of buildings as to be free from such insects, and in rooms located in areas of the Town of Vernon which are deemed by the Building Inspector to have so few insects as to render screens unnecessary.
- 5.8 Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents or other pests, shall be supplied with a screen or such other device as will effectively prevent their entrance.

Section 6. GENERAL REQUIREMENTS RELATING TO THE SAFE AND SANITARY MAINTENANCE OF PARTS OF DWELLINGS AND DWELLING UNITS.

- 6.0 No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein which does not comply with the following requirements:
- 6.1 Every foundation, floor, wall, ceiling and roof shall be reasonably weather-tight, water-tight, and rodent-proofs shall be capable of affording privacy; and shall be kept in good repair.
 - 6.2 Every window exterior door, and basement hatchway shall be reasonably weather-tight, water-tight, and rodent-proof; and shall be kept in sound working condition and good repair.
 - 6.3 Every inside and outside stair, every porch, and every appurtenance thereto shall be maintained and kept in sound condition and good repair.
 - 6.4 Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.
 - 6.5 Every water closet compartment, floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
 - 6.6 All rain water shall be so drained and conveyed from every roof so as not to cause dampness in the walls, ceilings or floors of any habitable room, or any bathroom or water closet compartment.
 - 6.7 Every supplied facility, piece of equipment, or utility which is required under this ordinance shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working conditions.
 - 6.8 No owner, operator, or occupant shall cause any service facility, equipment or utility which

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is required under this ordinance to be removed from or shup off from or discontinued for any occupied dwelling let or occupied by him except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Building Inspector.

- 6.9 No owner shall occupy or let any other occupant occupy any vacant dwelling unit unless it is clean, sanitary and fit for human occupancy.

Section 7. MINIMUM SPACE, USE, AND LOCATION REQUIREMENTS.

- 7.0 No person shall occupy or let, to another for occupancy any dwelling unit, for the purpose of living therein,' which does not comply with the following requirements:
- 7.1 Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of usable floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 additional square feet of usable floor area for each additional occupant thereof.
- 7.2 Ceiling height shall conform to the standards as required by the statutes, ordinances and regulations of the State of Connecticut and the Town of Vernon.
- 7.3 No cellar space shall be used as a habitable room or dwelling unit.
- 7.4 No basement space shall be used as a habitable room or dwelling unit unless, in addition to the other provisions of this ordinance:
- a. The floor and walls are impervious to leakage of underground and surface runoff water and insulated against dampness; and
 - b. The minimum aggregate glass area of windows, as required under Sub-section 5.1 is located entirely above the grade of the ground adjoining such window area.
- 7.5 No dwelling unit in a multiple dwelling shall contain less than two habitable rooms. There shall be a minimum of 400 square feet of floor area for each two room dwelling unit and for each additional room the floor space shall be increased by at least 120 square feet.

Section 8. RESPONSIBILITIES OF OWNERS AND OCCUPANTS.

- 8.0 The following responsibilities of owners and occupants are in addition to those specified elsewhere throughout this ordinance:
- 8.1 Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or common areas of the dwelling and premises thereof.
- 8.2 Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls
- 8.3 Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by Sub-section 4.3 of Section 4 of this ordinance.
- 8.4 Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste which might be food for rodents, in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers required by Sub-section 4.3 of Section 4 of this ordinance.
- 8.5 It shall be the responsibility of the owner to hang all screens for all dwelling units in a dwelling containing more than two dwelling units and for all dwelling units located on premises where more than two dwelling units share the same premises.
- 8.6 Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for, such extermination whenever his dwelling unit is the only dwelling unit within the dwelling that is infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or common parts of any dwelling containing two or more units,

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extermination thereof shall be the responsibility of the owner.

- 8.7 Every occupant of a dwelling unit shall keep all plumbing fixtures therein, in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

Section 9. ROOMING HOUSES.

- 9.0 No person shall operate a rooming house, or shall occupy or let to another for occupancy any room unit in any rooming house, except in compliance with the provisions of Section 4 and Section 8.
- 9.1 No person shall operate a rooming house unless he holds a valid Rooming House Permit issued by the Building Inspector in the name of the operator and for the specific dwelling or dwelling unit. The operator shall apply to the Building Inspector for such permit, which shall be issued by the Building Inspector upon compliance by the operator with the applicable provisions of this ordinance. This permit shall be displayed in a conspicuous place within the rooming house, at all times. No such permit shall be transferable. Every person holding such a permit shall give notice in writing to the Building Inspector within 24 hours after having sold, transferred, given away, or otherwise disposed of ownership of, interest in, or control of any rooming house. Such shall include the name and address of the person succeeding to the ownership, or control of such rooming house. Every rooming house permit shall expire on the last day of August following its date of issuance, unless sooner suspended or revoked as hereinafter provided.
- 9.2 Any person whose application for a permit to operate a rooming house has been denied may request in writing and shall be granted a hearing on the matter before the Health Officer under the procedure provided by Section 3 for the hearing of petitions relating to notices.
- 9.3 Whenever upon inspection of any rooming house the Building Inspector finds that conditions or practices exist which are in violation of any provision of this ordinance, the Building Inspector shall give notice in writing to the operator of such rooming house that unless such conditions or practices are corrected within a reasonable period, to be determined by the Building Inspector, the operator's rooming house permit will be suspended. At the end of such period the Building Inspector shall reinspect such rooming house, and if he finds that such conditions or practices have not been corrected he shall give notice in writing to the operator that the latter's permit has been suspended. Upon receipt of notice of suspension such operator shall immediately cease operation of such rooming house and no person shall occupy for sleeping or living purposes any rooming unit therein.
- 9.4 Any person whose permit to operate a rooming house has been suspended, or who has received notice from the Building Inspector that his permit is to be suspended unless existing conditions or practices at his rooming house are corrected, may request In writing and shall be granted a hearing on the matter before the Health Officer under the procedure provided by Section 3; PROVIDED that if no petition for such permit hearing is filed within 20 days following the day on which such permit was suspended, such permit shall be deemed to have been automatically revoked.
- 9.5 At least one flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sewer system approved by the Building Inspector and in good working condition, shall be supplied for each five persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of said facilities; PROVIDED that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. All such facilities shall be located within the dwelling as to be reasonably accessible from common hail or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times in accordance with the provisions of Sub-section 4.4. No such facilities shall be located in a basement except by written approval of the Building Inspector.
- 9.6 The operator of every rooming house shall change supplies, bed linen and towels therein at least once a week, and prior to the letting of any room to any occupants. The operator shall be responsible for the maintenance of all supplies of bedding in a clean and sanitary manner.

ORDINANCE #13

HOUSING ORDINANCE REGULATING SUPPLIED FACILITIES, MAINTENANCE AND OCCUPANCY OF DWELLINGS AND DWELLING UNITS

- 9.7 Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of usable floor area and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of usable floor area as so defined for each additional occupant thereof.
- 9.8 Every rooming unit shall have safe, unobstructed means of egress, leading to safe and open space at ground level, as required by the statutes, ordinances and regulations of this State of Connecticut and the Town of Vernon.
- 9.9 The operator of every rooming house shall be responsible for the sanitary maintenance of a sanitary condition in every other part of the rooming house, and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.
- 9.10 Every provision of this ordinance which applies to rooming houses shall also apply to hotels, and/or motels, except as provided in Sub-section 9.11 and except to the extent that any such provision may be found in conflict with the laws of this State or with the lawful regulations of any State Board or Agency.
- 9.11 No meals may be prepared or eaten in a rooming house, other than in a dwelling unit contained therein, unless such meals are prepared and eaten in communal kitchens and dining rooms conforming to the standards of Sub-section 9.12 and 9.13, except that this Sub-section shall not apply to the eating of meals in establishments which are operating a valid restaurant business and which have the rooming house and restaurant operations integrated as a single business enterprise.
- 9.12 A communal kitchen shall comply with the following standards:
- a. It shall contain at least 60 square feet of floor area in every case and at least 100 square feet if meals are both prepared and eaten therein;
 - b. If occupants are permitted to eat meals therein, it shall be supplied with one dining chair and two lineal feet of dining table space, in addition to the surface area for food preparation required under paragraph (f) below, for each occupant of the rooming house permitted to eat in the kitchen, the surface of each dining table to be smooth and easily cleanable;
 - c. It shall contain at least one supplied kitchen sink of an approved type which shall be supplied with hot water at all times in accordance with the provisions of Sub-section 4.4;
 - d. It shall contain at least one supplied kitchen gas stove or electric stove, every such stove to have at least two top burners and an oven;
 - e. It shall contain one supplied electric or gas refrigerator with an adequate food storage capacity;
 - f. It shall contain one or more supplied tables or other facilities having a total surface area for food preparation of not less than six square feet, the surface of each table or other facility to be suitable for the preparation of food, smooth and easily cleanable;
 - g. It shall contain at least one supplied cabinet of adequate size for and suitable for storage of food and eating and cooking utensils.
 - h. It shall be supplied by the operator with the rubbish storage facilities and the garbage disposal or storage facilities specified by Sub-section 4.3; and
 - i. It shall be located within a room accessible to the occupant of each rooming unit sharing the use of such kitchen without going outside of the dwelling and without going through a dwelling unit or rooming unit of another occupant.
- 9.13 Where a communal kitchen does not conform to the provisions of Sub-section 9.12 relating to the eating of meals therein, meals shall be eaten in a communal dining room that complies with the following standards:
- a. It shall contain at least 70 square feet of floor area;
 - b. It shall be supplied with one dining chair and two lineal feet of dining table space for each occupant of the rooming house permitted to eat in the dining room, the surface of each dining table to be smooth and easily cleanable;
 - c. It shall be located on the same floor of the rooming house as the communal kitchen in which the meals are prepared and shall be as nearly adjacent to the communal kitchen

ORDINANCE #13

HOUSING ORDINANCE REGULATING SUPPLIED FACILITIES, MAINTENANCE AND OCCUPANCY OF DWELLINGS AND DWELLING UNITS

as is practicable; and

- d. It shall be located within a room accessible to the occupant of each rooming unit sharing such dining room without going outside of the dwelling and without going through a dwelling unit or rooming unit of another occupant.

9.14 The operator of any rooming house shall post in every rooming unit a sign on which shall be written or printed in letters not less than three-eighths of one inch in height, the following words: "No cooking permitted in this room", and such sign shall remain, so posted at all times the room is occupied.

Section 10. DESIGNATION OF UNFIT DWELLINGS AND LEGAL PROCEDURE OF CONDEMNATION.

10.0 The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

10.1 Any dwelling or dwelling units which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Building Inspector.

- a. One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.
- b. One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public as prescribed by the provisions of this ordinance.
- c. One which because of its general condition or location is unsanitary, or otherwise dangerous to the health or safety of the occupants or of the public.

10.2 Any dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation and so designated and placarded by the Building Inspector shall be vacated within a reasonable time as ordered by the Building Inspector.

10.3 No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Building Inspector. The Building Inspector shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based has been eliminated.

10.4 No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in Sub-section 10.3.

10.5 Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request in writing and shall be granted a hearing before the Health Officer, provided by Section 3.

Section 11. PENALTIES

11.1 Any person who shall violate any provision of this ordinance, may upon conviction be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than thirty days and each day's failure to comply with any such provision shall constitute a separate violation.

Section 12. CONFLICT OF ORDINANCE'S EFFECT OF PARTIAL INVALIDITY.

12.1 In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, health, or other ordinance or code of the Town of Vernon, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

12.2 If any section, sub-section, paragraph, sentence, clause, or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect; and to this end the provisions of this ordinance are declared to be severable.

ORDINANCE #13

HOUSING ORDINANCE REGULATING SUPPLIED FACILITIES, MAINTENANCE AND OCCUPANCY OF DWELLINGS AND DWELLING UNITS

Section 13. DESIGNATION OF AREAS.

- 13.1 The Planning Commission of the Town of Vernon shall study from time to time the quality of housing within the Town of Vernon and shall certify to the Building Inspector those areas of the Town of Vernon in which sub-standard housing exists or in which there is any imminent danger of existing housing becoming sub-standard.
- 13.2 In the program of enforcement of this ordinance, the Building Inspector shall give priority of those areas which have been certified to him by the Planning Commission of the Town of Vernon as directed in sub-section 13.1 and provided that the Building Inspector shall not be limited to said areas in the program of enforcement.
- 13.3 The Planning Commission of the Town of Vernon shall certify priority areas from time to time upon written request of the Building Inspector and within thirty days of the receipt of said request. The Planning Commission shall have the power to change, alter or modify the designation of said priority areas.

Section 14. PERMIT TO CREATE CERTAIN DWELLING AND ROOMING UNITS.

- 14.1 No dwelling unit or rooming unit shall be created within an existing structure or converted, remodeled or altered so as to create an additional dwelling unit or rooming unit unless the Building Inspector has issued a written permit certifying that the plans and specifications for such work indicated that the provisions of this ordinance will be complied with.

Section 15. EFFECTIVE DATE.

- 15.1 This ordinance shall become effective fifteen (15) days after publication.

Introduced:	June 20, 1966
Advertised:	June 30, 1966 in the Rockville Journal
Public Hearing:	July 18, 1966
Board Action:	Adopted Ordinance July 18, 1966
Advertised:	July 21, 1966 in the Rockville Journal
Effective Date:	August 5, 1966
Amended:	February 17, 1969 (see Ordinance #36) Effective Date: March 8, 1969

ORDINANCE #14 *

MAYORAL POWER TO APPOINT TRAFFIC AUTHORITY

BE IT ORDAINED that the Board of Representatives of the Town of Vernon under authority granted to it by the General Statutes of the State of Connecticut hereby empowers the Mayor of said Town to appoint a Traffic Authority as defined by Chapter 249, Part I of the General Statutes, said Authority to have those powers conferred on it by said Statute.

Introduced: December 5, 1966
Advertised: December 8, 1966 in the Rockville Journal
Public Hearing: December 19, 1966
Board Action: Adopted Ordinance December 19, 1966
Advertised: December 22, 1966 in the Rockville Journal
Effective Date: January 6, 1967

ORDINANCE #14A
AMENDMENT TO ORDINANCE #14
MAYORAL POWER TO APPOINT TRAFFIC AUTHORITY

(language underlined denotes the amendment)

BE IT ORDAINED THAT the Board of Representatives of the Town of Vernon under authority granted to it by the General Statutes of the State of Connecticut hereby empowers the Mayor of said Town to appoint a Traffic Authority as defined by Chapter 249, Part I of the General Statutes, said Authority to have those powers conferred on it by said Statute. Such Traffic Authority shall consist of six (6) members all of whom shall be appointed by the Mayor with the approval of the Board of Representatives. The members shall be appointed for terms of three (3) years provided that members of the authority first appointed pursuant to this ordinance shall be appointed as follows: Two (2) members for a term of one year, two (2) members for a term of two years, two (2) members for a term of three years.

Introduced: January 16, 1967
Advertised: January 26, 1967 in the Rockville Journal.
Public Hearing: February 6, 1967
Board Action: Adopted February 6, 1967
Advertised: February 9, 1967 in the Rockville Journal.
Effective Date: February 24, 1967

*See amendment dated February 6, 1967

Amended by Ordinance No. 180

ORDINANCE #15

AN ORDINANCE ESTABLISHING ECONOMIC DEVELOPMENT COMMISSION

BE IT ORDAINED That The Board of Representatives of the Town of Vernon under authority granted to it by the General Statutes of the State of Connecticut hereby establishes, pursuant to Chapter 97 of the Connecticut General Statutes, an Economic Development Commission for the promotion and development of the economic reserves of said Town of Vernon and accepts the provisions of Section 7-136 of the aforesaid chapter in relation thereto. Said Economic Development Commission shall have those powers and duties conferred on it by said statute. Such Economic Development Commission shall consist of ten (10) members all of whom shall be appointed by the Mayor. The members shall be appointed for terms of five (5) years provided that members of the commission first appointed pursuant to this ordinance shall be appointed as follows: Two (2) members for a term of one year, two (2) members for a term of two years, two (2) members for a term of three years, two (2) members for a term of four years, two (2) members for a term of five years.

Introduced: January 16, 1967
Advertised: February 23, 1967 in the Rockville Journal
Public Hearing: March 6, 1967
Board Action: Adopted Ordinance March 6, 1967
Advertised: March 9, 1967 in the Rockville Journal
Effective Date: March 24, 1967

ORDINANCE #16*

ORDINANCE APPROPRIATING \$2,100,000 FOR SEWERAGE AND SEWAGE DISPOSAL AND CONSTRUCTION OF SEWERS AND ACCESSORIES

BE IT ORDAINED, That the sum of Two Million One Hundred Thousand Dollars be appropriated for sewer construction as recommended in the Preliminary Report on Sewerage and Sewage Disposal, Vernon, Connecticut, dated May 1965, prepared by Anderson-Nichols Associates, consisting of Phase II - trunk sewer along the New York, New Haven and Hartford Railroad from Center Road to Route 30. and westerly along Route 30 for approximately 2,300 feet; Phase III - trunk and collector sewers from Route 30 to serve the area generally known as Box Mountain Homes; and Phase IV - pumping station, force main, trunk and collector sewers to serve the Talcottville, Vernon Circle and Overbrook Heights areas;

That the Town, to finance said appropriation, issue its serial bonds, in one or more series, pursuant to the provisions of Section 7-259 of the General Statutes of Connecticut, Revision of 1958 in the principal sum of \$2,100,000, or such lesser sum as may be sufficient to defray the aforesaid appropriation after deducting such amount of any Federal or State grant as the Board of Representatives determines is available therefor; the Treasurer shall keep a record of such bonds; such bonds shall be signed by the Mayor, Director of Administration and Treasurer, who are authorized to determine the form and text, the date of issue, dates of maturity, rate of interest, the bank or trust company to act as certifying and paying agent, the attorneys at law to render an opinion approving the legality of such issue, to sell such bonds at public sale and to do all other acts necessary and appropriate to complete the issue of such bonds; and issue its temporary notes from time to time in an amount not exceeding \$2,100,000, pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958, in anticipation of the receipt of the proceeds from the sale of the aforementioned bonds; and the Mayor, Director of Administration and Treasurer are hereby authorized to determine the amount, date, maturity, interest rate, form and other details of such notes and to execute, sell and deliver the same. If either the Treasurer or Director of Administration is unable to perform the functions described above, the Board of Representatives shall designate a person to perform said functions.

Introduced: March 6, 1967

Advertised: March 9, 1967 in the Rockville Journal

Public Hearing: March 20, 1967

Board Action: Adopted Ordinance March 20, 1967

Advertised: March 23, 1967 in the Rockville Journal Effective date: April 7, 1967

*Approved by Referendum vote: May 15, 1967

ORDINANCE #17

AN ORDINANCE ESTABLISHING USER CHARGES FOR THE COLLECTION AND DISPOSAL OF SEWAGE WITHIN THE TOWN OF VERNON

In accordance with the requirements of Chapter 13, Section I of the charter of the Town of Vernon, the Board of Representatives has prepared lists of properties against which User Charges for the collection and disposal of sewage are to be charged, and hereby establishes the following rates for this service for the fiscal year ending June 30, 1967 payable May 5, 1967.

SECTION I. Definition: The following definition shall apply in the interpretation and enforcement of this ordinance:

- a) Dwelling Unit: Any group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

SECTION II. For all residential structures located within the geographical limits of the Town of Vernon, the annual rate shall be as follows:

For a single dwelling	\$11.20
For a building or structure containing two separate dwelling units	21.70
For a building or structure containing in excess of two separate dwelling units, the rate shall be \$21.70 plus a charge of \$5.60 for each dwelling unit in excess of two.	

Where more than one multi-family residential structure has a common owner or owners and such structures are on the same tract or contiguous tracts of the common owner or owners, the rate shall be \$21.70 plus \$5.60 for each dwelling unit in excess of two dwelling units without regard to the number of structures.

SECTION III. For all users other than residential users located within the geographical limits of the Town of Vernon, the annual rate shall be as follows:

The average daily flow of sewerage discharged into the sewerage system shall be determined and the annual charge shall be determined in accordance with the schedule set forth herein.

Average daily flow in gallons	Rate
Less than 50,000	\$11.20 per thousand gallons
In excess of 50,000 but not in excess of 100,000	\$560.00 plus \$7.00 per thousand gallons on gallons in excess of 50,000
In excess of 100,000 but not in excess of 200,000	\$910.00 plus \$4.90 per thousand gallons on gallons in excess of 100,000
In excess of 200,000 but not in excess of 300,000	\$1,400.00 plus \$4.20 per thousand gallons on gallons in excess of 200,000
In excess of 300,000 but not in excess of 400,000	\$1,820.00 plus \$3.50 per thousand gallons on gallons in excess of 300,000
In excess of 400,000	\$2,170.00 plus \$2.10 per thousand gallons on gallons in excess of 400,000

SECTION IV. The Tax Collector of the Town of Vernon is hereby designated as the collector of the charges provided for herein and the said Tax Collector is further authorized to collect such charges in accordance with the provisions of the General Statutes of the State of Connecticut for the collection of property taxes. The Tax Collector is further authorized to print on the bill for the charges provided for herein a notice that if the said bill is not paid within one month of the due date, interest will be charged on the delinquent amount at the rate of one-half (1/2) of one percent (1%) per month from the due date as per Connecticut State Law.

Introduced: April 6, 1967
Advertised: April 10, 1967 in Manchester Herald
Public Hearing: April 17, 1967
Board Action: Adopted Ordinance April 17, 1967
Advertised: April 20, 1967 in the Rockville Journal
Effective Date: May 5, 1967

ORDINANCE #18 *

ORDINANCE APPROPRIATING \$1,750,000.00 FOR CONSTRUCTING, FURNISHING AND EQUIPPING AN ELEMENTARY SCHOOL.

BE IT ORDAINED, That the sum of One Million Seven Hundred and Fifty Thousand Dollars be appropriated for construction, furnishing and equipping an Elementary School on Town owned land on Center Road, Vernon, Connecticut, including site development, landscaping, architect's and engineer's fees and other expenses incident thereto; said school to be constructed in accordance with the preliminary plans entitled "Proposed Vernon Center Elementary School, Center Road, Vernon Center, Vernon, Connecticut, dated January 12, 1967, prepared by Arnold Lawrence, Architect, Manchester, Connecticut";

That the Town, to finance said appropriation, issue its serial bonds, in one or more series, pursuant to the provisions of Section 10-289 of the General Statutes of Connecticut, Revision of 1958 in the principal sum of \$1,750,000.00, or such lesser sum as may be sufficient to defray the aforesaid appropriation; the Treasurer shall keep a record of such bonds; such bonds shall be signed by the Mayor, Director of Administration and Treasurer, who are authorized to determine the form and text, the date of issue, dates of maturity, rate of interest, the bank or trust company to act as certifying and paying agent, the attorneys at law to render an opinion approving the legality of such issue, to sell such bonds at public sale and to do all other acts necessary and appropriate to complete the issue of such bonds; and issue its temporary notes from time to time in an amount not exceeding \$1,750,000.00, pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958, in anticipation of the receipt of the proceeds from the sale of the aforementioned bonds; and the Mayor, Director of Administration and Treasurer are hereby authorized to determine the amount, date, maturity, interest rate, form and other details of such note and to execute, sell and deliver the same. Such bonds may be consolidated with and sold as a part of any issue of school bonds.

Introduced: July 17, 1967
Advertised: July 27, 1967 in the Rockville Journal
Public Hearing: August 7, 1967
Board Action: Adopted Ordinance August 7, 1967
Advertised: August 10, 1967 in the Rockville Journal Effective date: August 25, 1967
* Approved by referendum vote: September 25, 1967

I HEREBY CERTIFY that the within and above is a true, correct and complete copy of ORDINANCE #18 APPROPRIATING \$1,750,000.00 FOR CONSTRUCTING, FURNISHING AND EQUIPPING AN ELEMENTARY SCHOOL adopted by the Board of Representatives on August 7, 1967 and approved by referendum vote on September 25, 1967.

Attest: Henry F. Butler
Henry F. Butler, Town Clerk

Dated at Vernon, Connecticut this 29th day of September, A.D. 1967.

ORDINANCE #19 *

ORDINANCE APPROPRIATING \$280,000.00 FOR CONSTRUCTING, FURNISHING AND EQUIPPING CENTRAL SCHOOL ADMINISTRATION BUILDING FOR THE VERNON SCHOOL SYSTEM.

BE IT ORDAINED, That the sum of Two Hundred Eighty Thousand Dollars be appropriated for construction, furnishing and equipping a Central Administration Building for the Vernon School System, on Town owned land on West Road, Vernon, Connecticut, including site development, landscaping, architect's and engineer's fees and other expenses incident thereto; said Central Administration Building to be constructed in accordance with the preliminary plans entitled "Proposed Central Administration Building, West Road, Vernon, Connecticut, dated July 13, 1967 prepared by Arnold Lawrence, Architect, Manchester, Connecticut";

That the Town, to finance said appropriation, issue its serial bonds, in one or more series, pursuant to the provisions of Section 10-289 of the General Statutes of Connecticut, Revision of 1958 in the principal sum of \$280,000.00, or such lesser sum as may be sufficient to defray the aforesaid appropriation; the Treasurer shall keep a record of such bonds; such bonds shall be signed by the Mayor, Director of Administration and Treasurer, who are authorized to determine the form and text, the date of issue, dates of maturity, rate of interest, the bank or trust company to act as certifying and paying agent, the attorneys at law to render an opinion approving the legality of such issue, to sell such bonds at public sale and to do all other acts necessary and appropriate to complete the issue of such bonds; and issue its temporary notes from time to time in an amount not exceeding \$280,000.00, pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958, in anticipation of the receipt of the proceeds from the sale of the aforementioned bonds; and the Mayor, Director of Administration and Treasurer are hereby authorized to determine the amount, date, maturity, interest rate, form and other details of such note and to execute, sell and deliver the same. Such bonds may be consolidated with and sold as a part of any issue of school bonds.

Introduced: July 17, 1967
Advertised: July 27, 1967 in the Rockville Journal
Public Hearing: August 7, 1967
Board Action: Adopted Ordinance August 7, 1967
Advertised: August 10, 1967 in the Rockville Journal
Effective Date: August 25, 1967
* Disapproved by referendum vote: September 25, 1967

ORDINANCE #20 *

**ORDINANCE RELATING TO REMOVAL OF SNOW AND ICE FROM
SIDEWALKS**

The owner or owners, occupant or occupants, corporate or otherwise of any building, or lot of land bordering on any street, square or public place within the Town of Vernon, where there is a sidewalk graded, or graded and paved, shall cause to be removed therefrom any and all snow, sleet and ice, and shall cause such sidewalk to be made safe for travel and use by covering the same with sand or other suitable substance within eight (8) hours after said snow or sleet shall have fallen, or said sidewalk shall have become slippery by reason of ice forming thereon, or within eight (8) hours after sunrise when said snow or sleet shall have fallen after 8:00 p.m., in the night season, or said sidewalk shall have become slippery by reason of ice forming thereon after 8:00 p.m., in the, night season. Any person who shall violate any provision of this section shall be fined not more than fifty (50) dollars

Introduced: June 19, 1967
Advertised: July 6, 1967 in the Rockville Journal
Public Hearing: July 17, 1967
Board Action: Adopted Ordinance September 18, 1967
Advertised: September 21, 1967 In. the Rockville Journal
Effective date: October 6, 1967

*Amended April 7, 1987 by Ordinance #166

*Repealed February 19, 1991 and substituted by Ordinance #190

ORDINANCE #21*

**ORDINANCE DESIGNATING BOARD OF REPRESENTATIVES AS SEWER
AUTHORITY FOR THE TOWN OF VERNON**

BE IT ORDAINED, That the Board of Representatives of the Town of Vernon, is hereby designated as the Sewer Authority of the Town of Vernon under authority of Section 7-246 of the Connecticut General Statutes as amended. Said Sewer authority shall have all powers conferred by Chapter 103 of the Connecticut General Statutes.

Introduced: October 2, 1967
Advertised: October 5, 1967 in the Rockville Journal
Public Hearing: October 16, 1967
Board Action: Adopted Ordinance October 16, 1967
Advertised: October 19, 1967 in the Rockville Journal
Effective date: November 3, 1967

*Ordinance #21 repealed-see Ordinance #101 adopted November 16, 1976

ORDINANCE #22*

ORDINANCE APPROPRIATING \$175,000.00 FOR PURCHASE OF LAND FOR INDUSTRIAL PARK BY THE TOWN OF VERNON.

BE IT ORDAINED, That the sum of One Hundred and Seventy Five Thousand (\$175,000.00) Dollars be appropriated for purchasing land for an Industrial Park by the Town of Vernon; the land to be purchased contains approximately 247 acres more or less, on the Easterly side of Bolton Road, and is bounded as follows:

- NORTH, by the Wilbur Cross Parkway;
- EAST, by land now or formerly of Maxwell Belding;
- SOUTH, by land now or formerly of George Clark in part and in part by land now or formerly of Primus and Kunzli; and
- WESTERLY, by Bolton Road;

said property is more particularly bounded and described on a map or plan entitled, "Industrial Land of Primus and Kunzli, Vernon, Connecticut, Scale 1" = 60', October 3, 1967, C.B. Primus L.S. C.E.," which map is on file in the Town Clerk's Office of the Town of Vernon.

That the Town, to finance said appropriation, issue its serial bonds, pursuant to the provisions of Section 7-369 of the General Statutes of Connecticut, Revision of 1958, and any other acts of the general assembly thereto enabling, in the principal sum of \$175,000.00, or such lesser sum as may be sufficient to defray the aforesaid appropriation; the Treasurer shall keep a record of such bonds; such bonds shall be signed by the Mayor, Director of Administration and Treasurer, who are authorized to determine the form and text, the date of issue, dates of maturity, rate of interest, the bank or trust company to act as certifying and paying agent, the attorney at law to render an opinion approving the legality of such issue, to sell such bonds at public sale and to do all other acts necessary and appropriate to complete the issue of such bonds; and issue its temporary notes from time to time in an amount not exceeding \$175,000.00 pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958, in anticipation of the receipt of the proceeds from the sale of the aforementioned bonds; and the Mayor, Director of Administration and Treasurer are hereby authorized to determine the amount, date, maturity, interest rate, form and other details of such note and to execute, sell and deliver the same.

- Introduced: October 16, 1967
- Advertised: October 26, 1967 in the Rockville Journal
- Public Hearing: November 6, 1967
- Board Action: Adopted Ordinance November 6, 1967
- Advertised: November 9, 1967 in the Rockville Journal
- Effective date: November 24, 1967

* Special Referendum November 27, 1967 approved Ordinance #22

ORDINANCE # 23*

ORDINANCE APPROPRIATING \$60,000.00 FOR DRAINAGE AND DRAINAGE SYSTEMS.

BE IT ORDAINED, That the sum of Sixty Thousand Dollars (\$60,000.00) be appropriated for construction of a drainage system to divert in a piped system a portion of water flowing in an unnamed brook from the vicinity of Robert Road westerly along Burke Road to the northerly extremity of Carol Drive as indicated on a plan entitled "Burke Road Drainage, Prepared by The Town of Vernon, dated September, 1967," and construction of a retention basin on land to be conveyed to the Town of Vernon Westerly of Dailey Circle and northerly of Country Lane and abutting a right of way of the N.Y., N.H. & Htf. Railroad Company right of way;

That the Town, to finance said appropriation, issue its serial bonds, in one or more series, pursuant to the provisions of Section 7-369 of the General Statutes of Connecticut, Revision of 1958 and any other acts of the general assembly thereto enabling, in a principal sum not to exceed \$60,000.00; the Treasurer shall keep a record of such bonds; such bonds shall be signed by the Mayor, Director of Administration and Treasurer who are authorized to determine the form and text, the date of issue, dates of maturity, rate of interest, the bank or trust company to act as certifying and paying agent, the attorneys at law to render an opinion approving the legality of such issue, to sell such bonds at public sale and to do all other acts necessary and appropriate to complete the issue of such bonds; and issue its temporary notes from time to time in an amount not exceeding \$60,000.00, pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958, in anticipation of the receipt of the proceeds from the sale of the aforementioned bonds; and the Mayor, Director of Administration and Treasurer are hereby authorized to determine the amount, date, maturity, interest rate, form and other details of such notes and to execute, sell and deliver the same.

Introduced: October 16, 1967
Advertised: October 26, 1967 in the Rockville Journal
Public Hearing: November 6, 1967
Board Action: Adopted Ordinance November 6, 1967
Advertised: November 9, 1967 in the Rockville Journal
Effective date: November 24, 1967

* Special Referendum November 27, 1967 approved Ordinance #23

ORDINANCE # 24

ORDINANCE RE: HEATING OF OCCUPIED BUILDINGS

BE IT ORDAINED BY THE TOWN OF VERNON THAT:

a.) Minimum heat requirement.

It shall be the duty of every person who has contracted or undertaken, or is bound to heat, or to furnish heat for, any building or portion thereof in the Town of Vernon, which is occupied as a home or place of residence of one or more persons, or as a business establishment where one or more persons are employed, to heat, or to furnish heat for, every occupied room in such building, or portion thereof, so that a minimum temperature of sixty-five degrees Fahrenheit may be maintained therein at all times; provided, however, that the provisions of this section shall not apply to buildings or portions thereof used and occupied for trades, businesses, or occupations where high or low temperatures are essential and unavoidable.

For the purpose of this section, wherever a building is heated by means of a furnace, boiler or other apparatus under the control of the owner, agent or lessee of such building, such owner, agent, or lessee, in the absence of a contract or agreement to the contrary, shall be deemed to have contracted, undertaken, or bound himself to furnish heat in accordance with the provisions of this section.

The term "at all times" as used in this section, unless otherwise provided by a contract or agreement, shall mean the time between the hours of six o'clock a.m. and ten o'clock p.m. in a building or portion thereof occupied as a home or place of residence, and during the usual working hours established and maintained in any building or portion thereof occupied as a business establishment, of each day whenever the outer or street temperature shall fall below fifty degrees Fahrenheit.

The word "contracted" as used in this section shall mean a written or verbal contract.

b.) Penalties

Any person who shall violate any provision of this Ordinance may upon conviction be punished by a fine of not more than \$50.00, and each day's failure to comply with any provision shall constitute a separate violation.

Introduced: January 15, 1968
Advertised: January 18, 1968 in the Rockville Journal
Public Hearing: February 5, 1968
Board Action: Adopted Ordinance February 5, 1968
Advertised: February 8, 1968 in the Rockville Journal
Effective date: February 23, 1968

ORDINANCE #25*

**ORDINANCE APPROPRIATING ADDITIONAL \$175,000 FOR CONSTRUCTION OF
VERNON CENTER ELEMENTARY SCHOOL AND AUTHORIZING INCREASE IN
BOND ISSUE**

BE IT ORDAINED, That an additional appropriation of One Hundred Seventy-Five Thousand Dollars (\$175,000) be made and added to the appropriation of \$1,750,000 made by the Board of Representatives at a meeting held August 7, 1967 and approved by referendum vote September 25, 1967 for the construction, furnishing and equipping of an elementary school on Center Road;

That the principal amount of bonds and temporary notes authorized at said meeting be increased from \$1,750,000 to \$1,925,000 to defray the aforesaid additional appropriation; and the Mayor, Director of Administration and Treasurer, or any two of them, are hereby authorized to take any action necessary or appropriate to complete the issue of said bonds and temporary notes.

Introduced: March 4, 1968
Advertised: Manchester Herald, March 5, 1968
Public Hearing: March 11, 1968
Board Action: Adopted Ordinance March 11, 1968
Advertised: Manchester Herald, March 12, 1968
Effective Date: March 27, 1968

* Referendum vote on March 28, 1968 approved Ordinance #25

ORDINANCE #26

AN ORDINANCE ESTABLISHING USER CHARGES FOR THE COLLECTION AND DISPOSAL OF SEWAGE WITHIN THE TOWN OF VERNON

In accordance with the requirements of Chapter 13, Section I of the charter of the Town of Vernon, the Board of Representatives has prepared lists of properties against which User Charges for the collection and disposal of sewage are to be charged, and hereby establishes the following rates for this service for the fiscal year ending June 30, 1968, payable May 1, 1968.

SECTION I. Definition: The following definition shall apply in the interpretation and enforcement of this ordinance:

a) Dwelling Unit: Any group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

SECTION II. For all residential structures located within the geographical limits of the Town of Vernon, the annual rate shall be as follows:

- For a single dwelling.....\$11.20
- For a Building or structure containing two separate dwelling units\$21.70
- For a building or structure containing in excess of two separate dwelling units, the rate shall be \$21.70 plus a charge of \$5.60 for each dwelling unit in excess of two.

SECTION III. For all users other than residential users located within the geographical limits of the Town of Vernon, the annual rate shall be as follows:

The average daily flow of sewage discharged into the sewerage system shall be determined and the annual charge shall be determined in accordance with the schedule set forth herein.

<u>Average daily flow in gallons</u>	<u>Rate</u>
Less than 50,000	\$11.20 per thousand gallons
In excess of 50,000 but not in excess of 100,000	\$560.00 plus \$7.00 per thousand gallons on gallons in excess of 50,000
In excess of 100,000 but not in excess of 200,000	\$910.00 plus \$4.90 per thousand gallons on gallons in excess of 100,000
In excess of 200,000 but not in excess of 300,000	\$1,400.00 plus \$4.20 per thousand gallons on gallons in excess of 200,000
In excess of 300,000 but not in excess of 400,000	\$1,820.00 plus \$3.50 per thousand gallons on gallons in excess of 300,000
In excess of 400,000	\$2,170.00 plus \$2.10 per thousand gallons on gallons in excess of 400,000

SECTION IV. The Tax Collector of the Town of Vernon is hereby designated as the collector of the charges provided for herein and the said Tax Collector is further authorized to collect such charges in accordance with the provisions of the General Statutes of the State of Connecticut for the collection of property taxes. The Tax Collector is further authorized to print on the bill for the charges provided for herein a notice that if the said bill is not paid within one month of the due date, interest will be charged on the delinquent amount at the rate of one-half (½) of one percent (1%) per month from the due date as per Connecticut State Law.

SECTION V. In determining how many dwelling units are contained In a residential structure, the definition, as provided in Section 1A, shall be used with the following exception. The Assessor of the Town of Vernon may reduce the number of dwelling units on his list of properties he has prepared for the Board of Representatives, if the owner of the property provides sufficient information to the satisfaction of the Assessor, including, but not limited to an Affidavit from the property owner that the particular dwelling unit, as determined by the Assessor, has not been occupied for at least two (2) years prior to the date of the Affidavit.

- Introduced: April 1, 1968
- Advertised: April 4, 1968
- Public Hearing: April 15, 1968
- Board Action: Adopted Ordinance April 15, 1968
- Advertised: April 18, 1968 in Rockville Journal
- Effective date: May 3, 1968

ORDINANCE #27

ORDINANCE REPEALING ORDINANCE RELATING TO SIDEWALKS, CURES AND GUTTERS, CHAPTER ELEVEN OF THE CHARTER OF THE CITY OF ROCKVILLE

The Ordinance contained in Chapter Eleven, entitled Sidewalks, Curbs and Gutters, including Section 73, Construction Section 74, Assessment, Section 75, Report to the Council and Section 76, Appeal, of the Charter of the City of Rockville, which Ordinance became effective December 1, 1953, is hereby repealed.

Introduced:	May 20, 1968
Advertised:	May 23, 1968 in Rockville Journal
Public Hearing:	June 3, 1968
Board Action:	Adopted Ordinance June 3, 1968
Advertised:	June 6, 1968 in Rockville Journal
Effective Date:	June 21, 1968

ORDINANCE #28

AN ORDINANCE CONCERNING THE KINDLING OF OUTDOOR FIRES IN THE TOWN OF VERNON

Section I. **Definitions, Specifications and Uses:**

The following Definitions, Specifications and Uses shall apply to the interpretation and enforcement of this Ordinance.

A.) Outdoor Fires: and “outdoor fire” shall mean any fire in the open air, or outside the confines of a building for the purpose of:

- a.) burning woodland, grassland, swampland, leaves, and/or other forest debris:
- b.) burning as a means of disposal of any type of structure, including marine or aircraft, vehicles, and the burning of debris from any of the foregoing;
- c.) burning, as a means of disposal, of papers, rubbish, and any other type of combustibles when such burning is done in the open air, outside of a structure,

B.) Approved Incinerators: “Approved Incinerators” shall mean any metal drum of adequate capacity, any masonry incinerator, or any steel or cast iron receptacle with solid or perforated sides, fronts and backs, used to burn any type of combustible material.

a.) Specifications

- 1.) Perforations in an incinerator shall not exceed one inch in length and one inch in width.
- 2.) Each incinerator must be equipped with a spark arrester,
- 3.) Draft doors or openings designed to create a draft or stimulate combustion must be protected with a one-fourth inch mesh wire screen,

b.) Use

- 1.) The Fire Warden or his deputy may regulate the location of all incinerators.
- 2.) No approved incinerator shall be located within ten feet of any building or within ten feet of any combustible material or within ten feet of any property line without the consent of the Fire Warden,
- 3.) All incinerators must be emptied periodically to prevent choking and poor combustion.
- 4.) Burning in an approved incinerator may be denied by the Fire Warden or his deputy when such burning, because of weather, wind, drought, type and condition of material to be burned, proximity of structure or combustible materials, availability of means of fire control or other environmental factors, or other good and sufficient reasons, would constitute a hazard or a danger to public safety.

C.) Spark Arrester: A “spark arrester” shall mean an approved cover on any approved Incinerator sufficient to prevent the escape of sparks and of embers,

a.) Specifications

- 1.) Said spark arresters shall be large enough to cover the entire opening of the approved incinerator on which it is used,
- 2.) A spark arrester shall be of perforated sheet metal or of wire mesh screen. No opening in a spark arrester shall exceed one-fourth (1/4”) inch in length and one-fourth (1/4”) inch in width,

D.) Fire Warden: The duly appointed fire warden for the Town or Vernon or his duly appointed deputies,

Section II. No person, firm or corporation within the limits of the Town of Vernon, and without a permit issued by the Fire Warden, or any deputy designated by him for such purpose, shall make, or cause to be made, any outdoor fire except as follows:

- 1.) In a covered container with both the container and the cover constructed of incombustible material for the purpose of burning waste and material outdoors. Said container shall be covered with a spark arrester, No hole opening in said container shall exceed one (1) inch in length and one (1) inch in width, In the event that said container has a draft door, it shall be covered

ORDINANCE #28

AN ORDINANCE CONCERNING THE KINDLING OF OUTDOOR FIRES IN THE TOWN OF VERNON

by a wire mesh screen with openings no larger than one-fourth (1/4") inch in length and one-fourth (1/4") inch in width; or

- 2.) For the purpose of cooking food in a fireplace or barbeque pit constructed of incombustible material or an incombustible grill,
- 3.) In an approved incinerator as provided in Section 1 above.

Section III. An application for a fire permit may be made orally and will be promptly granted/or denied orally by the Fire Warden or his designated deputy and if granted will be logged, and if requested, confirmed in writing. An application may be denied as constituting a danger to public safety when, because of weather, wind, drought, type and condition of material to be burned, proximity of structures or combustible materials, availability of means of fire control or other environmental factors, or other good and sufficient reason, said fire would constitute a hazard,

Section IV. No outdoor fire, or any type, except the type specified in Section II above, shall be ignited within fifteen (15) feet of any structure or accumulation of combustible material, or within ten (10) feet of a property line, provided, however, that any outdoor fire ignited on other than a house lot shall be in an area from which all combustible material for a distance of fifteen (15) feet in all directions shall have been removed.

Section V. No fire for which a permit has been granted shall burn between sunset and sunrise unless as specifically authorized in a written permit issued in accordance with this Ordinance.

Section VI. All permits granted orally shall terminate at sunset day issued.

Section VII. No permit shall be valid for more than seven (7) days,

Section VIII. All permits shall be void when the wind exceeds ten per hour or the forest fire danger, as given over the local radio or television stations, is "high" or "extreme".

Section IX. Any permit may be revoked at any time, without prior notice, by the Fire Warden or any deputy designated by him to issue such permits.

Section X. No person shall kindle or maintain a fire of any kind on any street, highway or sidewalk in the Town, nor shall any person leave any outdoor fire unattended.

Section XI. Any person kindling or maintaining a fire under this Ordinance shall in no way be relieved of any legal responsibility if the fire is allowed to escape or cause personal injury to or damage to property of others. Neither the Fire Warden, any of his deputies or the Town of Vernon, shall be liable for damages to the person or property of another resulting from a fire for which permission is given, or for any damage which may be caused by an incinerator which has been approved, either as to construction or location

Section XII. Any person or persons, firm or firms, who violate any provision of this ordinance as enacted, or who shall fail to comply with any notice or order by the Fire Warden or his deputies of the Town of Vernon may be subject to arrest and prosecution by the proper authorities and may be fined not less than five (\$5.00) Dollars nor more than twenty-five (\$25.00) Dollars,

Section XIII. As of the effective date of this Ordinance any Ordinances in effect in the former Fire District in the Town of Vernon or the former City of Rockville or the Town of Vernon, shall be repealed and the foregoing Ordinance adopted in their place and stead:

Introduced: June 3, 1968
Advertised: June 6, 1968 in Rockville Journal
Public Hearing: June 17, 1968
Board Action: Adopted Ordinance June 17, 1968
Advertised: June 20, 1968 in Rockville Journal
Effective Date: July 5, 1968

ORDINANCE #29*

**AN ORDINANCE ESTABLISHING METHOD OF ASSESSMENT FOR SEWER LINES
IN THE TOWN OF VERNON AND RULES RELATING TO THE SANITARY SEWER
SYSTEM IN THE TOWN OF VERNON**

BE IT ORDAINED BY THE TOWN OF VERNON THAT:

In accordance with the requirements of Chapter 13, Section 1 of the Charter of the Town of Vernon, which provides that the Board of Representatives shall determine the special assessments for services of a special benefit nature including collection and disposal of sewage, the following rules and regulations are adopted:

I. DETERMINATION OF COMPENSATION, ASSESSMENT OF BENEFITS, HEARINGS, LIENS, CHARGES AND APPEALS.

- a.) The provisions of Chapter 103 of the General Statutes as amended are adopted as the rules relating to construction, charges, hearings, appeals, etc. of the sanitary sewer system of the Town of Vernon.
- b.) An amendment of Chapter 103 of the General Statutes made subsequent to the adoption of these rules shall be an amendment of these rules without any further action by the Board of Representatives.
- c.) The Board of Representatives shall be the “sewer authority” for the purposes of Chapter 103 of the General Statutes.
- d.) In addition to the procedures set forth in Chapter 103 of the General Statutes for the assessment of benefits upon the extension of any sewer pipe, the Board of Representatives may enter into an agreement with any property owner for such extension upon such terms as shall be mutually agreeable, which agreement, when recorded upon the land records in the office of the Town Clerk, shall be a lien upon the land and buildings therein mentioned and may be foreclosed in the same manner as if such lien were a mortgage upon such land and buildings.

II. DEFINITIONS

- a.) Director” shall mean the Public Works Director, or the agents or representatives of said Director, acting under and limited by the instructions, duties and authorities assigned by said Director to said agent or representative.
- b.) “Person” as used herein shall include any industrial person, party or group or persons associated together in any way, or any corporation or organization, and shall be referred to by the third person singular pronoun (he, his, him), which will be understood to include also groups of persons, corporations, or other organizations, as the particular instance or use may indicate.
- c.) “Project area”, as used herein, shall mean that specific area as described by the Board of Representatives where a sewer extension or repair is undertaken by the Town of Vernon.
- d.) “Property Owner” or “Owner of Property” or “Owner” as used herein, shall include both the owner of the fee in any real estate, and also all tenants, lessees or others in control or possession and use of the property in question, or any interest therein, and his, her, its or their agents or representatives as the interest, duties, powers or liabilities of each may be.
- e.) “Department” as used herein shall mean the Town of Vernon Public Works Department, and acting in any particular matter by its proper officer or officers, as may be proper in the particular instance.
- f.) “House Connection Lateral” shall mean a pipe laid incidental to the original construction of a sanitary sewer from that sewer to some point at the side of the street, highway or similar location, having been provided and intended for extension and for use at some time thereafter as part of a house connection.
- g.) “Street Sanitary Sewer” shall include the principal gravity sewer line, eight (8”) inches in diameter, in the street or otherwise into which one or more house connection laterals or other street sanitary sewers discharge.
- h.) “Trunk Sanitary Sewer” shall mean a sewer line larger than eight (8”) inches in diameter into which one or more street sanitary sewers or other trunk sanitary sewers connect.

III. RULES FOR ASSESSMENT FOR SANITARY SEWER CONSTRUCTION.

- a.) 1. Upon any construction or extension or repair of the sewer system, or a portion thereof, the Board of Representatives is authorized to assess the whole or such portion of the cost upon the lands and buildings in said Town of Vernon, which shall, in its

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**AN ORDINANCE ESTABLISHING METHOD OF ASSESSMENT FOR SEWER LINES
IN THE TOWN OF VERNON AND RULES RELATING TO THE SANITARY SEWER
SYSTEM IN THE TOWN OF VERNON**

judgment, be especially benefited thereby, whether they abut on such work or not, and upon the owners of such land and buildings, provided all assessments shall be made on the basis of the particular or collective benefits to those directly or indirectly benefited, and provided, however, in no event, shall the benefits to be assessed exceed the cost of the construction, extension, or repair in such area. No assessment shall be made against any property in excess of the special benefit to accrue such property.

2. The total cost of the construction or extension, or portion thereof, in any project area, shall include the cost of preliminary studies and surveys, detailed working plans and specifications, acquiring necessary land or property or any interest therein, damage awards, interest charges during construction, legal and other fees, or any other expense incidental to the completion of the work in addition to cost of construction.

3. Whenever the Town of Vernon shall be a benefiting property owner, the Town shall pay its proportionate share the same as any other property owner.

b.) Benefits shall be determined in the following manner:

1. Street sanitary sewer benefits shall be assessed against the abutting property owners on a uniform front foot basis within a specifically defined project area, except that any assessment against any lot which is a corner lot or a lot belonging to the same owner and abutting upon more than one sewer street, shall not be assessed for more frontage than its longer side on the sewer line.

2. It is recognized that a straight frontage assessment on certain lots because of shape, size or location is impracticable and in keeping with the fundamental principle that no assessment shall be made against any property in excess of the special benefit to accrue to such property, the following rules are adopted.

a.) The Board of Representatives, where a particular situation warrants, may assess the property on the basis of a method determined to be equitable by the Director of Public Works and approved by the Board of Representatives.

b.) The Board of Representatives shall prepare and make available for general distribution examples showing methods for assessing the following types of lots which are declared by the Board of Representatives to be exceptions to the basic front foot rule because of their location, size or shape:

- i. lots with diverging and converging sidelines
- ii. rear lots
- iii. lots on radius of circles
- iv. terminal lots where a sewer pipe terminates at or reasonably close to any lot not fronting the sewer.

3. In making assessments against any property whenever larger than eight inch pipe is installed in streets, the extra cost of installing a pipe larger than eight inches shall not be assessed against the owner of abutting property, but the cost of installation in excess of the cost of installing an eight inch pipe, not otherwise recovered by the Town of Vernon, shall be a general tax obligation of all the property owners in the Town of Vernon.

4. In addition to the front foot charge described in Paragraph III B (1), the owner shall pay a house connection lateral charge where these house connection lateral's exist at a rate to be determined by the Board of Representatives. If the owner, however, provides his own house connection lateral, then no house connection lateral charge will be assessed.

5. In addition to the front foot charge described above in Paragraph III B (1), each property owner shall pay a sewer connection charge at the time the property owner connects to the sewer in accordance with the following schedule.

- | | |
|---|--|
| a.) For one and two family dwellings | \$100.00 each dwelling unit |
| For multi-family dwellings | \$100.00 each for first two dwelling units |
| | \$75.00 each additional dwelling unit |

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**AN ORDINANCE ESTABLISHING METHOD OF ASSESSMENT FOR SEWER LINES
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- | | |
|---|--|
| b.) For institutional type buildings such as schools churches, etc. | \$500.00 per acre of developed land or fraction thereof. |
| c.) For retail, commercial and industrial property | \$500.00 per acre or fraction thereof of property as it is actually developed. |

Said sewer connection charge shall include the cost of downstream improvements such as force mains, pumping stations, excess cost of trunk sanitary sewers over street sanitary sewers, relief sewers, etc., which charge shall represent the share of the cost of downstream construction make possible the sewerage of the area under consideration.

The above described sewer connection charge shall apply to newly constructed subdivisions even though sewers within said subdivision are constructed by the subdivider.

6. In cases where a property owner has additional frontage on the sewer beyond his house lot, and desires to connect his house to the said sewer system, in computing the footage charge the Board of Representatives shall assess the property owner on that portion of the frontage which appears of record in the Assessor's Office of the Town of Vernon or the zone minimum lot width, whichever is greater. The balance of the property owners land shall be assessed and payment deferred until such time as the additional property is connected to the sewer system,

c.) Developers Permit Agreement

- 1.) The Director of Public Works may, on behalf of the Board of Representatives, enter into a Developers Permit Agreement with any individual, group of individuals or corporation developing a piece of land for use or use for any proper purpose. Said agreement shall be subject to the approval of the Board of Representatives
- 2.) Whenever a sewer and appurtenances thereto, have been built under an approved developers permit agreement, the Director of Public Works shall require the developer to file an affidavit with the Department of Public Works which affidavit shall indicate the breakdown of costs for the installation of the sewer installation.
- 3.) The Board of Representatives may, after examining said affidavit, make an assessment against the developer in addition to the sewer connection charge as described in Section III (b) 5 herein, to equitably assess said developer for the benefits conferred.
- 4.) Plans and Specifications for all sewers to be installed under a Developer's Agreement shall be approved by the Public Works Department and "as built plant" filed with the Public Works Department in manner and form as required by said Department.

d.) Method of Collection of Assessments

- 1.) All assessments shall be paid in full within a period of sixty (60) days after same is due and payable. Any such amount or any portion thereof which shall not be paid within sixty (60) days of its due date shall bear interest at the rate of five percent (5%) per annum from said date.
- 2.) Any property owner, who shall within thirty (30) days of such due date notify the Tax Collector, may elect to utilize the fifteen (15) year 16 installment plan. The first installment, 1/16th of total assessment, with no interest added, shall be paid within (30) days of the due date. The remaining installments shall be paid within a period of 15 years. The second installment shall be due one year after said due date, the third installment two years after said due date and so forth. All such installments, after the first payment shall bear an interest rate of five percent (5%) on the unpaid balance.
- 3.) Where a property owner does not connect to the sewer system, notice of the assessment will be sent to him by the tax collector and a caveat will be placed on the land records indicating the amount of assessment should the owner desire to connect to the system or should the owners private sewage system become a menace to the health and safety of the community, whereupon he must connect to the system.
- 4.) In the case of an owner who must connect to the system for health reasons, his assessment shall become due and payable as indicated in Paragraph III d (1) after he

ORDINANCE #29*

**AN ORDINANCE ESTABLISHING METHOD OF ASSESSMENT FOR SEWER LINES
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receives a certified letter from the Health Officer of the Town of Vernon that his private sanitary system is creating a health hazard.

5.) The tax collector of the Town of Vernon is hereby designated as the collector of the assessments provided for herein and the said tax collector is further authorized to collect such charges in accordance with the provisions of the General Statutes of the State of Connecticut for the collection of property taxes. The tax collector is further authorized to print on the bill for the assessment provided for herein a notice of the optional method of payment together with the interest charge as provided in Paragraph III d (2) herein.

Introduced: June 3, 1968
Advertised: June 6, 1968 in Rockville Journal
Public Hearing: June 17, 1968
Board Action: Adopted Ordinance June 17, 1968
Advertised: June 20, 1968 in Rockville Journal
Effective Date: July 5, 1968

Amended: January 18, 1971 - See Ordinance #58

Paragraph 1 c repealed, see Ordinance #101 adopted November 16, 1976

See Section VIII of Ordinance #101

Amended: December 11, 1978 (See Ordinance #113)

ORDINANCE #30 *

ORDINANCE APPROPRIATING \$125,000.00 FOR CONSTRUCTING, FURNISHING AND EQUIPPING AN ADDITION TO THE TALCOTTVILLE SCHOOL, AND AUTHORIZING ISSUE OF BONDS AND NOTES IN SAID AMOUNT

BE IT ORDAINED, That the sum of One Hundred Twenty-Five Thousand Dollars be appropriated for constructing, furnishing and equipping an addition to the Talcottville School on Town-owned land, on Main Street, Talcottville, Vernon, Connecticut, including site development, landscaping, architect's and engineer's fees and other expenses incident thereto; said addition to be constructed substantially in accordance with the preliminary plans entitled "Proposed Addition Talcottville School, Main Street, Vernon Center, Vernon, Connecticut, dated May 21, 1968, prepared by Arnold Lawrence, Architect, Manchester, Connecticut".

That the Town, to finance said appropriation, issue its serial bonds, in one or more series, pursuant to the provisions of Section 10-289 of the General Statutes of Connecticut, Revision of 1958 in the principal sum of \$125,000.00, or such lesser sum as may be sufficient to defray aforesaid appropriation after deducting so much of the proceeds received by the Town from State or Federal grants as the Board of Representatives deems available therefor; the Treasurer shall keep a record of such bonds; such bonds shall be signed by the Mayor, Director of Administration and Treasurer, or any two of them, who are authorized to determine the form and text, the date of issue, dates of maturity, rate of interest, the bank or trust company to act as certifying and paying agent, the attorneys at law to render an opinion approving the legality of such issue, to sell such bonds at public sale and to do all other acts necessary and appropriate to complete the issue of such bonds; and issue its temporary notes from time to time in an amount not exceeding \$125,000.00, pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958, and Public Act number 626 of the 1967 session of the General Assembly in anticipation of the receipt of the proceeds from the sale of the aforementioned bonds; and the Mayor, Director of Administration and Treasurer, or any two of them are hereby authorized to determine the amount, date, maturity interest rate, form and other details of such note and to execute, sell and deliver the same. Such bonds may be consolidated with and sold as part of any issue of school bonds.

Introduced: June 17, 1968
Advertised: June 20, 1968 in Rockville Journal
Public Hearing: July 1, 1968
Board Action: Adopted July 1, 1968
Advertised: July 2, 1968 in Rockville Journal
Effective Date: July 17, 1968

* Referendum vote on July 22, 1968 approved Ordinance #30

ORDINANCE #31*

ORDINANCE APPROPRIATING \$1,600,000.00 FOR CREATION OF A SPECIAL ASSESSMENT REVOLVING FUND FOR SEWER CONSTRUCTION AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT

BE IT ORDAINED, That construction of extensions to the Town of Vernon's Sewerage System substantially in accordance with the Preliminary Report on sewage and sewerage disposal, Vernon, Connecticut, dated May, 1965, prepared by Anderson-Nichols Associates Consulting Engineers, is hereby authorized and the sum of One Million Six Hundred Thousand Dollars is hereby appropriated therefor; said sum shall be deposited in a special assessment revolving fund hereby created pursuant to Section 2 of Chapter XIII of the Charter of the Town of Vernon; the period for amortization of the cost of improvements from said special assessment revolving fund shall not exceed ten (10) years; The Board of Representatives acting as the Sewer Authority of the Town of Vernon is authorized to expend all or any portion of the moneys in said revolving fund from time to time for the extension of sewer facilities as provided in Chapter XIII, specifically Section 1F, of the Charter of the Town of Vernon. Proceeds from assessments levied, against owners of property benefited by sewer construction financed by moneys from the revolving fund shall be returned to said fund and may thereafter be used for additional sewer construction.

That the Town to finance said appropriation, issue its serial bonds, in one or more series, pursuant to the provisions of Section 7-259 of the General Statutes of Connecticut, Revision of 1958, in the principal sum of \$1,600,000.00 to defray the aforesaid appropriation; the Treasurer shall keep a record of such bonds; such bonds shall be signed by the Mayor, Director of Administration and Treasurer, or any two of them, who are authorized, to determine the form and text, the date of issue, date of maturity, and paying agent, the attorneys at law to render an opinion approving the legality of such issue, to sell such bonds at public sale and to do all other acts necessary and appropriate to complete the issue of such bonds; and to issue its temporary notes from time to time in an amount not exceeding \$1,600,000.00 pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958, in anticipation of the receipt of the proceeds from the sale of the aforementioned bonds; and the Mayor, Director of Administration and Treasurer, or any two of them, are hereby authorized, to determine the amount, date, maturity, interest rate, form and other details of such notes and to execute, sell and deliver same. Such bonds may be consolidated with and sold as a part of any issue of sewer bonds.

Introduced: June 17, 1968
Advertised: June 20, 1968 in Rockville Journal
Public Hearing: July 1, 1968
Board Action: Adopted Ordinance July 1, 1968
Advertised: July 2, 1968 in Rockville Journal
Effective Date: July 17, 1968

*Referendum vote on July 22, 1968 approved Ordinance #31

ORDINANCE #32*

ORDINANCE APPROPRIATING \$28,500.00 FOR SITE DEVELOPMENT AT THE VERNON INDUSTRIAL PARK AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT.

BE IT ORDAINED, that the sum, of \$28,500.00 be appropriated for Site Development on Town owned land known as the Vernon Industrial Park, located on the easterly side of Bolton Road in said Town of Vernon. Said Site Development to include the construction of an access road, construction of drainage on said access road, and. any other necessary Site Development work.

That the Town, to finance said appropriation, issue its serial bonds, pursuant to provisions of Section 7-369 of the General Statutes of Connecticut, revision of 1958, and any other acts of the General Assembly thereto enabling, in the principal sum of \$28,500.00 to defray the aforesaid appropriation:

The Treasurer shall keep a record of such bonds; such bonds shall be signed by the Mayor, Director of Administration and Treasurer or any two of them, who are authorized to determine the form and text, the date of issue, date of maturity, and paying agent, the Attorneys-at-law to render an opinion approving the legality of such issue, to sell such bonds at public sale and to do all other acts necessary and appropriate to complete the issue of such bonds; and to issue its temporary notes from time to time in an amount not exceeding \$28,500.00 pursuant to the provisions of Section 7-378 of the General Statutes of the State of Connecticut, in anticipation of the receipt of the proceeds of the sale of the aforementioned, bonds; and the Mayor, Director of Administration and Treasurer, or any two of them, are hereby authorized to determine the amount, date, maturity, interest rate, form and other details of such note and to execute, sell same.

Introduced: July 8, 1968
Advertised: July 9, 1968 in Manchester Herald
Public Hearing: July 15, 1968
Board Action: July 15, 1968
Advertised: July 16, 1968 in Manchester Herald
Effective Date: July 31, 1968

*Referendum vote on July 22, 1968 approved Ordinance #32

ORDINANCE #33 *

ORDINANCE RELATING TO CONSTRUCTION OF SIDEWALKS, CURBS AND GUTTERS

Section 1. CONSTRUCTION.

The board of Representatives of the Town of Vernon is authorized to lay, set, construct and place in the streets and highways in said Town sidewalks, curbs and gutters of such material and of such dimensions, styles, kinds and forms as the public convenience and necessity in the use of said streets and highways may require; to replace existing sidewalks, curbs and gutters; to maintain and repair the same whenever public convenience and necessity require and to assess one-half of the cost of such work upon the owners of the lands abutting upon said streets and highways in proportion to the number of feet of land of each of said owners fronting upon said streets and highways as hereinafter provided.

Section 2. ASSESSMENT.

Whenever the board of Representatives shall order any of said betterments and improvements referred to in the preceding section, the Director of Public Works shall hold a hearing for the purpose of assessing the benefits against the owners of said lands and shall give written notice to each landowner affected thereby of such hearing. Such notice shall be given landowner by registered mail not less than five days before the date of such hearing at which time persons claiming to be interested therein may be heard. After such hearing, written notice of the amount of assessment against each landowner shall be given such landowner by registered mail over the signature of the Director of Public Works.

Section 3. REPORT TO THE BOARD OF REPRESENTATIVES.

The Director of Public Works shall thereafter prepare a list of names of each landowner against whom an assessment is made and the amount thereof, which he shall submit to the Board of Representatives in the form of a report. Such report when accepted by the board of Representatives shall constitute an assessment against each landowner listed therein in the amount designated by such report. Said assessment shall be paid by such landowner and shall be added by the collector of taxes of said Town to the tax bill for such landowner next to become due and payable to said Town after the construction of sidewalks, curbs or gutters have been completed, and shall become a part thereof, and the property of such landowner shall be held for its payment in the same manner as for the remainder of such tax bill.

Section 4. APPEAL.

Any person aggrieved by said assessment may take an appeal to the court of common pleas for Tolland county within thirty days from the date such report shall have been accepted by the Board of Representatives.

Introduced: April 15, 1968
Advertised: April 25, 1968 in the Rockville Journal
Public Hearing: May 6, 1968
Board Action: Adopted August 19, 1968
Advertised: August 22, 1968 in Journal Inquirer
Effective Date: September 6, 1968

* Repealed: February 4, 1970 - See Ordinance #48

ORDINANCE #34

**ORDINANCE EXTENDING SEWER LINES TO VALLEY VIEW LANE AND
BROOKSIDE LANE IN THE TOWN OF VERNON.**

BE IT ORDAINED that pursuant to the provisions of Chapter XIII, of the Charter of the Town of Vernon, specifically Section (F), the Board of Representatives hereby authorizes the extension of sewer lines to Valley View Lane and Brookside Lane in the Town of Vernon in accordance with Plate #13 as appears on "Preliminary report on Sewerage and Sewage Disposal- Stage 1 Construction - Anderson Nichols Associates Construction Engineers, Boston - Hartford May 1965".

Introduced: August 5, 1968
Advertised: August 8, 1968 in the Rockville Journal
Public Hearing: August 19, 1968:
Board Action: Adopted Ordinance on September 16, 1968
Advertised: September 20, 1968 in the Journal Inquirer
Effective Date: October 5, 1968

ORDINANCE #35

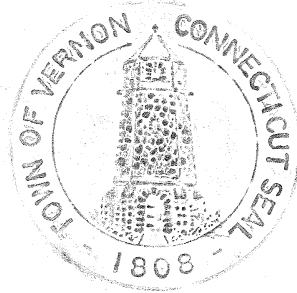
ORDINANCE CHANGING DESIGN OF SEAL OF TOWN OF VERNON

BE IT ORDAINED that the Seal of the Town of Vernon be changed by removing the mill scene from the center of the seal and replacing it with a scene of Fox Hill Tower using Version A with date of Version B and that the effective date of the ordinance be January 1, 1969.

(copy of Version A and Version B as referred to in the Ordinance is on file with minutes of the October 21, 1968 minutes)

(See below for impression of seal)

Introduced:	October 7, 1968
Advertised:	October 9, 1968 in Journal Inquirer
Public Hearing:	October 21, 1968
Board Action:	Adopted, October 21, 1968
Advertised:	October 30, 1968 in Journal Inquirer
Effective Date:	January 1, 1969



ORDINANCE #36*

AN ORDINANCE AMENDING ORDINANCE #13 ENTITLED “HOUSING ORDINANCE REGULATING SUPPLIED FACILITIES, MAINTENANCE AND OCCUPANCY OF DWELLINGS AND DWELLING UNITS”

Be it Ordained by the Town of Vernon that the Ordinance #13 entitled “Housing Ordinance Regulating Supplied Facilities, Maintenance and Occupancy of Dwellings and Dwelling Units “is hereby amended as follows:

1.) Section 4.5 which reads as follows:

“Every dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level as required by the statutes, ordinances and regulations of the State of Connecticut and the City of Rockville,”

is hereby repealed and the following is substituted in lieu thereof:

4.5 “Every tenement house occupied by more than two families shall be provided with not less than two remote means of egress. Each story above the first story of each building shall be provided with not less than two remote means of egress by stairways on the inside or fire escapes on the outside of such building.”

2.) Section 5.9 is added as follows:

“Enclosures: Except in one and two-family dwellings and as specifically required for industrial furnaces and accessory equipment or for high hazard uses in article 4, all heating boilers installed in a building or structure shall be located in a separate room or compartment completely enclosed by floors, walls and ceilings of the required fire resistance; but in no case shall the enclosure of boiler rooms have less than two (2) hour fire resistance for high pressure boilers and not less than three-quarter (3/4) hours for low pressure boilers.”

3.) All other provisions of Ordinance #13 entitled “Housing Ordinance Regulating Supplied Facilities, Maintenance and Occupancy of Dwellings and Dwelling Units” is re-affirmed as previously adopted.

Introduced: February 3, 1969
Advertised: February 7, 1969 in Journal Inquirer
Public Hearing: February 17, 1969
Board Action: Adopted Ordinance February 17, 1969
Advertised: February 21, 1969 in Journal Inquirer
Effective date: March 8, 1969

*Amendment: July 9, 1977 (See Ordinance #104)
*Repealed: March 6, 1978 (See Ordinance #105)

ORDINANCE # 37

ORDINANCE ESTABLISHING VOTING DISTRICTS IN THE TOWN OF VERNON

BE IT ORDAINED PURSUANT TO SECTION 9-169 OF THE CONNECTICUT GENERAL STATUTES THAT THE TOWN OF VERNON SHALL BE DIVIDED INTO FOR VOTING DISTRICTS TO BE KNOWN AS DISTRICT ONE, DISTRICT TWO , DISTRICT THREE AND DISTRICT FOUR. SAID DISTRICTS SHALL BE BOUNDED AND DESCRIBED AS FOLLOWS:

District #1 Beginning at a point on the Ellington-Vernon Town line at the center line of Ellington Avenue , which point is the northwesterly corner of the District herein described; thence from said point and place of beginning in a general northeasterly direction along the Ellington-Vernon town line to a point located at the northeasterly corner of land of the Town of Vernon where land, of the Town of Vernon and the Town of Tolland and the Town of Ellington meet; thence in a general southeasterly direction along the Vernon-Tolland Town line to the center of Route #I-84, also known as the Wilbur Cross Parkway; thence in a general southwesterly direction along the center line of said Route #I-84 to a point at the center line of Bamforth Road; thence in a general northerly direction along the center line of said Bamforth Road to the center line of Hartford Turnpike; thence continuing in a general northerly direction across the center line of said Hartford Turnpike to the center line of Vernon Avenue; thence in a general northerly direction along the center line of said Vernon Avenue crossing South Street, Grand Avenue, Linden Place and the Hockanum River to a point at the center line of West Main Street; thence in a general easterly direction and then northerly along the center line of said West Main Street to a paint in the center line of Union Street; thence continuing in a general northerly direction across the center line of Union Street to the center line of Elm Street; thence in a general northerly direction along the center line of Elm Street to a point in the center line of Prospect Street; thence in a general westerly direction along the center line of said Prospect Street to a point where the center line of Ellington Avenue intersects the center line of said Prospect Street; thence in a general northwesterly direction along the center line of Ellington Avenue to the point and place of beginning.

Those persons living within the boundaries of said District #1 and who are eligible to vote in the Town of Vernon shall vote at the Town Hall located on Park Place in said Town of Vernon.

District #2: Beginning at a point on the Ellington-Vernon Town line at the center line of Ellington Avenue and which point is the northeasterly corner of the District described, herein; thence from said point and place of beginning in a general southeasterly direction along the center line of said Ellington Avenue to a point in the center line of Prospect Street; running thence in a general easterly direction along the center line of said Prospect Street to the point of intersection of the center line of Elm Street, and the center line of said Prospect Street; thence in a general southwesterly direction along the center line of Elm Street to a point in the center line of Union Street; thence continuing in a general southerly direction across the center line of Union Street to the center line of West Main Street; thence in a general southerly direction and then a westerly direction along the center line of said West Main Street to the intersection of the center line of Vernon Avenue and the center line of West Main Street; thence in a general southerly direction along the center line of said Vernon Avenue crossing the Hockanum River, Linden Place, Grand Avenue and South Street to the point, of the intersection of the center line of Vernon Avenue and the center line of Hartford Turnpike (Route #30); thence in a general southerly direction across the center line of Hartford Turnpike (Route #30) to the center line of Bamforth Road; thence in a general southerly direction along the center line of Bamforth Road to the center line of the Wilbur Cross Parkway, also known as Route #I-84 thence in a southwesterly direction along the center line of said Route #I-84 to the center line of Bolton Road where it passes over the center line of said Route #1-84; thence in a general northwesterly direction along the center line of Bolton Road to the center line of Hartford Turnpike, also known as Route # 30; thence in a northeasterly direction along the center line of Route #30 to the center line of West Road; thence in a general northerly direction along the center line of West Road to a point, where the former City of Rockville boundary line intersects the center line of West Road; thence in a general northwesterly direction along line that was formerly the City of Rockville westerly boundary, and which line was designated as the City-Town line, across N. Y., N. H., and Hartford Railroad Company tracks to a point in the center line of Windsor Avenue; thence in a general westerly direction along the center line of Windsor Avenue to a point where the center line of Windsorville Road intersects the center line of Windsor Avenue; thence in a general north-westerly direction along the center line of Windsorville Road to a point where the center line of Windsorville Road intersects the Ellington Town line; thence in a general northeasterly direction along the Ellington-Vernon town line to the point and place of beginning.

Those persons living within the boundaries of said District #2 and who are eligible to vote in the Town of Vernon shall vote at the Maple Street School, Maple Street in the Town of Vernon.

ORDINANCE # 37

ORDINANCE ESTABLISHING VOTING DISTRICTS IN THE TOWN OF VERNON

District#3: Beginning at a point in the northerly line of said district which point is located at the center line of Windsorville Road at the point where the center line of said Windsorville Road intersects the Ellington Town line; thence in a general southeasterly direction along the center line of said Windsorville Road to the center line of Windsor Avenue; thence in a general southeasterly direction along the center line of Windsor Avenue to the point where the former Rockville and Vernon Town line existed; thence in a general southeasterly direction along the former City of Rockville and Vernon Town line across the N.Y., N.H., and Hartford Railroad Company tracks to a point in the center line of West Road; thence in a general southerly direction along the center line of West Road to a point at the intersection of West Road and Route #30; thence in a general southwesterly direction along the center line of said Route #30 to the intersection of the center line of Bolton Road; thence in a general southeasterly direction along the center line of Bolton Road to the center line of the Wilbur Cross Parkway (Route # I-84); thence in a general southwesterly direction along the center line of said Route # I-84 to the point where the N.Y., N. H., & Hartford Railroad passes under said Route # I-84; thence in a general northerly direction along said railroad track across Route #30 to the center line of Center Road at a point where it crosses said tracks; thence in a general northwesterly direction along the center line of Center Road to the intersection of Regan Road; thence continuing along the center line of Center Road in a westerly direction to the center line of Talcottville Road also known as Route #83; thence in a general southwesterly direction along the center line of said Talcottville Road to a point in the center line of Route # 1-84, also known as the Wilber Cross Parkway; thence in a general westerly direction along the center line of said I-84 to a point at the Manchester-Vernon Town line; thence in a general northerly direction along the Manchester-Vernon Town line and South Windsor-Vernon Town line to a point at the northwesterly corner of the Town of Vernon where the Town of South Windsor, the Town of Ellington and the Town of Vernon meet; thence in a general northeasterly direction along the Ellington-Vernon Town line to the point and place of beginning.

Those persons living within the boundaries of said District. #3 and who are eligible to vote in the Town of Vernon shall vote at the Skinner Road School, Skinner Road in the Town of Vernon.

District #4: Beginning at a point in the southerly line of Route # I-84, also known as Wilbur Cross Parkway, which point is the northwesterly corner of said District #4 which point is at the Manchester-Vernon Town line; thence from said point and place of beginning in a general easterly direction along the center line of said Route # I-84 to a point where Route # I-84 passes over Route #83; thence in a general northeasterly direction along the center line of Route #83 to a point at the intersection of the center line of Center Road; thence in a general easterly direction along the center line of Center Road to the intersection of Regan Road; thence continuing along the center line of Center Road in a southeasterly direction to the N.Y., N.H., and Hartford railroad, tracks; thence in a general southerly direction along said railroad tracks across Route #30 to the center line of the Wilbur Cross Parkway, also known as Route # I-84; thence in a general northeasterly direction along said center line of said Wilbur Cross Parkway to a point at the Tolland-Vernon town line; thence in a general southerly direction along the Tolland-Vernon town line in part and part by the Coventry-Vernon town line to a point at the southeasterly corner of the Town of Vernon where the towns of Bolton, Vernon and Coventry meet; thence in a general southwesterly direction along the Vernon-Bolton town line to a point where the towns of Bolton, Vernon and Manchester meet; thence in a general northwesterly direction along the Manchester-Vernon town line to a point; thence in a general westerly direction along the Manchester-Vernon town line to a point in the westerly town line of the Town of Vernon; thence in a general northerly direction along the Manchester-Vernon town line to the point and place of beginning.

Those persons living within the boundaries of said District # 4 and who are eligible to vote in the Town of Vernon shall vote at the Vernon Elementary School, Hartford Turnpike, in the Town of Vernon.

Introduced: March 3, 1969
Advertised: March 6, 1969 in Journal Inquirer
Public Hearing: March 17, 1969
Board Action: Adopted, March 17, 1969
Advertised: March 20, 1969 in Journal Inquirer
Effective Date: April 14, 1969

Ordinance Superseded by Town Council Resolutions;
October 2, 1972 Established 5 Voting Districts;
January 5, 1982 Established 6 Voting Districts

ORDINANCE # 38

AN ORDINANCE ESTABLISHING USER CHARGES FOR THE COLLECTION AND DISPOSAL OF SEWAGE WITHIN THE TOWN OF VERNON

In accordance with the requirements of Chapter 13, Section I of the charter of the Town of Vernon, the Board of Representatives has prepared lists of properties against which User Charges for the collection and disposal of sewage are to be charged, and hereby establishes the following rates for this service for the fiscal year ending June 30, 1969, payable May 1, 1969.

Section I. Definition: The following definition shall apply in the interpretation and enforcement of this ordinance:

- a.) Dwelling Unit: Any group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Section II. For all residential structures located within the geographical limits of the Town of Vernon, the annual rate shall be as follows:

For a single dwelling.....	\$13.44
For a Building or structure containing two separate dwelling units	\$24.47
For a building or structure containing in excess of two separate dwelling units, the rate shall be \$24.47 plus a charge of \$6.72 for each dwelling unit in excess of two.	

Section III. For all users other than residential users located within the geographical limits of the Town of Vernon, the annual rate shall be as follows:

The average daily flow of sewage discharged into the sewerage system shall be determined, and the annual charge shall be determined in accordance with the schedule set forth herein.

<u>Average daily flow in gallons</u>	<u>Rate</u>
Less than 50,000	\$13.44 per thousand gallons
In excess of 50,000 but not in excess of 100,000	\$672.00 plus \$8.40 per thousand gallons on gallons in excess of 50,000
In excess of 100,000 but not in excess of 200,000	\$1,092.00 plus \$5.88 per thousand gallons on gallons in excess of 100,000
In excess of 200,000 but not in excess of 300,000	\$1,680.00 plus \$5.04 per thousand gallons on gallons in excess of 200,000
In excess of 300,000 but not in excess of 400,000	\$2,184.00 plus \$14.20 per thousand gallons on gallons in excess of 300,000
In excess of 400,000	\$2,604.00 plus \$2.52 per thousand gallons on gallons in excess of 400,000

Section IV. The Tax Collector of the Town of Vernon is hereby designated as the collector of the charges provided for herein and the said Tax Collector is further authorized to collect such charges in accordance with the provisions of the General Statutes of the State of Connecticut for the collection of property taxes. The Tax Collector is further authorized to print on the bill for the charges provided for herein a notice that if the said bill, is not paid within one month of the due date, interest will be charged on the delinquent amount at the rate of one-half (½) of one percent (1%) per month from the due date as per Connecticut State Law.

Section V. In determining how many dwelling units are contained in a residential structure, the definition, as provided in Section IA, shall be used with the following exception. The Assessor of the Town of Vernon may reduce the number of dwelling units on his list of properties he has prepared for the Board of Representatives, if the owner of the property provides sufficient information to the satisfaction of the Assessor, including, but not limited to an Affidavit from the property owner that the particular dwelling unit, as determined by the Assessor, has not been occupied for at least two (2) years prior to the date of the Affidavit,

- Introduced: March 17, 1969
- Advertised: March 20, 1969 in Journal Inquirer
- Public Hearing: April 7, 1969
- Board Action: Adopted April 17, 1969
- Advertised: April 10, 1969 in Journal Inquirer
- Effective Date: April 25, 1969

ORDINANCE #39*

ORDINANCE APPROPRIATING \$62,700.00 FOR REVALUATION OF ALL REAL ESTATE IN THE TOWN OF VERNON

BE IT ORDAINED, That the sum of Sixty-Two Thousand Seven Hundred (\$62,700.00) be appropriated, for financing the revaluation of real estate and all specified personal property within the Town of Vernon as described in a certain contract dated October 23, 1968, between Appraisal Consultants of Connecticut, Inc. and the Town of Vernon.

That the Town, to finance said appropriation, issue its serial bonds, or notes, hereinafter called the bonds, pursuant to the provisions of Section 7-369 of the General Statutes of Connecticut, Revision of 1958 and any other acts of the general assembly thereto enabling, in a principal sum not to exceed \$62,700.00; the Bonds shall mature in not more than 5 substantially equal annual installments. The Treasurer shall keep a record of such bonds: such bonds shall be signed by the Mayor, Director of Administration and Treasurer or any two of them who are authorized to determine the form and text, the date of issue, dates of maturity, rate of interest, the bank or trust company to act as certifying and paying agent, the attorneys at law to render an opinion approving the legality of such issue, to sell such bonds at public sale and to do all other acts necessary and appropriate to complete the issue of such bonds; and issue its temporary notes from time to time in an amount not exceeding \$62,700.00, pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958, in anticipation of the receipt of the proceeds from the sale of the aforementioned bonds; and the Mayor, Director of Administration and Treasurer or any two of them are hereby authorized to determine the amount, date, maturity, interest rate, form and other details of such notes and to execute, sell and deliver the same.

Introduced: April 21, 1969
Advertised: April 21, 1969 in Journal Inquirer
Public Hearing: May 5, 1969
Board Action: Adopted, May 5, 1969
Advertised: May 8, 1969 in Journal Inquirer
Effective Date: May 23, 1969

* Referendum vote on July 21, 1969 approved Ordinance #39

ORDINANCE #40

ORDINANCE EXTENDING SEWER LINES TO CRESTRIDGE DRIVE, SUMMIT ROAD AND ROBIN ROAD

BE IT ORDAINED that pursuant to the provisions of Chapter XIII, of the Charter of the Town of Vernon, specifically Section (F), the Board of Representatives hereby authorizes the extension of sewer lines to Crestridge Drive, Robin Road and Summit Road in the Town of Vernon in accordance with Plate #13 as appears on "Preliminary report on Sewerage and Sewage Disposal - Stage 1 Constriction - Anderson Nichols Associates Construction Engineers, Boston - Hartford May 1965".

Introduced: April 21, 1969
Advertised: April 24, 1969 in Journal Inquirer
Public Hearing: May 5, 1969
Board Action: Adopted, May 5, 1969
Advertised: May 8, 1969 in Journal Inquirer
Effective Date: May 23, 1969

ORDINANCE #41*

ORDINANCE APPROPRIATING \$125,000 FOR CONSTRUCTION OF OUTDOOR SWIMMING POOL COMPLEX

BE IT ORDAINED, That the sum of One Hundred Twenty-Five Thousand (\$125,000) be appropriated for the construction of an outdoor swimming pool complex to be constructed on property owned by the Town of Vernon and located to the rear of the Vernon Elementary School on Route 30 in said Town of Vernon. Said pool will be 45' x 75' and the complex will contain a wading pool, deck area, chain link fence enclosure. The appropriate service building would house dressing rooms, showers, toilets and filters.

That the Town, to finance said appropriation, issue its serial bonds, on one or more series, pursuant to the provisions of Section 7-369 of the General Statutes of Connecticut, Revision of 1958, and any other acts of the General Assembly thereto enabling, in a principal sum not to exceed \$125,000; the Treasurer shall keep a record of such bonds; such bonds shall be signed by the Mayor, Director of Administration and Treasurer or any two of them who are authorized to determine the form and text, the date of issue, dates of maturity, rate of interest, the bank or trust company to act as certifying and paying agent, the attorneys at law to render an opinion approving the legality of such issue, to sell such bonds at public sale and to do all other acts necessary and appropriate to complete the issue of such bonds; issue its temporary notes from time to time in an amount not exceeding \$125,000 pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958 as amended, in anticipation of the receipt of the proceeds from the sale of the aforementioned bonds; comply with the provisions of Section 7-378a if the maturity of such notes shall extend beyond the time permitted by said Section 7-378; and the Mayor, Director of Administration and Treasurer or any two of them are hereby authorized to determine the amount, date, maturity, interest rate, form and other details of such notes and. to execute, sell and deliver the same.

Introduced: June 2, 1969
Advertised: June 6, 1969 in Journal Inquirer
Public Hearing: June 16, 1969
Board Action: Adopted, June 16, 1969
Advertised: June 18, 1969 in Journal Inquirer
Effective Date: July 3, 1969

* Referendum vote on July 21, 1969 approved Ordinance #41

ORDINANCE #42

AN ORDINANCE CONCERNING THE LICENSING OF REFUSE AND GARBAGE COLLECTORS IN THE TOWN OF VERNON

Section I. (Definitions) As used in this ordinance, the words “garbage” and “refuse” shall have the following meanings:

- (1) **Garbage:** Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce.
- (2) **Refuse:** Combustible trash, including, but not limited to, paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding; noncombustible trash, including, but not limited to, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including but not limited to, street sweepings, dirt, leaves, catch-basin dirt, contents of litter receptacles. Provided, refuse shall not include earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food processing wastes, boilerhouse cinders, lumber, scraps and shavings.
- (3) **Collectors:** Individuals, firms, partnerships or corporations who contract with individuals, firms, partnerships or corporations to collect garbage and/or refuse and who serve industrial, commercial, apartment complexes, home industries, residences.

Section II. It shall be unlawful for any contractor to operate within the Town of Vernon without first receiving a license to be issued by the Director of Public Works. It shall be unlawful for a contractor to operate within the Town of Vernon in violation of any provision of this ordinance.

The annual license fee shall be five (\$5) dollars. No such license shall be issued except on direction of the Public Works director of the Town of Vernon.

Certificate of insurance: No such license shall be issued until the contractor files with the Town of Vernon a Certificate of Liability Insurance in the amount of fifty thousand (\$50,000) dollars, Property Damage - One hundred thousand (100,000) dollars, Liability, each person - and three hundred thousand (300,000) dollars per accident together with such recommendations compensation insurance as provided by law.

Equipment: The contractor will supply the Town with a description of all equipment to be used, which equipment will be completely enclosed to prevent debris from becoming scattered by the wind.

Section 3. Revocation of License: Any license issued under the terms of this ordinance may be revoked for any of the following reasons:

- A. Misconduct by the contractor and/or his personnel with respect to routes taken to the Vernon Land Fill area in Ellington.
- B. Violation in type of waste material contrary to the terms of the agreement with the Ellington Land Fill operators.
- C. By being refused admittance to the refuse disposal area by the owners of the Ellington Land Fill for failing to comply with their regulations.
- D. For failing to keep their vehicles completely enclosed to prevent refuse from becoming strewn along highways leading to refuse area.
- E. For failing to keep their vehicles painted and clean.
- F. For collecting trash and rubbish outside the Town of Vernon and depositing same in the Ellington Land Fill area.

Section 4. Filing of Contracts: The contractor will file copies of all contracts and agreements with his customers with the Director of Public Works or in the alternative, a list of his customers.

Section 5. The contractor agrees as a condition to obtain his license to conform to all rules and recommendations imposed by the owners of the Ellington Land Fill site, which is open to the residents of the Town of Vernon.

Section 6. Bond: No such license shall be issued or effective unless there is a cash bond on file in the Town of Vernon or a bond with a corporation surety in the penal amount of twenty-five hundred (2,500) dollars to assure:

ORDINANCE #42

AN ORDINANCE CONCERNING THE LICENSING OF REFUSE AND GARBAGE COLLECTORS IN THE TOWN OF VERNON

That the licensee, his agents and servants will comply with all of the terms, conditions, provisions, requirements and specifications contained in this ordinance.

Section 7. Enforcement: The Police Department of the Town of Vernon shall be charged with the enforcement of this ordinance and shall make any necessary inspection to that end. The Director of Public Works and his designated agent may also make any necessary inspection to enforce this ordinance and will refer all reports to the Vernon Police Department.

Section 8. Penalty: Any person, firm or corporation violating any provision of this ordinance shall be fined not less than twenty-five dollars not more than two hundred dollars for each offence, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 9. Grace Period: In order to allow contractors an opportunity to obtain the necessary license to operate within the Town of Vernon, this ordinance will not go into effect for thirty (30) days after the effective date of the ordinance. During the period between the effective day of this ordinance and the thirty (30) day grace period, it shall not be a violation of this ordinance for a contractor to operate without such a license.

Section 10. Validity: If any section, paragraph, clause or provision of this ordinance shall be adjudged, invalid, such decision shall apply only to the section, paragraph, clause or provision in question, and the remainder of this ordinance shall be termed valid and effective.

Introduced: July 7, 1969
Advertised: July 10, 1969 in Journal Inquirer
Public Hearing: July 21, 1969
Board Action: Adopted, July 21, 1969
Advertised: July 21, 1969 in Journal Inquirer
Effective Date: August 8, 1969

ORDINANCE #43

ORDINANCE EXTENDING SEWER LINES TO TALCOTTVILLE PUMPING STATION

BE IT ORDAINED that pursuant to the provisions of Chapter XIII of the Charter of the Town of Vernon, specifically Section (F), the Board of Representatives hereby authorizes the extension of sewer lines to the Talcottville Pumping Station in the Town of Vernon in accordance with specification entitled "Specifications, for Talcottville Pumping Station Force Main and Sanitary Sewer Contract No. 4, February 1968, Anderson-Nichols Consulting Engineers, Boston, Concord, Hartford"

BE IT FURTHER ORDAINED that a sum not to exceed Six Hundred and Fifty Thousand Dollars (\$650,000.00) to finance said extension be transferred from the Special Assessment Revolving Fund created by Ordinance No. 31, to the \$2,100,000 fund for sewer construction created by Ordinance No. 16.

Introduced: July 11, 1969
Advertised: July 15, 1969 in Journal Inquirer
Public Hearing: July 21, 1969
Board Action: Adopted, July 21, 1969
Advertised: July 24, 1969 in Journal Inquirer
Effective Date: August 8, 1969

ORDINANCE #44

**ORDINANCE EXEMPTING PROPERTY OF CERTAIN INSTITUTIONS FROM
PROPERTY TAX**

BE IT ORDAINED:

PURSUANT to the provisions of 12-81 b of the Connecticut General Statutes (1967 P.A, 311), the property tax exemption authorized by any of subsection seven (7) to sixteen (16), inclusive, of section 12-81 of the Connecticut General Statutes shall be effective as of the date of acquisition of the property to which the exemption applies.

The tax-exempt organization shall be reimbursed by the Town of Vernon for any tax paid by it for the period subsequent to said acquisition date, and for any tax paid by the prior owner for a period subsequent to said acquisition date for which such organization reimbursed such owner on the transfer of title to such property.

Applications for reimbursement shall be made to the tax collector of the Town of Vernon in affidavit form, and shall be approved by the Town attorney, who will certify his approval to the treasurer of the Town of Vernon to make payment to such organization.

Introduced: July 21, 1969
Advertised: July 24, 1969 in Journal Inquirer
Public Hearing: July 24, 1969
Board Action: Adopted, August 4, 1969
Advertised: August 7, 1969 in Journal Inquirer
Effective Date: August 22, 1969

ORDINANCE #45

ORDINANCE ESTABLISHING HOURS FOR VALLEY FALLS PARK and HENRY PARK, CEMETERIES AND SCHOOL GROUNDS IN THE TOWN OF VERNON AND PROHIBITING CERTAIN USES THEREON

BE IT ORDAINED:

It shall be unlawful for any person to enter or be upon, or have a vehicle parked upon any school ground between one-half hour after sundown to sunrise, except when participating in or attending activity sponsored by the Town of Vernon or allowed under permit issued by the Board of Education.

It shall be unlawful for any person to enter or be upon, or have a vehicle parked upon any Town of Vernon Cemetery between one-half hour after sundown to sunrise.

It shall be unlawful for any person to enter or be upon, or have a vehicle parked upon Valley Falls Park or Henry Park in the Town of Vernon, between one-half hour after sundown to sunrise, except when participating in or attending activity sponsored by the Town of Vernon or allowed under permit issued by the Recreation Commission of the Town of Vernon.

It shall be unlawful for any person to ride an unregistered mini-bike, motor-bike or go-cart at any time in any park, cemetery or school ground in the Town of Vernon.

It shall be unlawful for any person to play golf or drive golf balls in any park, cemetery or school ground in the Town of Vernon.

It shall be unlawful for any person to fly a model airplane in the cemeteries or school ground or parks in the Town of Vernon, except that the Recreation Commission may allow the flying of model airplanes in the parks of the Town of Vernon at their direction.

Any person who violates any provision of this Ordinance shall be fined not more than One hundred (100) Dollars.

Introduced: July 21, 1969
Advertised: July 24, 1969 in Journal Inquirer
Public Hearing: August 4, 1969
Board Action: Adopted, August 4, 1969
Advertised: August 7, 1969 in Journal Inquirer
Effective Date: August 22, 1969

See Ordinance #127 amending Ordinance #45.

ORDINANCE #46

ORDINANCE REQUIRING REGISTRATION OF PEDDLERS, HAWKERS, SOLICITORS, CANVASSERS AND SALESMAN

Section

1. Credentials Required
2. Definitions
3. Applications
4. Application Fee
5. Investigations
6. Issuance of Credentials
7. Credentials Fee
8. Expiration of Credentials
9. Exhibition of Licenses
10. Revocation of Credentials
11. Conditions
12. Records
13. Exemptions
14. Violations
15. Repeal
16. Separability
17. Effective Date

1. Credentials Required

It shall be unlawful for any peddler, hawker, solicitor, canvasser, or salesman, as defined in Sec. 2 of this chapter, except as provided in Section 12 of this chapter, to engage in such business within the town limits of the Town of Vernon without first obtaining identifying credentials therefor in compliance with this chapter.

2. Definitions

As used in this chapter the following words shall have the following meanings:

- A. A “canvasser” or “solicitor” is defined as any individual whether resident of the Town of Vernon or not, taking or attempting to take orders from anyone on the premises of a house, apartment, trailer, or other place of residence for sale of goods, wares, merchandise, including articles of food, or personal property of any nature whatsoever for future delivery, or for services to be performed in the future, whether or not such individual shall carry or expose for sale a sample of the subject of such sale, or whether he is collecting advance payments on such sales or not.
- B. A “hawker” or “peddler” means any person whether principal or agent, who goes from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter or exposing therefor, any goods, wares, merchandise, including articles of food, either on foot or from any animal or vehicle.
- C. An “itinerant vendor” is defined as any person, whether a principal or agent, who engages in a temporary or transient business in this state either in one locality or in traveling from place to place selling goods, wares, merchandise, or conducting any close-out sale and who for the purpose of carrying out such business or sale hires, leases or occupies any building or structure for the exhibition and sale of such goods, wares, and merchandise, temporary or transient business meaning and including any exhibition and sale of goods, wares, or merchandise which is carried on in any tent, booth, building or other structure, unless such place is open for business during usual business hours at least nine (9) months in each year.
- D. A “salesman” is any person who shall sell or expose for sale, or solicit orders for any articles of food, or any goods, wares, merchandise, materials or services, or solicit for any contracts within the Town of Vernon to or from anyone on the premises of a house, apartment, trailer, or other place of residence, and shall include canvassers, solicitors, hawkers, peddlers, and itinerant vendors, as above defined.

3. Applications

Applicants for license under Section 1, of this chapter must file with the Vernon Police Chief a sworn application in writing, in duplicate, on a form to be furnished by the Police Chief, which shall give the following information:

- (1) Name and description of the applicant.
- (2) Permanent home address and full local address of the applicant.

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ORDINANCE REQUIRING REGISTRATION OF PEDDLERS, HAWKERS, SOLICITORS, CANVASSERS AND SALESMAN

- (3) A detailed description of the nature of the business and goods to be sold.
- (4) If employed, the name and address of the employer.
- (5) The length of time for which the applicant wishes to engage in business.
- (6) The place where the property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced.
- (7) Where such goods or products are located at the time such application is filed, and the proposed method of delivery.
- (8) Make, model, or registration number of motor vehicle, if any, to be used.
- (9) Whether, when, where and on what charges he has ever been arrested, together with the disposition of such charges.
- (10) Whether, when, where, in what court, and by whom he or any present or former employer, principal or contract associate, has ever, been sued in a civil action alleging fraud or misrepresentation in connection with or as a result of the registrant's activities in soliciting for any contract or in selling, exposing or offering for sale or soliciting orders for any articles of food or any goods, wares, merchandise, materials or services.

Each registrant shall, at the time he files any registration form, exhibit identification satisfactory to the Police Chief and containing a specimen of the registrant's handwriting.

4. Application Fee

At the time of filing the original application, the fee which shall be charged and collected by the Chief of Police shall be \$10.00. At the time of filing a renewal application, the fee which shall be charged and collected by the Chief of Police shall be \$5.00.

5. Investigations

Upon receipt of such applications the Chief of Police shall cause to be undertaken and completed within a period of two weeks such investigation of the applicant's business and moral character, and the statements made in the application, as he deems necessary for the public good, and if as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Police Chief shall endorse his disapproval on the application and his reasons for the same, and notify the applicant thereof. In such cases, credentials shall be refused, or, after issuance, revoked by the Director of Administration and immediately returned to him if the registrant has made any patently and indisputably false statement or representation in any registration form filed by him pursuant to this ordinance, has been convicted of any crime or misdemeanor involving moral turpitude or of any violation of this ordinance, or if judgment shall at any time have been entered against him or any present or former employer, principal or contract associate in a civil action alleging fraud or misrepresentation in connection with or as a result of the activities of said registrant. In the event credentials are refused no fee shall be charged. There shall be no refund where credentials, after being issued, are revoked. If for any reason the Chief of Police should fail to carry out and complete such investigation within a two weeks' period, the applicant may demand and be issued temporary credentials, which credentials may be revoked or made permanent depending on the results of the investigation.

6. Issuance of Credentials

If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Police Chief shall endorse his approval on the application and turn a copy over to the Director of Administration who shall thereupon deliver to the applicant credentials which shall show the name and address of the licensee, the kind of goods to be sold thereunder, the manner of sale, the date of issuance and the length of time the same shall be operative.

7. Credentials Fee

The fee for issuance of credentials charged by the Director of Administration shall be \$3.00 per year, \$2.00 for a period of eight months or less, and \$1.00 for a period of four months or less, such fees determined on a calendar year basis.

8. Expiration of Credentials

Except as provided in Section 12 of this ordinance, no person whose credentials have expired shall engage in any of the activities named in Section 2 of this ordinance until he shall have again registered with the Police Chief, obtained new credentials and paid the same fee as in the case of original credentials.

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ORDINANCE REQUIRING REGISTRATION OF PEDDLERS, HAWKERS, SOLICITORS, CANVASSERS AND SALESMAN

9. Exhibition of Licenses

It shall be the duty of any police officer of the Town of Vernon to request any person seen engaging in any of the activities prescribed in Section 2 hereof, and who is not known by such officer to have proper credentials, to produce his credentials and it shall be the duty of any such officer to enforce the provisions of this ordinance against any person found to be violating the same; and peddlers, hawkers, solicitors, canvassers and salesmen are required to exhibit their credentials at the request of any citizen.

10. Revocation of Credentials

(a) Credentials issued under the provisions of this chapter may be revoked by the Director of Administration after notice and hearing, for any of the following causes:

1. Fraud, misrepresentation, or false statement contained in the application for credentials.
2. Fraud, misrepresentation, or false statement made in the course of carrying on his business as peddler, hawker, solicitor, canvasser or salesman.
3. Any violation of this, chapter.
4. Conviction of any crime or misdemeanor involving moral turpitude.

(b) Notice of hearing for revocation of credentials shall be given in writing setting forth specifically the grounds of complaint. Such notice shall be mailed by certified mail to the last known address of the holder at least five days prior to the date set for hearing.

11. Conditions

Each person to whom credentials have been issued pursuant to this ordinance shall, while engaged in the Town of Vernon in the activities for which he has credentials:

- (a) Conduct himself at all times in a quiet, orderly and lawful manner.
- (b) Enter within any home only upon being expressly invited to do so by an occupant thereof.
- (c) Leave any premises immediately upon the request of any occupant of the same.
- (d) Deliver as agreed or represented, and within a reasonable time, all food, goods, wares, merchandise and materials, and perform in like manner all services for which he has been paid in whole or in part, except as provided in subsection (e).
- (e) Refund promptly any payment made to him if he shall find that it is not reasonable possible for him to comply with subsection (d) unless said refund shall be refused by the other party.
- (f) Give a written and signed receipt for all payments in excess of two (\$2.00) dollars received by him, stating the amount of said payment, a description of the food, goods, wares, merchandise, materials and/or services or contracts in connection with which said payment was made, the total of all charges made or to be made in connection with the same and when and in what amounts any additional payments are to be made.
- (g) Give to the other party a copy, signed by the holder of the credentials, of any order, contract or other document which said party has signed. Compliance with this subsection shall constitute compliance with subsection (f) to the extent that requirements of subsection (f) are met by said document.

12. Records

It shall be the duty of the Director of Administration to keep records of all credentials issued under the provisions of this ordinance in a book or file kept for that purpose. Said records shall contain, as to each holder of credentials, all application forms signed by him with a notation on each as to whether credentials were issued or refused as a result of its being filed, the date of issuance, or refusal, the reason for refusal, or the fee paid as the case may be, a summary of each complaint concerning the activities of the holder, and the date of any revocation of credentials granted pursuant to any application filed by him together with a statement of the reasons therefor. The Director of Administration shall keep a detailed account of all receipts from applicants and shall turn such fees over to the Town Treasurer monthly.

13. Exemptions

This ordinance shall not apply to:

- (a) Persons less than seventeen (17) years of age;

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**ORDINANCE REQUIRING REGISTRATION OF PEDDLERS, HAWKERS,
SOLICITORS, CANVASSERS AND SALESMAN**

- (b) Persons selling only to stores, institutions, business, industrial, commercial establishments, and municipal agencies;
- (c) Charitable, political, religious, and government organizations and their representatives, including public service organizations engaged in soliciting for charitable projects.
- (d) Persons canvassing, soliciting, or selling exclusively by telephone;
- (e) Persons delivering food, groceries, fuel oil, milk, and other goods or supplies which have been ordered or contracted for; and
- (f) Persons exempted by the statutes of laws of the State of Connecticut, or persons in possession of valid licenses issued by the State of Connecticut covering the activities which would otherwise be regulated by this Ordinance.

14. Violations

Any person violating any of the provisions of this chapter shall upon conviction thereof, be punished by a fine not to exceed one hundred (\$100.00) dollars for each offense. Each day of engaging in the activities described in Section 2 without credentials, as required by this ordinance, shall be considered a separate offense.

15. Repeal

An ordinance entitled, "Peddlers of the City of Rockville" revision 1953 is hereby repealed and any other ordinance dealing with Peddlers, Hawkers, Solicitors, Canvassers and Salesmen is hereby repealed.

16. Separability

The invalidity of any section or sections hereof or provision or provisions hereof shall not render invalid or affect the remaining portions hereof.

17. Effective Date

This ordinance shall become effective 15 days after its passage has been advertised for publication in a daily newspaper having a circulation in the Town of Vernon.

Introduced: September 15, 1969
Advertised: September 19, 1969 in Journal Inquirer
Public Hearing: October 6, 1969
Board Action: Adopted, October 6, 1969
Advertised: October 9, 1969 in Journal Inquirer
Effective Date: October 14, 1969

REPEALED - SEE ORDINANCE #188

ORDINANCE #47

ORDINANCE EXTENDING SEWER LINES TO TALCOTTVILLE PUMPING STATION FROM KELLY ROAD

BE IT ORDAINED that pursuant to the provisions of Chapter XIII of the Charter of the Town of Vernon, specifically Section (F), the Board of Representatives hereby authorizes the extension of sewer lines to the Talcottville Pumping Station in the Town of Vernon in accordance with specifications entitled "Specifications for Talcottville Pumping Station. Force Main and Sanitary Sewer Contract No. 4, February 1968, Anderson-Nichols Consulting Engineers, Boston, Concord, Hartford." The specific extension is from Kelly Road to the Talcottville Pumping Station.

BE IT FURTHER ORDAINED that a sum not to exceed One Hundred and Fifty Thousand Dollars (\$150,000.00) to finance said extension be transferred from the Special Assessment Revolving Fund created by Ordinance No. 31, to the \$2,100,000 fund for sewer construction created by Ordinance No. 16.

Introduced: October 6, 1969
Advertised: October 9, 1969 in Journal Inquirer
Public Hearing: October 20, 1969
Board Action: Adopted, October 20, 1969
Advertised: October 23, 1969 in Journal Inquirer
Effective Date: November 7, 1969

ORDINANCE #48

ORDINANCE RELATING TO CONSTRUCTION OF SIDEWALKS, CURBS AND GUTTERS

Section 1. CONSTRUCTION The Board of Representatives of the Town of Vernon is authorized to lay, set, construct and place in the streets and highways in said Town sidewalks, curbs and gutters of such material and of such dimensions, styles, kinds and forms as the public convenience and necessity in the use of said streets and highways may require; to replace existing sidewalks, curbs and gutters; to maintain and repair the same whenever public convenience and necessity require and to assess one-half of the cost of such work upon the owners of the lands abutting upon said streets and highways in proportion to the number of feet of land of each of said owners fronting upon said streets and highways as hereinafter provided.

Section 2. ASSESSMENT Whenever the Board of Representatives shall order any of said betterments and improvements referred to in the preceding section, the Director of Public Works shall hold a hearing for the purpose of assessing the benefits against the owners of said lands and shall give written notice to each land owner affected thereby of such hearing. Such notice shall be given landowner by registered mail not less than five days before the date of such hearing at which time persons claiming to be interested therein may be heard. After such hearing, written notice of the amount of assessment against each landowner shall be given such landowner by registered mail over the signature of the Director of Public Works.

Section 3. REPORT TO THE BOARD OF REPRESENTATIVES. The Director of Public Works shall thereafter prepare a list of names of each landowner against whom an assessment is made and the amount thereof, which he shall submit to the Board of Representatives in the form of a report. Such report when accepted by the Board of Representatives shall constitute an assessment against each landowner listed therein in the amount designated by such report. Said assessment shall be paid by such landowner and shall be added by the collector of taxes of said Town to the tax bill for such landowner next to become due and payable to said Town after the construction of sidewalks, curbs or gutters have been completed, and shall become a part thereof, and the property of such landowner shall be held for its payment in the same manner as for the remainder of such tax bill.

Section 4. APPEAL Any person aggrieved by said assessment may take an appeal to the court of common pleas for Tolland County within thirty days from the date such report shall have been accepted by the Board of Representatives.

Section 5. SPECIAL CONSTRUCTION. Where in the opinion of the traffic authority of the Town of Vernon, a traffic hazard exists to children walking to school along streets where there are no sidewalks the Board of Representatives is authorized to lay, set, construct and place in the streets and highways in said Town sidewalks, curbs and gutters of such material and of such dimensions, styles kinds and forms as is necessary for the protection of the children walking to school without assessment to the owners of the land abutting upon said streets and highways.

The traffic authority shall submit a written report to the Board of Representatives stating where the traffic hazard exists, for what distance together with their recommendations on placement of said sidewalks and priorities for construction, Upon acceptance of the report by the Board of Representatives, the Board shall take steps to implement the report, Nothing contained in this Section 5 shall be construed as relieving the abutters from the responsibility to remove snow and ice from said sidewalk as provided by ordinance in the Town of Vernon or from preventing the Board of Representatives from assessing costs to abutters for replacement, maintenance and repair all as provided in Section 1 herein.

Section 6. ORDINANCE Number 33 Relating to construction of sidewalks, curbs and gutters adopted August 18, 1968, is hereby repealed.

Introduced: December 15, 1969

Advertised: December 19, 1969

Public Hearing: January 5, 1970

Board Action: January 5, 1970

Advertised: January 20, 1970

Effective Date: February 4, .1970

**Repealed by Ordinance #83

ORDINANCE #49

ORDINANCE ESTABLISHING REGULATIONS ON THE USE OF PUBLIC SEWERS, THE CONNECTIONS TO PUBLIC SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO PUBLIC SEWERS

Section 1 PURPOSE

In order to assure the proper disposal of sewage and waste waters and the proper operation and maintenance of the public sewers sewage treatment plant and other sewage works within the Town of Vernon; and to provide an adequate record of sewers, drains, appurtenances and connections thereto, the following regulations are enacted by the Town of Vernon under the authority of the General Statutes of Connecticut.

Section 2 DEFINITIONS

Unless the context specifically indicates otherwise the meaning of terms used in these regulations shall be as follows:

- (a) "Town" shall mean the Town of Vernon.
- (b) "Superintendent" shall mean the "Director of Public Works" or his authorized Representative, "Building Inspector" or "other designated official" of the Town of Vernon or his authorized deputy, agent or representative. Director of Public Works is Director of Public Works of the Town of Vernon.
- (c) "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage or waste water.
- (d) "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
- (e) "Sewage" shall mean waste water or water-carried wastes from residences, business building, institutions and industrial establishments. Sewage shall be further classified as follows:
 - 1. "Domestic or Sanitary Sewage" shall mean the solid and liquid wastes from toilet and lavatory fixture; kitchens, laundries, bath tubs, shower baths or equivalent plumbing fixtures as discharged from dwellings, business and industrial buildings.
 - 2. "Industrial Sewage or Wastes" shall include the water carried wastes of any industrial process as distinct from domestic or sanitary sewage. All substances carried in industrial wastes, whether dissolved, in suspension or mechanically carried by water, shall be considered as industrial wastes.
 - 3. "Storm Water" shall include the run-off or discharge of rain and melted snow or other water from roofs, surfaces of public or private lands, or elsewhere. Storm water also shall include "subsoil drainage" as defined in (e).4.
 - 4. "Subsoil Drainage" shall include water from the soil percolating into subsoil drains and through foundation walls, basement floors, or underground pipes.
 - 5. "Cooling Water" shall include the waste water from air conditioning, industrial cooling, condensing and hydraulically-powered equipment or similar apparatus.
 - 6. "Garbage" shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce. "Properly Shredded Garbage" shall mean garbage which has been shredded so that no garbage particles will be greater than one-half inch in any dimension.
- (f) "Sewer" or "Drain" shall mean the pipe or conduit, together with manholes and other structures or equipment appurtenant thereto, provided to carry sewage, waste liquids, storm water or other waters. Sewers shall, be further classified as follows:
 - 1. "Public Sewer" shall mean a trunk, main or lateral sewer up to and including the "Y" branch or tee provided for connection thereto, and to which all owners of abutting properties have equal rights, and which is controlled by public authority. The public sewer does not include the building or house sewer, or the "building lateral" after it is connected with a building sewer.
 - 2. "Sanitary Sewer" shall mean a sewer which carries only sanitary sewage and to which industrial wastes, storm water, sub-soil drainage and cooling water are not intentionally admitted
 - 3. "Combined Sewer" shall mean a sewer receiving both storm water and domestic sewage, including acceptable discharge of industrial wastes, subsoil, drainage and

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AND WASTES INTO PUBLIC SEWERS**

provided in accordance with subsequent provisions of this ordinance, and the applicable State Regulations.

**Section IV WASTES WHICH MAY AND WASTES WHICH SHALL NOT BE
DISCHARGED INTO PUBLIC SEWERS AND DRAINS**

- (a) No person shall discharge into any public sewer of the Town of Vernon any waste, substance or, waters other than such kinds or types of waters or water-carried wastes for the conveyance of which the particular public sewer is intended, designed or provided.
- (b) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, sub-surface drainage, cooling water, air conditioning and refrigerating waste waters, or unpolluted industrial process waters to any sanitary sewer.
- (c) Industrial cooling water or unpolluted process waters or storm water and all other unpolluted drainage, may be discharged, upon approval of the "Superintendent" and any or all State Regulatory Agencies having jurisdiction, to a storm sewer, or natural outlet.
- (d) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
 - 1. Any liquid or vapor having a temperature higher than 150°F.
 - 2. Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil, or grease.
 - 3. Any gasoline, benzene, naptha, alcohol, tar, fuel oil, or other flammable or explosive liquid, solid, gas, or vapor.
 - 4. Any garbage except "properly shredded garbage".
 - 5. Any ashes, cinders, stones, sand, mud, straw, shavings or sawdust, metal, sticks, coarse rubbish, glass, rags, feathers, plastics, waste rubber, animal guts or tissues, entrails, blood, hair, hides, wood, paunch manure, or any other substance likely to damage, destroy or cause an obstruction to the flow in any sewer or which may interfere with the proper operation of the sewage works.
 - 6. Any waters, sewage or wastes having a pH lower than 6.0 or higher than 9 or having any other corrosive or detrimental property capable of causing damage or hazard to the sewage works or personnel.
 - 7. Any waters or wastes containing a toxic, poisonous or radioactive substance in sufficient quantity to injure or interfere with any sewage treatment process or to constitute a hazard to humans, animals or marine life, or create any hazard in the receiving waters.

The Director of Public Works is empowered to revise the specific allowable concentrations of various materials as experience at the treatment plant dictates. The Director of Public Works shall notify the Board of Representatives and the State agencies under whose jurisdiction this may fall at least 30 days prior to revising the following table of limits and the Board of Representatives may reject the revision by notifying the Director or Public Works within 30 days of receiving the notice of revised limits. In the event the Board of Representatives takes no action with respect to the revised limits, the revised limits shall become effective 30 days following the date of publication in a newspaper having circulation in the Town of Vernon.

The following toxic or poisonous substances shall not be present in any appreciable quantity of industrial or commercial process discharges in excess of the following limits in mg/l (Milligrams per liter) by weight.

<u>Waste or Chemical</u>	<u>Concentration, mg/l</u>
Chromium hexavalent	3
Chromium total	10
Copper (cu)	1
Cyanide	1
Iron	5
Lead	0.1
Nickel	5
Zinc	5

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Cadmium	3
Tin	5
Silver	3
Mercury	3
All other metals or the salts thereof	3

Radioactive wastes or materials may be discharged into a public sewer if Conditions I and II below are met and if either Condition III or IV is also met; provided that such discharges have also been approved by any and all State Regulatory Agencies having jurisdiction:

Condition I: Such wastes must be readily soluble or dispersible in ‘water;

Condition II: The gross quantity of all radioactive materials so discharged must not exceed one curie per year;

Condition III: The daily quantity of any radioactive material if diluted by the average daily volume of sewage discharged into the system from the installation must not exceed the maximum concentrations allowed by regulations of the United States Atomic Energy Commission;

Condition IV: Daily quantities of radioactive materials up to the maximum permitted by the United State’s Atomic Energy Commission may be so discharged provided that the total monthly quantities if diluted by the average monthly volume of sewage discharged from the installation, do not exceed the concentrations permissible under III above.

8. Any noxious or malodorous gas, vapor or substance capable of creating a public or private nuisance.
 9. Any wastes which cause excessive discoloration as determined by the State Water Resources Commission or State Health Department or any other State agency under whose jurisdiction this may fall, such as but not limited to, dye wastes and vegetable tanning solutions.
 10. Any unusual volumes of flow or concentrations of wastes constituting “slugs”, as defined in Section 2 (p) definitions.
- (e) The admission in the public sewers of any waters or wastes having (1) a 5-day Biochemical Oxygen Demand greater than 300 milligrams per liter by weight, or (2) containing more than 350 milligrams per liter by weight of suspended solids, or (3) containing any quantity of substances having the characteristics described in Paragraph d or (4) having a chlorine demand or more than 15 milligrams per liter by weight or (5) having an average daily flow greater than 2% of the average daily sewage flow of the Town, shall be subject to the review and approval of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to, (1) reduce the Biochemical Oxygen Demand to 300 milligrams per liter, the suspended solids to 350 milligrams per liter by weight, and the chlorine demand to 15 milligrams per liter by weight, or (2) reduce objectionable characteristics or constituents to within the maximum limits provided for in Paragraph d or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and of any or all State Regulatory Agencies having jurisdiction, and no construction of such facilities shall be commenced until said approvals are obtained in writing.
- (f) Determination of Exclusion of Wastes - In determining whether any waste discharged or proposed to be discharged into any public sewer is to be excluded, consideration will be given to the quantity, time or times, rate and manner of discharge, dilution and character of the waste in question, the size of the sewer into which the waste is to be discharged, the probable quantity of sewage or other wastes likely in said sewer, and other pertinent facts. Minute quantities of a waste which would be objectionable in larger quantity may be accepted if sufficiently diluted when and as discharged, or if the quantity discharged is small as compared with the flow in the receiving sewer; but any permission to discharge minute quantities of an otherwise excluded waste shall be revocable at any time by the Superintendent.
- (g) Pre-treatment Facilities - At all premises where wastes or substances specified to be

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excluded from public sewers by these regulations are present and liable to be discharged directly or indirectly into said sewers, suitable and sufficient piping layouts, oil, grease, sand and flammable waste traps or separators, screens, settling tanks, diluting devices, storage or regulating chambers, treatment, cooling or other equipment and devices shall be provided. These shall be maintained and properly operated by the owner of the premises or his agent at his expense to insure that no waste or substance is discharged in violation of the requirements of these regulations.

Such facilities for pre-treatment of wastes or waters discharged to public sewers shall be approved by the Superintendent and by any or all State Regulatory Agencies having jurisdiction. The Superintendent or State Agencies may require of an owner installing pre-treatment facilities, plans, specifications and a description of the facilities which are proposed.

On premises where any of the, wastes or substances as described in this section (g) are present, the Superintendent may require the owner to provide, operate and maintain at his (the owner's) expense a sampling well or wells, flow measuring devices, manholes or other appurtenances, all readily accessible, on the building sewer or drain from said premises near the point where said sewer or drain connects to the public sewer. By means of said sampling well or wells, flow measuring devices, or other appurtenances, the owner, occupants of said premises, said Superintendent, or any public officer having legal jurisdiction may secure samples of, or examine the wastes being discharged into the public sewer for the purpose of determining compliance or non-compliance with the requirements of these regulations.

The "Superintendent" shall have the right as a condition to the connection and or continued use of the Town sewer facility to enter and inspect any part of the premises served by public sewers upon which there may be reason to believe that violations of the requirements of these regulations have occurred or are likely to occur, for the purpose of ascertaining the facts as to such violation or suspected violation, or of obtaining samples of wastes, or of inspecting flow measuring devices or treatment facilities provided to prevent prohibited discharges.

- (h) A combined sewer may be used to receive any sewage or waste waters which may be lawfully discharged into either a sanitary sewer or a storm sewer. No waste waters or substances which are excluded from sanitary or storm sewers shall be discharged into any combined sewer.
- (i) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage". In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.
- (j) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefor by the industrial concern.

Section V DISCHARGE OF EFFLUENTS FROM PRIVATE SEWAGE DISPOSAL SYSTEMS INTO. PUBLIC SEWERS AND OF CLEANINGS THEREFROM

- (a) No person shall discharge or cause to be discharged into any public sewer, either directly or indirectly, any overflow or effluent from a septic tank, cesspool, subsurface drainage trench, bed or filter, or other receptacle storing organic waste.
- (b) The contents of privy vaults, septic tanks, or cesspools may be delivered and will be processed at the municipal sewage treatment plant provided:
 - 1. That such contents were accumulated and located on property within the Town of Vernon, or any other Town with which Vernon has a contract relating to the use of the Vernon sewer system.
 - 2. That such contents consist only of domestic or commercial wastes, excluding any industrial wastes or substances specified to be excluded from public sewers by these regulations.
 - 3. That such contents are transported in sanitary, watertight vehicles, equipped with a suitable valve outlet, and meeting such requirements as may be stipulated by local or

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State Health Agencies.

4. That a permit is issued by the "Superintendent" for the discharge of such contents. A permit fee may be set for each tank load of such wastes by the "Superintendent".
5. That delivery of such contents is made to the sewage treatment plant site on days and hours as established by the "Superintendent".
6. That one or more copies of the permit form for the discharge of such contents are surrendered to the sewage treatment plant operator or his agent and that said operator or his agent accepts the delivery as containing no substances or wastes known to be harmful to the sewage treatment plant or its treatment processes. .

Permits issued under this section shall be void after 30 days from date of issuance. All permits are subject to cancellation, revocation or suspension by the "Superintendent" when such action is deemed necessary to safeguard the sewage Works.

Section VI PERSONS AUTHORIZED TO WORK IN OR ON PUBLIC SEWERS

- (a) Connections to, alterations to, or repairs to any public sewer or the manholes or other appurtenances of said sewer system in the Town of Vernon shall not be made by any person without a permit issued by the "Superintendent".
- (b) No unauthorized person shall open the cover of, enter or alter any manhole or other appurtenance of any public sewer; place or insert in any public sewer or its appurtenances any foreign material which said sewer or its appurtenances was not intended to receive; nor shall any person damage, destroy, uncover, deface or tamper in any way with any public sewer or its appurtenances. Any person violating this provision of these regulations shall be subject to arrest under a charge of disorderly conduct.

Section VII BUILDING OR HOUSE SEWER PERMITS

- (a) There shall be two classes of building permits for sewers: **1.** Class A for residential and commercial service, and **2.** Class B for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Town.

The application shall state the location and character of the work to be performed; the person granted permission to perform such work, the time limit for completion of the work, the general character of the wastes which are or may be discharged into the sewer in question; and any other pertinent information or conditions.

The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the "Superintendent". A permit and inspection fee of \$100.00 for one and two family dwellings, \$100.00 each for first two dwellings and \$75.00 each additional dwelling units for multi-family dwellings, \$500.00 per acre of developed land or fraction thereof for institutional type buildings such as schools, churches, etc. and for retail commercial and industrial property, shall be paid to the Town of Vernon at the time the Application is filed.

- (b) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. All building sewers shall be maintained by the owner of the property served. When a "building connection lateral" has been connected with a building sewer the lateral shall become and thereafter be a part of such building connection and shall be maintained at the expense of the owner or owners of the property.
- (c) No person, other than those working for and under the direction of the "Superintendent," shall excavate, construct, install, lay, repair, alter or remove any building or house sewer, or any appurtenance thereof, within the Town of Vernon, if such sewer is connected or discharges or is intended at some future time to be connected or discharged, directly or indirectly, into any public sewer of said town, until said person has a permit secured by the owner (or his agent) of the property in question for doing such work, and further provided that said person has been granted a license to perform said work by the State of Connecticut under the stipulations and requirements of Section VIII of these regulations.
- (d) Any permit may be suspended or terminated by the Superintendent on written notice to the permittee for violation of the conditions thereof or for any violation of the

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requirements of these regulations or for other reasons in the public interest.

**Section VIII THOSE AUTHORIZED TO DO SEWER WORK LICENSING OF DRAIN
LAYERS**

- (a) Only the following person or persons shall construct, repair, alter, or remove building sewers or make connections therefrom to a public sewer:
1. Regular forces of or a contractor employed by the “Superintendent.”
 2. Regular forces of any public utility corporation while engaged in work incidental to the regular structures of said utility company and operating under a permit issued by the “Superintendent.”
 3. Any person who shall have been licensed by the State of Connecticut to perform work of this type during the period provided by the license and under the conditions of the license. Such persons shall be called “licensed drain layers” as defined in Section II (n); all drains and fixtures within structures shall be connected by plumbers and others in conformity with the requirements of these regulations as to what may or what may not be discharged into public sewers.
- (b) 1. Any person licensed as a drain layer shall give personal attention to the work performed and shall employ only competent persons, who are familiar with these regulations.
2. Each licensed drain layer shall file with the “Superintendent” a performance and guaranty bond, which shall remain in full force for at least 12 months from the date of application for a permit as provided in Section VII, in the amount of not less than Five Thousand (\$5,000) Dollars in form and with surety satisfactory to the “Superintendent.” Such surety shall include that the applicant shall indemnify the Town of Vernon for any negligence or omission of the applicant or his agents, while operating under the license applied for; that the applicant shall reimburse the Town of Vernon for any expense to said Town arising from any injury or damage to any sewer or other property of said town or by reason of any violation by the applicant or his agents of any requirement of these regulations; that the applicant shall faithfully execute all work required under the license as granted; that the applicant shall restore that portion of any street or public place in which the applicant may have made an excavation incidental to his work to as good a condition as it was prior to said work and also shall maintain said street or public place in like good condition to the satisfaction of said municipality for a period of six months after said restoration; that the applicant shall reimburse the Town of Vernon or the State for the expense of repairs to any street or public place made necessary by reason, of any excavation made by the applicant; and that the applicant, shall comply with all rules, regulations, laws, ordinances, etc., relative to work in public streets and public places.
 3. Each licensed drain layer shall file with the “Superintendent” a certificate or certificates of Public Liability and Property Damage Insurance, which shall remain in full force for at least 12 months from the date of application for permit as provided in Section VII, in an amount of not less than \$50,000 Dollars for injuries, including accidental death, to any one person, and, subject to the same limit for each person, in an amount not less than \$100,000 Dollars on account of any one accident an Property Damage Insurance in an amount not less than \$10,000 Dollars. The Town shall be included as an assured or, in lieu thereof, the drain layer shall file with the Superintendent and Owner’s Protective Liability and Property Damage Insurance Policy in the same limits as aforementioned. Each insurance certificate and policy shall contain a statement by the insurance carrier not to cancel the policy or policies except upon fifteen (15) days notice to the “Superintendent.”
 4. Each licensed drain layer shall file with the “Superintendent” a certificate of policy covering Workmen’s Compensation Insurance, which shall remain in full force for at least 12 months from the date of application, for a permit as provided in Section VII.

**Section IX MATERIALS AND WORKMANSHIP FOR BUILDING SEWERS THEIR
CONNECTIONS AND APPURTENANCES**

The following requirements of this section shall apply to any person licensed to do sewer work and who has a building or house sewer permit to do such sewer work as provided in

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Sections VII and VIII' of these regulations:

- (a) Old building sewers may be used and connected to a public sewer, when serving new buildings, only when 'they are found on examination' or test by the "Superintendent" to meet all requirements of this section. The "Superintendent" may require, where indicated, the uncovering of old sewers for inspection.
- (b) A separate and independent building sewer shall be provided for every building except that, when two or more buildings are so situated that separate and independent building sewers for each building would be impractical or impose unnecessary hardship, the Superintendent may authorize a single building sewer connection to the public sewer subject to such terms and conditions as to easement, design and construction as the "Superintendent" may require.
- (c) No building shall be connected to a public sewer unless the plumbing system of said building has a soil vent pipe extended to a point above the roof. The "Superintendent" may require that no running trap main house trap or other device, which might prevent the free flow of air throughout the whole course of the building sewer, house drain and said soil vent pipe, will be allowed.
- (d) The building sewer shall be cast iron soil pipe, vitrified clay sewer pipe; good quality concrete pipe, asbestos-cement pipe, or other suitable material approved by the "Superintendent." All pipe materials shall conform with the latest standard specifications of the ASTM as approved by the "Superintendent." Any part of the building sewer that is located within 10 feet of a water service pipe shall be constructed of cast iron soil pipe with leaded joints. Wherever possible, water service and house sewer pipes shall be laid in separate trenches. Where laid in the same trench, the water pipe shall be laid on a bench at least 12 inches above the top of the sewer pipe and at least 12 inches, and preferably 18 inches, from the side of the sewer trench. Cast iron pipe with leaded joints may be required by the "Superintendent" where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that non-metallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the "Superintendent." No building sewer shall be located within 25 feet of a cellar drain or ground water drain unless pipe is of cast iron with leaded joints.
- (e) The size and slope of the building sewer shall be subject to the approval of the "Superintendent," but in no event shall the diameter be less than six inches. The slope of such 6-inch pipe shall be not less than one-eighth inch per foot.
- (f) In all buildings where the building drain is too low to permit gravity flow to the public sewer, sewage or other waste-waters carried by such drain shall be lifted by approved artificial means and discharged to the building sewer through a cast-iron force main. All building drains, whether force mains or gravity lines, shall be of cast iron soil pipe from the inner face of the building wall to the point of connection with the building or house sewer, and all joints, including that with the building sewer, shall be made gas-tight and water-tight by a method approved by the "Superintendent."
- (g) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the "Superintendent." Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within 3 feet of any bearing wall which might thereby be weakened. The depth of the building sewer shall be sufficient to afford protection from frost and in general such depth shall not be less than 3 feet below the finished ground surface at all points. All building sewers shall be laid at uniform grade and in straight alignment in so far as possible. Changes in direction shall be made only with properly curved pipe and fittings. Building sewers shall be laid on firm, undisturbed soil or a suitable foundation; they shall be located at a sufficient distance from other parallel pipes to permit alterations or repairs to' any such pipes or the sewer pipe without disturbing the other; they shall be well cleaned inside after laying; and they shall conform to all reasonable requirements for good construction. Backfill placed over building sewers shall be done with hand tools to a depth of at least one foot over the pipe, using fine earth free from stones and rubbish. Backfill shall be well and carefully tamped over

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the sewer. The open ends of building sewers, building drains and "building connection laterals" shall be kept closed or protected during construction and during periods when work is suspended in order to exclude from the public sewer all water or debris which might obstruct, damage or otherwise be detrimental to the public sewer or sewage works. Abandoned building sewers or drains shall be likewise promptly closed and sealed off from any public sewer at the expense of the owner of the property.

- (h) All joints and connections for or between building sewers, building drains and "building connection laterals" shall be made gas-tight and water-tight to wit:
1. Cast iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead, Federal Specification QQ-L-156, not less than one inch deep. Lead shall be run in one pouring and caulked tight. No paint, varnish, or other coatings shall be permitted on the jointing material until after the joint has been tested and approved. Cast iron pipe with casketed joints may be allowed at discretion of "Superintendent."
 2. All joints in vitrified clay pipe, concrete pipe, asbestos-cement pipe, or other approved pipe, or between such pipes and metals shall be made with rubber, or similar, gaskets. Hot-poured jointing materials or cement mortar shall not be approved.
 3. Any jointing materials, other than those described in 1. and 2., may be used only upon approval by the "Superintendent."
 4. The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer is twelve inches in diameter or less, and no properly located "Y" branch is available, the owner shall at his expense install a "Y" branch in the public sewer at the location specified by the "Superintendent." Where the public sewer is greater than twelve inches in diameter, and no properly located "Y" branch is available, a neat hole may be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about forty-five degrees. A forty-five degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. Where street sewers are of asbestos-cement sewer pipe, the connection may be made with a cast iron saddle, in the event that no fitting is available on the street sewer. The invert of the building sewer at the point of connection to 12-inch diameter sewers or larger shall be connected to either match the center lines of such street sewers, or be higher. A smooth, neat joint shall be made, and the connection made secure and water-tight by encasement in concrete. Special fittings may be used for the connection only when approved by the "Superintendent".
- (i) When the building sewer trench has been excavated, and the building sewer repaired, altered or constructed and is ready for inspection and connection to the public sewer, the "Superintendent" shall be notified during regular working hours not less than eight hours in advance of the time when the connection to the public sewer is planned. The connection of the building sewer to the public sewer shall be made under the supervision of the "Superintendent" and a record of all said connections shall be kept by him. If any person constructs, installs, alters or repairs any building sewer or drain connecting with a public sewer in the Town of Vernon in violation of any section of these regulations or fails to give adequate notice to the "Superintendent" for an inspection of the work, said "Superintendent" may order all or any portion of said work to be uncovered for inspection and approval.
- (j) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard.
- (k) If any person, after proper order or direction from the "Superintendent", fails to remedy any violation of this Section or of any other section of these regulations, the "Superintendent" may disconnect the building sewer of the property where the violation exists from the public sewer and may collect the cost of making such disconnection from any person or persons responsible for, or willfully concerned in, or who profited by such violation of the requirements of these regulations.

Section X THE DISPOSAL OF GROUND DRAINAGE AND SEWAGE FROM SUB-DIVISION DEVELOPMENTS

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- (a) The Developer of a property sub-division within the Town of Vernon shall submit to the “Superintendent” of said Town and to any other local or state agency or officer having jurisdiction the proposed method of providing for storm water and sewage disposal in the development. The method proposed shall be indicated on a plot plan or separate plan showing gradient and datum lines, together with specifications or descriptive information so as to clearly indicate the functioning and construction of the layout. A performance bond in the amount of 100% of the estimated cost of the proposed project shall be posted by the developer with the ‘Superintendent” guaranteeing satisfactory performance of said developer’s work. No building permits shall be issued to any developer of sub-divisions until the storm water and sewage disposal layout have been approved by the “Superintendent” and by any other local or state agency or officer having jurisdiction.
- (b) In cases where a developer of a property sub-division plans the construction of sanitary sewers or storm drains in the streets of the development, said developer shall furnish at the time the plane for such laterals as submitted for approval, a maintenance bond, issued by a bonding company acceptable to the “Superintendent”, and of a value of 10% of the estimated cost of the proposed sewers, but in no case for less than \$1,000.00; guaranteeing for a term of one year from date of acceptance of the system by the Town, the correction of any defects in the sewer system, including leaks or excessive infiltration in the street sewers, manholes and building sewers, upon written notice of such defects from the “Superintendent”. The developer shall provide at no expense to the Town all necessary manpower Sand equipment to test the installed sewers and drains as required by the “Superintendent”, and make necessary corrections and re-test the system to the satisfaction of the “Superintendent”. Infiltration in excess of 300 gallons per mile per inch of pipe diameter per day shall be considered excessive and cause for corrective measures.
- (c) In cases where a developer of a property sub-division plans the construction of a sewage pumping station in conjunction with a system of street sewers, the plans and specifications for such pumping stations shall be submitted to and approved by the “Superintendent” and by any state agency having jurisdiction, prior to the construction of said pumping station. An acceptance of plans and specifications under this section shall not be construed as an implied acceptance of the maintenance and cost of operations of said pumping station by the Town.

Section XI PENALTIES

- (a) Any person found to be violating any provision of these regulations except Section VI shall be served by the, Town of Vernon with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (b) Any person who shall violate any provision of this ordinance shall be fined not more than one hundred dollars or imprisoned not more than 30 days or both. Each day that any violations of these regulations continues and each day that any person continues to discharge prohibited wastes or substances into any public sewer shall be deemed to be a separate offense for the purpose of applying the penalty provided in this section.
- (c) Any person who fails to cause and desist violation of the ordinance upon notification thereof, may after the period of time stated in the notice for correction thereof be disconnected from the public sewer system. Notice of disconnection shall be served by the Town of Vernon 10 days prior to the actual disconnection,

Section XII MISCELLANEOUS PROVISIONS

- (a) Where any industry is served notice of a violation, the Town may require in its notification letter, that plans, specifications and any other pertinent information relating to such corrective actions be submitted for review and approval by the Town of Vernon, or its duly appointed agent prior to commencement of any such corrective action.
- (b) The Town may require, as a condition to the connections and or continued use of the town’s sewer facilities, that flow metering, pH monitoring and suitable effluent sampling stations be provided at owners expense by industry connected to the town’s sewer system as required by prudent engineering standards.

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cooling water.

4. "Storm Sewer" or "Storm Drain" shall mean a pipe line carrying storm water, subsoil drainage, acceptable cooling water or other reasonable clean waters, but excluding domestic and polluted industrial waste.
 5. "Building Drain" shall mean that part of the lowest horizontal piping of a building drainage system that receives the discharge from the soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.
 6. "Building or House Sewer" shall mean the extension from the building drain to the public sewer.
 7. "Building Connection Lateral" shall mean the pipe laid incidental to the original construction of a public sewer from said public sewer up to and including the "Y" branch, tee or other connection provided for use thereafter as part of a building connection
- (g) "B.O.D." (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20 C., expressed in mg/l (milligrams per liter) by weight. In computing "B.O.D." reference shall be made to the latest edition of STANDARD METHODS FOR THE EXAMINATION OF WATER AND WASTE WATER.
- (h) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (i) "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by filtering as prescribed in Standard Methods for the Examination of Water, Sewage and Industrial Waste, American Public Health Association.
- (j) "Chlorine Demand" shall mean the amount of chlorine which must be added to water or waste to produce a residual chlorine content of at least 0.1 mg/l after a minimum contact time of 10 minutes.
- (k) "Natural Outlet" shall mean any outlet into a water course, pond, ditch, lake or other body of surface of ground water.
- (l) "Water Course" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- (m) "Person" shall mean any individual, firm, company, association, society, corporation or group.
- (n) "Drain Layer" or "Licensed Drain Layer" shall mean either an individual, partnership or corporation to whom the Town of Vernon has issued a license to install, alter or repair sewers, sewer connections, house connections, etc., during the period when such license is valid, and the proper agents and representatives of such drain layer.
- (o) "Shall" is mandatory; "May" is permissive.
- (p) "Slugs" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

Section III GENERAL REQUIREMENTS FOR DISPOSAL OF COMMUNITY WASTES

- (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any insanitary manner upon public or private property within the Town of Vernon, or in any area under the jurisdiction of said Town any human or animal excrement, garbage, or other objectionable waste.
- (b) It shall be unlawful to discharge to any natural outlet or storm sewer within the Town of Vernon, or in any area under the jurisdiction of said Town, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been

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Section XIII VALIDITY

If any section, clause, sentence or provision of this ordinance shall be adjudged invalid or unenforceable, such adjudications shall not affect the validity of any other provision hereof, but all other provisions shall be deemed valid and effective and shall remain in full force and effect.

Section XIV REPEAL

On the effective date of this ordinance, the ordinance of the City of Rockville entitled, "Regulations on the Use of Public Sewers, The Connections to. Public Sewers, and the Discharge of Waters and Wastes into Public Sewers, is repealed.

Introduced: February 2, 1970
Advertised: February 10, 1970 in Journal Inquirer
Public Hearing: March 2, 1970
Board Action: Adopted April 6, 1970
Advertised: April 10, 1970 in Journal Inquirer
Effective Date: April 25, 1970
Amended: January 18, 1971-- See Ordinance #57
See Section VIII of Ordinance #101 adopted November 16, 1976
Amended: December 11, 1978 (See Ordinance #113)

ORDINANCE #50

AN ORDINANCE ESTABLISHING USER CHARGES FOR THE COLLECTION AND DISPOSAL OF SEWAGE WITHIN THE TOWN OF VERNON

In accordance with the requirements of Chapter 13, Section I of the Charter of the Town of Vernon, the Board of Representatives has prepared lists of properties against which User Charges for the collection and disposal of sewage are to be charged, and here by establishes the following rates for this service for the fiscal year ending June 30, 1970, payable May 1, 1970.

Section I. Definition: The following definition shall apply in the interpretation and enforcement of this ordinance:

- a) Dwelling Unit: Any group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Section II. For all residential structures located within the geographical limits of the Town of Vernon, the annual rate shall be as follows:

For each dwelling unit\$9.50

Section III. For all users other than residential users located within the geographical limits of the Town of Vernon, the annual rate shall be as follows:

The average daily flow of sewage discharged into the sewerage system shall be determined and the annual charge shall be determined in accordance with the schedule set forth herein.

<u>Average daily flow in gallons</u>	<u>Rate</u>
Less than 50,000	\$14.78 Per thousand gallons
In excess of 50,000	\$739.00 plus \$9.24 per thousand gallons on gallons in excess of 50,000

Section IV. The Tax Collector of the Town of Vernon is hereby designated as the collector of the charges provided for herein and the said Tax Collector is further authorized to collect such charges in accordance with the provisions of the General Statutes of the State of Connecticut for the collection of property taxes. The Tax Collector is further authorized to print on the bill for the charges provided for herein a notice that if the said bill is not paid within one month of the due date, interest will be charged on the delinquent amount at the rate of three-quarters (3/4) of the one per cent (1%) per month from the due date as per Connecticut State Law.

Section V. In determining how many dwelling units are contained in a residential structure, the definition, as provided in Section IA, shall be used with the following exception. The Assessor of the Town of Vernon may reduce the number of dwelling representatives, if the owner of the property provides sufficient information to the satisfaction of the Assessor, including, but not limited to an Affidavit from the property owner that the particular dwelling unit, as determined by the Assessor, has not been occupied for at least two (2) years prior to the date of the Affidavit.

- Introduced: March 16, 1970
- Advertised: March 20, 1970
- Public Hearing: April 6, 1970
- Board Action: Adopted April 6, 1970
- Advertised: April 10, 1970
- Effective Date: April 25, 1970

ORDINANCE #51

**ORDINANCE APPROPRIATING \$125,000 FOR PURCHASE
OF LAND FOR SCHOOL SITE**

BE IT ORDAINED, That the sum of One Hundred Twenty-Five Thousand (\$125,000) Dollars be appropriated for the purchase of land for a school site by the Town of Vernon. The land to be purchased contains 17.6 acres on the easterly side of Old Town Road. Described on a map, "Prepared for SOL LAVITT, Vernon, Connecticut, Certified to be substantially correct, Reino E. Hyypya, Mergson & Hyypya, Civil Engineers, Glastonbury, Conn., Scale: 1" = 100', Date 12-17-69, Map No. 363-64-1B." which map is on file in the office of the Town Clerk, Town of Vernon.

That the Town to finance said appropriation, issue its serial bonds, on one or more series, pursuant to the provisions of Section 7-369 of the General Statutes of Connecticut, Revision of 1958, and any other acts of the General Assembly thereto enabling, in, a principal sum not to exceed \$125,000, the Treasurer shall keep a record of such bonds; such bonds shall be signed by the Mayor, Director of Administration and Treasurer or any two of them who are authorized to determine the form and text, the date of issue, dates of maturity, rate of interest, the bank or trust company to act as certifying and paying agent, the attorneys at law to render an opinion approving the legality of such issue, to sell such bonds at public sale and to do all other acts necessary and appropriate to complete the issue of such bonds; issue its temporary notes from time to time in an amount not exceeding \$125,000 pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958 as amended, in anticipation of the receipt of the proceeds from the sale of the aforementioned bonds; comply with the provisions of Section 7-378a if the maturity of such notes shall extend beyond the time permitted by said Section 7-378; and the Mayor, Director of Administration and Treasurer or any two of them are hereby authorized to determine the amount, date, maturity, interest rate, form and other details of such notes and to execute, sell and deliver the same.

Introduced: September 21, 1970
Advertised: September 24, 1970 in Journal Inquirer
Public Hearing: October 5, 1970
Board Action: Adopted Ordinance October 5, 1970
Advertised: October 8, 1970 in Journal Inquirer
Effective Date: October 23, 1970

*Referendum vote on December 2, 1970 approved Ordinance #51

ORDINANCE #52

ORDINANCE APPROPRIATING \$100,500 FOR PURCHASE OF LAND

BE IT ORDAINED, That the sum of One Hundred Thousand Five Hundred (\$100,500) Dollars be appropriated for the purchase of land by the Town of Vernon. The land to be purchased contains 21 acres more or less and is located on the Westerly side of Lake Street and the Southerly side of Phoenix Street and is more particularly bounded and described as follows:

Bounded North by highway; East by land formerly of Henry E. Parker, now of Conrad Merz; South by land formerly of Albert Parker, now of G. G. Tillinghast; West by land of G. G. Tillinghast, land formerly of Lucinda Wolcott, now of Mary Costello, and by highway; containing 21 acres, more or less, with buildings thereon; but this does not include the land of said Costello consisting of about one-half acre, being bounded North, East and South by above described premises.

Excepting, however, such parcels from the above described premises as have previously been conveyed by the Sellers to one Moran.

That the Town, to finance said appropriation, issue its serial bonds, on one or more series, pursuant to the provisions of Section 7-369 of the General Statutes of Connecticut, Revision of 1958, and any other acts of the General Assembly thereto enabling, in a principal sum not to exceed \$100,500, the Treasurer shall keep a record of such bonds; such bonds shall be signed by the Mayor, Director of Administration and Treasurer or any two of them who are authorized to determine the form and text, the date of issue, dates of maturity, rate of interest, the bank or trust company to act as certifying and paying agent, the attorneys at law to render an opinion approving the legality of such issue, to sell such bonds at public sale and to do all other acts necessary and appropriate to complete the issue of such bonds, issue its temporary notes from time to time in an amount not exceeding \$100,500 pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958 as amended, in anticipation of the receipt of the proceeds from the sale of the aforementioned bonds; comply with the provisions of Section 7-378a if the maturity of such notes shall extend beyond the time permitted by said Section 7-378; and the Mayor, Director of Administration and Treasurer or any two of them are hereby authorized to determine the amount, date, maturity, interest rate, form and other details of such notes and to execute, sell and deliver the same.

Introduced: September 21, 1970
Advertised: September 24, 1970 in Journal Inquirer
Public Hearing October 5, 1970
Board Action Adopted Ordinance October 19, 1970
Advertised October 22, 1970 in Journal Inquirer
Effective Date November 6, 1970

*Referendum vote on December. 2, 1970 disapproved Ordinance #52

ORDINANCE #53

**ORDINANCE EXTENDING SEWER LINES TO VERNON CENTER HEIGHTS AND
COLD SPRING DRIVE**

BE IT ORDAINED that pursuant to the provisions of Chapter XIII, of the Charter of the Town of Vernon, specifically 'Section (F), the Board of Representatives hereby authorizes the extension of sewer lines to Vernon Center Heights and Cold Spring Drive in the Town of Vernon in accordance with Plate #13 as appears on "Preliminary Report on Sewerage and Sewage Disposal - State 1 Construction - Anderson Nichols Associates Construction Engineer, Boston-Hartford May 1965".

Introduced: October 19, 1970
Advertised: October 23, 1970 in Journal Inquirer
Public Hearing: November 16, 1970
Board Action: Adopted Ordinance November 16, 1970
Advertised: November 19, 1970 in Journal Inquirer
Effective Date: December 4, 1970

ORDINANCE #54

ORDINANCE AMENDING ORDINANCE NO. 8 ENTITLED, "CAPITOL REGION PLANNING AGENCY"

BE IT ORDAINED, that Ordinance. No. 8 entitled, "Capitol Region Planning", is amended so that the Mayor of the Town of Vernon is authorized to appoint two representatives to the Capitol Region Planning Agency, subject to the ratification by the Board of Representatives, by a majority of those members present at the meeting.

The new appointee shall take office effective January 1, 1971, and the original appointment shall be for a term expiring July 31, 1971. Subsequent appointments shall be for a term of two years.

All other provisions of Ordinance No. 8 entitled, "Capitol Region Planning", are reaffirmed.

Introduced: October 19, 1970
Advertised: October 23, 1970 in Journal Inquirer
Public Hearing: November 16, 1970
Board Action: Adopted Ordinance November 16, 1970
Advertised: November 19, 1970 in Journal Inquirer
Effective Date: December 4, 1970

ORDINANCE #55

**ORDINANCE CONCERNING CONFLICT OF INTEREST IN THE TOWN OF
VERNON**

Pursuant to the provisions of Section 7-479 of the Connecticut General Statutes, the Town of Vernon hereby adopts the following rules concerning conflict of interest:

It shall be unlawful for members of boards, commissions or agencies, in the Town of Vernon, and for employees elected or appointed in the Town of Vernon to

1. Be financially interested or have any personal beneficial interest either directly or indirectly in any contract or purchase order for any supplies, materials, equipment or contractual services furnished to or used by, any such municipality, or agency, and
2. Accept or receive, directly or indirectly, from any person, firm or corporation to which any contractor purchase order may be awarded by such municipality, by rebate, gifts or otherwise, any money, or anything of value whatsoever, or any promise, obligation or contract for future reward or compensation.
3. Participate in a hearing or decision of the commission, board, agency, or department, of which he is a member upon any matter in which he is directly or indirectly interested, in a personal or financial sense. In the event of such disqualification, such facts shall be entered on the record of the commission, board or agency.

Any willful violation of this Ordinance shall constitute malfeasance in office. Any person who is found guilty of a violation of this Ordinance shall forfeit his office or position. Any violation of this Ordinance with the knowledge, express or implied, of the person or corporation contracting with the Town, shall render the contract voidable by the Mayor or the Town Council.

Introduced: December 21, 1970
Advertised: December 24, 1970 - Journal Inquirer
Public Hearing: January 4, 1971
Council Action: January 4, 1971 -- Adopted
Advertised: January 7, 1971 -- Journal Inquirer
Effective Date: January 22, 1971

ORDINANCE #56

ORDINANCE APPROPRIATING \$120,000 FOR PREPARATION OF PRELIMINARY PLANS AND SPECIFICATIONS FOR THE ADDITION TO AND ALTERATION OF ROCKVILLE HIGH SCHOOL, AND AUTHORIZING ISSUE OF BONDS AND NOTES IN LIKE AMOUNT

BE IT ORDAINED, That the sum of One Hundred Twenty Thousand (\$120,000) Dollars be appropriated for preparation of preliminary drawings, plans and specifications for the addition to and alteration of Rockville High School, Loveland Hill, Vernon, Connecticut.

That the Town to finance said appropriation, issue its serial bonds, on one or more series, pursuant to the provisions Of Section 10-289 of the General Statutes of Connecticut, Revision of 1958, and any other acts of the General Assembly thereto enabling, in a principal sum not to exceed \$120,000, the Treasurer shall keep a record of such bonds; such bonds shall be signed by the Mayor, Director of Administration and Treasurer or any two of them who are authorized to determine the form and text, the date of issue, dates of maturity, rate of interest, the bank or trust company to act as certifying and paying agent, the attorneys at law to render an opinion approving the legality of such issue, to sell such bonds at public, sale and to do all other acts necessary and appropriate to complete the issue of such bonds; issue its temporary notes from time to time in an amount not exceeding \$120,000 pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, revision of 1958 as amended, in anticipation of the receipt of the proceeds from the sale of the aforementioned bonds; comply with the provisions of Section 7-378a if the maturity of such notes shall extend beyond the time permitted by said Section 7-378; and the Mayor, Director of Administration and Treasurer or any two of them are hereby authorized to determine the amount, date, maturity, interest rate, form and other details of such notes and to execute, sell and deliver the same.

- Introduced: December 28, 1970
 - Advertised: December 29, 1970 -- Journal Inquirer
 - Public Hearing: January 24, 1971
 - Council Action: January 4, 1971 -- Adopted
 - Advertised: January 7, 1971 -- Journal Inquirer
 - Effective Date: January 22, 1971
- * Referendum vote on February 10, 1971 approved Ordinance #56

ORDINANCE #57

ORDINANCE AMENDING ORDINANCE #49 ENTITLED “ORDINANCE ESTABLISHING REGULATIONS ON THE USE OF PUBLIC SEWERS, THE CONNECTIONS TO PUBLIC SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO PUBLIC SEWERS”

BE IT ORDAINED, by the Town of Vernon that:

The following paragraph is added to Section VII Building or House Sewer Permits subsection (a) of Ordinance #49 entitled “Ordinance Establishing Regulations On The Use Of Public Sewers, The Connections To Public Sewers, And The Discharge Of Waters And Wastes Into Public Sewers.”

In those cases where a sewer connection charge has been levied or will be levied under Paragraph 5 Section III Rules for Assessment for Sanitary Sewer Construction of Ordinance #29 entitled “Ordinance Re: Establishing Method of Assessment for Sewer Lines in the Town of Vernon and Rules Relating to the Sanitary Sewer System of the Town of Vernon,” the charge for permit and inspection fee of \$100.00 for one and two family dwellings shall be waived as the charge is paid under Ordinance #29.

In all other respects Ordinance #49 is ratified and confirmed.

Introduced: January 4, 1971
Advertised: January 8, 1971 --Journal Inquirer
Public Hearing: January 18, 1971
Council Action: January 18, 1971 -- Adopted
Advertised: January 21, 1971--Journal Inquirer
Effective Date: February 5, 1971

* See Section VIII of Ordinance #101 adopted November 16, 1976

ORDINANCE #58

ORDINANCE AMENDING ORDINANCE #29 ENTITLED “ORDINANCE RE: ESTABLISHING METHOD OF ASSESSMENT FOR SEWER LINES IN THE TOWN OF VERNON AND RULES RELATING TO THE SANITARY SEWER SYSTEM OF THE TOWN OF VERNON”

BE IT ORDAINED, by the Town of Vernon:

Paragraph #5, Section III Rules for Assessment for sanitary sewer construction of Ordinance #29 entitled “Ordinance Re: Establishing Method of Assessment for Sewer Lines in the Town of Vernon and Rules Relating to the Sanitary Sewer System of the Town of Vernon” is hereby repealed and the following paragraph #5 is substituted in its place:

5. In addition to the front foot charge described above in Paragraph III B (1), each property owner of a one or two family dwelling shall pay a sewer connection charge at the time the property owner connects to the sewer in accordance with the following schedule:

For one and two family dwellings \$100.00 each dwelling unit.

Said sewer connection charge shall include the cost of downstream improvements such as force mains, pumping stations, excess cost of trunk sanitary sewers, street sanitary sewers, relief sewers, etc., which charge shall represent the share of the cost of downstream construction make possible the sewerage of the area under consideration.

The above described sewer connection charge shall apply to newly constructed subdivision even though sewers within said subdivision are constructed by the subdivider.

In all other respects ordinance #29 is ratified and confirmed.

Introduced: January 4, 1971
Advertised: January 8, 1971 -- Journal Inquirer
Public Hearing: January 18, 1971
Council Action: January 18, 1971 --Adopted
Advertised: January 21, 1971 -- Journal Inquirer
Effective Date: February 5, 1971

* See Section VIII of Ordinance #101 adopted November 16, 1976

ORDINANCE #59

**ORDINANCE EXTENDING SEWER LINES TO REGAN ROAD AREA INCLUDING
EMILY, LEGION, HEIDI AND MARY LANE, AND CHRISTOPHER DRIVE**

BE IT ORDAINED that pursuant to the provisions of Chapter XIII, of the Charter of the Town of Vernon, specifically Section (F), the Town Council hereby authorizes the extension of sewer lines to Regan Road including Emily, Legion, Heidi and Mary Lane, and Christopher Drive, in the Town of Vernon in accordance with Plate #13 as appears on "Preliminary Report On Sewerage and Sewage Disposal - Anderson Nichols Associates Construction Engineer, Boston-Hartford May 1965." Said extension shall be accomplished as provided by the Sewer Authority within budget limitations of the sewer revolving fund.

Introduced: January 18, 1971
Advertised: January 21, 1971 -- Journal Inquirer
Public Hearing: February 1, 1971
Council Action: February 1, 1971 -- Adopted
Advertised: February 4, 1971 -- Journal Inquirer
Effective Date: February 19, 1971

ORDINANCE #60

AN ORDINANCE ESTABLISHING COLLECTION AND DISPOSAL OF SEWAGE AS A SERVICE OF SPECIAL BENEFIT NATURE AND ESTABLISHING USER CHARGES FOR THE COLLECTION AND DISPOSAL OF SEWAGE WITHIN THE TOWN OF VERNON

In accordance with the provisions of Chapter 13, Section 1(a) of the Charter of the Town of Vernon, it is hereby established that the collection and disposal of sewage is a service of special benefit nature.

In accordance with the provisions of Chapter 13, Section 1(b) and 1(c) of the Charter of the Town of Vernon, the Town Council has prepared lists of properties against which User Charges for the collection and disposal of sewage are to be charged, and hereby establishes the following rates for this service for the fiscal year ending June 30, 1971, payable May 1, 1971.

Section I. Definition: The following definition shall apply in the interpretation and enforcement of this ordinance:

- a) Dwelling Unit: Any group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Section II. For all residential structures located within the geographical limits of the Town of Vernon, the annual rate shall be as follows:

For each dwelling unit\$9.50

Section III. For all users other than residential users located within the geographical limits of the Town of Vernon, the annual rate shall be as follows:

The average daily flow of sewage discharged into the sewage system shall be determined and the annual charge shall be determined in accordance with the schedule set forth herein.

<u>Average daily flow in gallons</u>	<u>Rate</u>
Less than 50,000	\$14.78 per thousand gallons
In excess of 50,000	\$739.00 plus \$9.24 per thousand gallons on gallons in excess of 50,000

Section IV. The Tax Collector of the Town of Vernon is hereby designated as the collector of the charges provided for herein and the said Tax Collector is further authorized to collect such charges in accordance with the provisions of the General Statutes of the State of Connecticut for the collection of property taxes. The Tax Collector is further authorized to print on the bill for the charges provided for herein a notice that if the said bill is not paid within one month of the due date, interest will be charged on the delinquent amount at the rate of three-fourths of the one per cent (1%) per month from the due date as per Connecticut State Law.

Section V. In determining how many dwelling units are contained in a residential structure, the definition, as provided in Section 1A, shall be used with the following exception. The Assessor of the Town of Vernon may reduce the number of dwelling units on his list of properties he has prepared for the Town Council, if the owner of the property provides sufficient information to the satisfaction of the Assessor, including, but not limited to an Affidavit from the property owner that the particular dwelling unit, as determined by the Assessor, has not been occupied for at least two (2) years prior to the date of the Affidavit.

- Introduced: March 1, 1971
- Advertised: March 4, 1971 -- Journal Inquirer
- Public Hearing: March 15, 1971
- Council Action: March 15, 1971
- Advertised: March 19, 1971 -- Journal Inquirer
- Effective Date: April 3, 1971

ORDINANCE #61

ORDINANCE APPROPRIATING \$5,500,000 FOR EXTENSION OF SEWER LINES AND ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT.

Be It Ordained,

- (1) That the Town of Vernon appropriate \$5,500,000 for the extension of sewer lines in the following areas of the Town:
 - (a) Skinner Road area including all roads abutting Skinner Road and Thrall Road, Worcester Road, Watson, Lawler and Dart Hill from Route 83 westerly to the South Windsor Town line, construction to be substantially in accordance with Plate #18, Stage 6 as appears on "Preliminary Report on sewerage and sewage Disposal Construction - Anderson-Nichols Associates Consulting Engineers, Boston - Hartford May 1965."
 - (b) Merline Road area, which area is generally bounded on the North by a portion of Oakmoor Road, East by Penn Central Railroad tracks, south by Route 30, Discovery Road, Dobson Road, and West by Route 83, and. is naturally tributary to the interceptor sewer along the Penn Central right of way, Route 30 sewer, and that portion of the Route 83 sewer adjacent to Kelley Road; construction to be substantially in accordance with a portion of Plates #14, and Plate #16, Stage 2 and Stage 4 as appears on "Preliminary report on sewerage and sewage disposal Stage 1 Construction - Anderson-Nichols Associates Consulting Engineers, Boston - Hartford May 1965."
- (2) That the Town of Vernon finance said appropriation by the issue of sewer bonds, in one or more series under the provisions of Section 7-259 of the General Statutes of Connecticut, Revision of 1958, as amended, or any other acts of the General Assembly thereto enabling in an amount not to exceed \$5,500,000; the Treasurer shall keep a record of such bonds; such bonds shall bear the seal of the Town or a facsimile thereof and shall be signed by the Mayor, Director of Administration and Treasurer or any two of them, or bear a facsimile of any such signature; said officials are hereby authorized to determine the amount, date, rate of interest, maturities and form of such bonds, to designate a bank or trust company to act as certifying and paying agent and the attorneys at law to render an opinion approving the legality of such bonds, and to sell and deliver such bonds on behalf of the Town;
- (3) That the Town issue its temporary notes from time to time in an amount not exceeding \$5,500,000 under and pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended, in anticipation of the receipt of the proceeds from the sale of the aforementioned bonds; comply with the provisions of Section 7-378a if the maturity of such notes shall extend beyond the time permitted by said Section 7-378; and the Mayor, Director of Administration and Treasurer or any two of them are hereby authorized to determine the amount, date, interest rate, maturities, form and other details of such notes and to execute, sell and deliver the same.

Introduced: July 19, 1971
Advertised: July 23, 1971 -- Journal Inquirer
Public Hearing: August 16, 1971
Council Action: August 16, 1971
Advertised: August 19, 1971 -- Journal Inquirer
Effective Date: September 3, 1971

Special Referendum September 22, 1971 approved Ordinance #61.

ORDINANCE # 62

ORDINANCE AUTHORIZING APPROPRIATION OF \$1,150,000 FOR EXTENSION OF SEWER LINES AND ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT.

Be It Ordained,

(1) That the Town of Vernon appropriate \$1,150,000 for the extension of sewer lines in the following areas of the Town:

Valley View - Crestridge Drive	\$150,000
Vernon Center Heights & Cold Spring Drive.....	\$300,000
Regan Road.....	\$700,000

construction to be substantially in accordance with Plate #13 as appears on "Preliminary report on Sewerage and Sewage Disposal -Stage 1 Construction - Anderson Nichols Associates Consulting Engineers, Boston - Hartford May 1965."

(2) That no part of the said appropriations shall be defrayed by funds in the Special Assessment Revolving Fund and resolutions of the Sewer Authority so providing are hereby rescinded.

(3) That the Town finance said appropriations by the issue of sewer bonds in an amount not to exceed \$1,150,000 under the provisions of Section 7-259 of the General Statutes of Connecticut, Revision of 1958, as amended; the Treasurer shall keep a record of such bonds; such bonds shall bear the seal of the Town or a facsimile thereof and shall be signed by the Mayor, Director of Administration and Treasurer or any two of them, Or bear a facsimile of any such signature; said officials are hereby authorized to determine the amount, date, rate of interest, maturities and form of such bonds, to designate a bank or trust company to act as certifying and paying agent and the attorneys at law to render an opinion approving the legality of such bonds, and to sell and deliver such bonds on behalf of the Town;

(4) That the Town issue its temporary notes from time to time in an amount not exceeding \$1,150,000 under and pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended, in anticipation of the receipt of the proceeds from the sale of the aforementioned bonds; comply with the provisions of Section 7-378a if the maturity of such notes shall extend beyond the time permitted by said Section 7-378; and the Mayor, Director of Administration and Treasurer or any two of them are hereby authorized to determine the amount, date, interest rate, maturities, form and other details of such notes and to execute, sell and deliver the same.

- Introduced: July 19, 1971
- Advertised: July 23, 1971 -- Journal Inquirer
- Public Hearing: August 16, 1971
- Council Action: August 16, 1971
- Advertised: August 19, 1971 -- Journal Inquirer
- Effective Date: September 3, 1971

* Special Referendum September 22, 1971 approved Ordinance #62.

ORDINANCE #63

ORDINANCE APPROPRIATING \$350,000 FOR PURCHASE OF LAND AND CONSTRUCTION OF A FIRE HOUSE THEREON, AND AN ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT.

Be It Ordained,

That the Town of Vernon appropriate the sum of Three Hundred Fifty Thousand Dollars (\$350,000) for the purchase of a parcel of land within said Town and the construction of a fire house thereon.

That the Town of Vernon finance said appropriation by the issue of bonds, in one or more series, under the provisions of Section 7-369 of the General Statutes of Connecticut, Revision of 1958 as amended or any other acts of the General Assembly thereto enabling, in an amount not to exceed \$350,000, the Treasurer shall keep a record of such bonds; such bonds shall bear the seal of the Town or a facsimile thereof and shall be signed by the Mayor, Director of Administration and Treasurer or any two of them, or bear a facsimile of any such signature; said officials are hereby authorized to determine the amount, date, rate of interest, maturities and form of such bonds, to designate a bank or trust company to act as certifying and paying agent and the attorneys at law to render an opinion approving the legality of such bonds, and to sell and deliver such bonds on behalf of the Town; issue its temporary notes from time to time in an amount not exceeding \$350,000 under the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958 as amended, in anticipation of the receipt of the proceeds from the sale of the aforementioned bonds; comply with the provisions of Section 7-378a if the maturity of such notes shall extend beyond the time permitted by said Section 7-378; and the Mayor, Director of Administration and Treasurer or any two of them are hereby authorized to determine the amount, date, maturity, interest rate, form and other details of such notes and to execute, sell and deliver the same.

Introduced: July 19, 1971
Advertised: July 23, 1971 -- Journal Inquirer
Public Hearing: August 16, 1971
Council Action: August 16, 1971
Advertised: August 19, 1971 -- Journal Inquirer
Effective Date: September 3, 1971

* Special Referendum September 22, 1971 approved Ordinance #63.

ORDINANCE #64*

ORDINANCE APPROPRIATING \$8,650,000.00 FOR AN ADDITION TO AND ALTERATION OF ROCKVILLE HIGH SCHOOL

BE IT ORDAINED, that the sum of Eight Million, Six Hundred Fifty Thousand (\$8,650,000.00) Dollars be appropriated for construction, furnishing and equipping, additions and alterations to Rockville High School, Loveland Hill, Vernon, Connecticut, including site development, landscaping, architect's and engineer's fees, and other expenses incidental thereto; said school to be constructed substantially in accordance with preliminary plans entitled "Preliminary Drawings Rockville High School Vernon, Connecticut, McHugh and Associates, dated September 13, 1971:

That the Town to finance said appropriation, issue its serial bonds, on one or more series, pursuant to the provisions of Section 10-289 of the General Statutes of Connecticut, Revision of 1958, and any other acts of the General Assembly thereto enabling, in a principal sum not to exceed \$8,650,000.00, the Treasurer shall keep a record of such bonds; such bonds shall be signed by the Mayor, Director of Administration and Treasurer or any two of them who are authorized to determine the form and text, the date of issue, dates of maturity, rate of interest, the bank or trust company to act as certifying and paying agent, the attorneys at law to render an opinion approving the legality of such issue, to sell such bonds at public sale and to do all other acts necessary and appropriate to complete the issue of such bonds; issue its temporary notes from time to time in an amount not exceeding \$8,650,000.00 pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958 as amended, in anticipation of the receipt of the proceeds from the sale of the aforementioned bonds; comply with the provisions of Section 7-378a if the maturity of such notes shall extend beyond the time permitted by said Section 7-378; and the Mayor, Director of Administration and Treasurer or any two of them are hereby authorized to determine the amount, date, maturity, interest rate, form and other details of such notes and to execute, sell and deliver the same. Such bonds may be consolidated with and sold as a part of any issue of school bonds.

Introduced: January 12, 1972
Advertised: January 17, 1972--Journal Inquirer
Public Hearing: January 24, 1972
Council Action: January 24, 1972
Advertised: January 27, 1972 -- Journal Inquirer
Effective Date February 11, 1972

* Special Referendum March 1, 1972 disapproved Ordinance #64

ORDINANCE #65

AN ORDINANCE AMENDING ORDINANCE #36 ENTITLED “HOUSING ORDINANCE REGULATING SUPPLIED FACILITIES, MAINTENANCE AND OCCUPANCY OF DWELLINGS AND DWELLING UNITS’ AS AMENDED.

Be it ordained by the Town of Vernon that the Ordinance #36 entitled “Housing Ordinance Regulating Supplied Facilities, Maintenance and Occupancy of Dwellings and Dwelling Units” is hereby amended as follows:

1.) Section 4.3 which read as follows:

“Every dwelling unit shall be supplied with adequate rubbish storage facilities and with adequate garbage disposal facilities or garbage storage containers whose type and location are approved by the Building Inspector. It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a multiple dwelling. In all other cases it shall be the responsibility of the occupants to furnish such facilities or containers,”

is hereby repealed and the following is substituted in lieu thereof:

4.3 “Every dwelling unit shall be supplied with adequate rubbish storage facilities and with adequate garbage disposal facilities or garbage storage containers whose type and location are approved by the Building Inspector. It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a multiple dwelling. In all other cases it shall be the responsibility of the occupants to furnish such facilities or containers. Adequate rubbish storage shall mean a minimum of two 20 gallon containers with covers shall be supplied for each dwelling unit.”

2.) Section 4.4 which reads as follows:

“The water-heating facilities necessary to provide the hot water required under Sub-section 4.1, 4.2, 9.5, and 9.12 shall be properly installed and connected to the hot water lines required under those Sub-sections; shall be maintained in safe and good working condition, and shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees F. Such supplied water-heating facilities shall be capable of meeting the requirements of the sub-section when the dwelling, dwelling unit, rooming house, or rooming unit heating facilities required under the provisions of Sub-section 5.5 are not in operation.

is hereby repealed and the following substituted in lieu thereof:

4.4 “The water-heating facilities necessary to provide the hot water required under Sub-section 4.1, 4.2, 9.5 and 9.12 shall be properly installed. Water heaters shall be set on a solid base. Heaters shall be elevated in locations where seasonal water accumulations occur. Heaters shall be installed so that all controls and units are readily accessible for service. All water lines shall be of nonferrous pipe or tubing. A listed combination pressure and temperature relief valve which displays the certification seal or symbol shall be installed in accordance with the manufacturer’s instructions. When the installation is on the same level as, or above living quarters, the discharge outlet of the relief valve shall terminate at an open proper drain. When the installation is in an unfinished basement, the discharge outlet of the relief valve shall terminate at a proper plumbing, fixture or shall be piped to within twelve inches of the basement floor. The discharge line shall be of the same size as the relief valve outlet tapping. Relief valve shall be installed in a manner that will permit the temperature sensing element to be in contact with the water in the top 6 inches of the tank. The heating facilities shall be connected to the hot water lines required under those sub-sections; shall be maintained in safe and good working condition, and shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees F. Such supplied water heating facilities shall be capable of meeting the requirements of this sub-section when the dwelling, dwelling unit, rooming house, or rooming unit heating facilities required under the provisions of Sub-section 5.5 are not in operation.”

3.) Section 4.5 which reads as follows:

“Every tenement house occupied by more than two families shall be provided with not less than two remote means of egress. Each story above the first story of each building shall be provided with not less than two remote means of egress by stairways on the inside or fire escapes on the outside of such building,”

ORDINANCE #65

AN ORDINANCE AMENDING ORDINANCE #36 ENTITLED "HOUSING ORDINANCE REGULATING SUPPLIED FACILITIES, MAINTENANCE AND OCCUPANCY OF DWELLINGS AND DWELLING UNITS" AS AMENDED.

is hereby repealed and the following is substituted in lieu thereof:

4.5 "Every multi-family dwelling occupied by more than two families shall be provided with not less than two remote means of egress. Each story above the first story of each building shall be provided with not less than two remote means of egress by stairways on the inside or fire escapes on the outside of such building, Remote means of egress shall be without entering into or going through a dwelling or rooming unit of another occupant and shall be by means of doorways."

4.) Section 5.3 which reads as follows:

"Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in Sub-section 5.1 and 5.2 except where the bathroom or water closet compartment is adequately ventilated by a ventilation system which is kept in continuous or automatic operation and approved by the Building Inspector,"

is hereby repealed and the following is substituted in lieu thereof:

5.3 "Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in Sub-section 5.1 and 5.2 except where the bathroom or water closet compartment is adequately ventilated by a ventilation system which is kept in continuous or automatic operation, ventilating directly to the outdoors and approved by the Building Inspector."

5.) Section 5.6 which reads as follows:

"Every Common hallway and stairway in every multiple dwelling shall be adequately lighted with lighting facilities sufficient to provide a light intensity of at least one (1) lumen at the floor or stair tread level at all times, every common hallway and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units may be supplied with conveniently located switches controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting."

is hereby repealed and the following is substituted in lieu thereof:

5.6 "Every common area and every cellar and every hallway and every stairway in every multiple dwelling shall be adequately lighted with lighting facilities - sufficient to provide a light intensity of at least one (1) lumen at the floor or stair tread level at all times, every common area, every cellar, every hallway and every stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units may be supplied with conveniently located switches controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting."

6.) Section 6.2 which reads as follows:

"Every window exterior door, and basement hatchway shall be reasonably weather-tight, water-tight, and rodent-proof; and shall be kept in sound working condition and good repair."

is hereby repealed and the following is substituted in lieu thereof:

6.2 "Every window glass shall be free from breaks or cracks. Every exterior door and basement hatchway shall be reasonably weather-tight, water-tight and rodent-proof; and shall be kept in sound working condition and good repair."

7.) Section 1.3.1 under Definitions is added as follows:

1.3.1 "COMMON AREA shall mean an area being used by more than one family."

8.) Section 3.2 (f) is added under Section 3 as follows:

"The Building Inspector may file a caveat on the Land Records of the Town of Vernon in the following form:

ORDINANCE #65

AN ORDINANCE AMENDING ORDINANCE #36 ENTITLED "HOUSING ORDINANCE REGULATING SUPPLIED FACILITIES, MAINTENANCE AND OCCUPANCY OF DWELLINGS AND DWELLING UNITS" AS AMENDED.

CAVEAT

NOTICE OF VIOLATION OF TOWN OF VERNON HOUSING CODE

NOTICE IS HEREBY GIVEN that property located at _____
in the Town of Vernon and _____
owned by _____ of the Town of Vernon is in
violation of the Town of Vernon Housing Code. Information on specific violations of the Code
may be obtained by contacting the Housing Code Enforcement Officer, c/o Building Inspector's
Office, West Main Street, Rockville, Connecticut.
Dated at Vernon, Connecticut this _____ day of _____
19____

By _____
Housing Code Enforcement Officer
Town of Vernon

9.) All other provisions of Ordinance #36 entitled "Housing Ordinance Regulating Supplied Facilities, Maintenance and Occupancy of Dwellings and Dwelling Units" is reaffirmed as previously adopted.

- Introduced: January 17, 1972
- Advertised: January 24, 1972 -- Journal Inquirer
- Public Hearing: February 7, 1972
- Council Action: February 7, 1972
- Advertised: February 11, 1972
- Effective Date: February 26, 1972
- Amended: July 9, 1977 (Ordinance #104)
- Repealed: March 6, 1978 (Ordinance #105)

ORDINANCE #66

AN ORDINANCE ESTABLISHING COLLECTION AND DISPOSAL OF SEWAGE AS A SERVICE OF SPECIAL BENEFIT NATURE AND ESTABLISHING USER CHARGES FOR THE COLLECTION AND DISPOSAL OF SEWAGE WITHIN THE TOWN OF VERNON

In accordance with the provisions of Chapter 13, Section 1(a) of the Charter of the Town of Vernon, it is hereby established that the collection and disposal of sewage is a service of special benefit nature.

In accordance with the provisions of Chapter 13, Section 1(b) and 1(c) of the Charter of the Town of Vernon, the Town Council has prepared lists of properties against which User Charges for the collection and disposal of sewage are to be charged, and hereby establishes the following rates for this service for the fiscal year ending June 30, 1972, payable May 1, 1972.

Section I. Definition: The following definition shall apply in the interpretation and enforcement of this ordinance:

- a) Dwelling Unit: Any group of rooms located with a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Section II. For all residential structures located within the geographical limits of the Town of Vernon, the annual rate shall be as follows:

For each dwelling unit\$9.50

Section III. For all users other than residential users located within the geographical limits of the Town of Vernon, the annual rate shall be as follows:

The average daily flow of sewage discharged into the sewage system shall be determined and the annual charge shall be determined in accordance with the schedule set forth herein.

<u>Average daily flow in gallons</u>	<u>Rate</u>
Less than 50,000	\$14.78 per thousand gallons
In excess of 50,000	\$739.00 plus \$9.2)4 per thousand gallons on gallons in excess of 50,000

Section IV. The Tax Collector of the Town of Vernon is hereby designated as the collector of the charges provided for herein and the said Tax Collector is further authorized to collect such charges in accordance with the provisions of the General Statutes of the State of Connecticut for the collection of property taxes. The Tax Collector is further authorized to print on the bill for the charges provided for herein a notice that if the said bill is not paid within one month of the due date, interest will be charged on the delinquent amount at the rate of three-fourths of the one per cent (1%) per month from the due date as per Connecticut State Law.

Section V. In determining how many dwelling units are contained in a residential structure, the definition, as provided in Section 1A, shall be used with the following exception. The Assessor of the Town of Vernon may reduce the number of dwelling units on his list of properties he has prepared for the Town Council, if the Owner of the property provides sufficient information to the satisfaction of the Assessor, including, but not limited to an Affidavit from the property owner that the particular dwelling unit, as determined by the Assessor, has not been occupied for at least two (2) years prior to the date of the Affidavit.

- Introduced: February 7, 1972
- Advertised: February 11, 1972
- Public Hearing: March 6, 1972
- Council Action: March 6, 1972
- Advertised: March 9, 1972
- Effective Date: March 24, 1972

ORDINANCE #67

**ORDINANCE CONCERNING THE TERM OF OFFICE FOR REGISTRARS OF
VOTERS**

BE IT ORDAINED THAT, The Town of Vernon:

Pursuant to the provisions of Public Act 494 of the 1971 Session of the Connecticut General Assembly, the term of office for the Registrars of Voters of the Town of Vernon, shall, commencing at the regular elections of such office to be held in November of 1972, and every succeeding election for this office thereafter, be for four (4) years, from the first Wednesday of the first Monday of January succeeding their election.

Introduced:	April 17, 1972
Advertised:	April 21, 1972
Public Hearing:	May 1, 1972
Council Action:	May 1, 1972
Advertised:	May 4 1972
Effective Date:	May 19, 1972

ORDINANCE #68

AN ORDINANCE AMENDING ORDINANCE # 49 ENTITLED “ORDINANCE ESTABLISHING REGULATIONS ON THE USE OF PUBLIC SEWERS, THE CONNECTION TO PUBLIC SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO PUBLIC SEWERS”

BE IT ORDAINED by the Town of Vernon, that Ordinance #49 entitled “Ordinance Establishing Regulations on the Use of Public Sewers, the Connection to Public Sewers, and the Discharge of Water and Wastes into Public Sewers” is hereby amended as follows:

1.) Section IX, “Materials and Workmanship for Building Sewers, Their Connections and Appurtenances” Subparagraph (d) the first sentence, which reads as follows:

“The building sewer shall be cast iron soil pipe, vitrified clay sewer pipe; good quality concrete pipe, asbestos-cement pipe, or other suitable material approved by the “Superintendent”.”

is hereby repealed and the following is substituted in lieu thereof:

IX. (d) “The building sewer shall be cast iron soil pipe, polyvinyl chloride pipe, vitrified clay sewer pipe; good quality concrete pipe, asbestos-cement pipe, or other suitable material approved by the “Superintendent”.”

2.) Section IX, “Materials and Workmanship for Building Sewers, Their Connections and Appurtenances” Subparagraph (g) which reads as follows:

“All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the “Superintendent.” Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within 3 feet of any bearing wall which might thereby be weakened. The depth of the building sewer shall be sufficient to afford protection from frost and in general such depth shall not be less than 3 feet below the finished ground surface at all points. All building sewers shall be laid at uniform grade and in straight alignment in so far as possible. Changes in direction shall be made only with properly curved pipe and fittings. Building sewers shall be laid on firm, undisturbed soil or a suitable foundation; they shall be located at a sufficient distance from other parallel pipes to permit alterations or repairs to any such pipes or the sewer pipe without disturbing the other; they shall be well cleaned inside after laying; and they shall conform to all reasonable requirements for good construction. Backfill placed over building sewers shall be done with hand tools to a depth of at least one foot over the pipe, using fine earth free from stones and rubbish. Backfill shall be well and carefully tamped over the sewer. The open ends of building sewers, building drains and “building connection laterals” shall be kept closed or protected during construction and during periods when work is suspended in order to exclude from the public sewer all water or debris which might obstruct, damage or otherwise be detrimental to the public sewer or sewage works. Abandoned building sewers or drains shall be likewise promptly closed and sealed off from any public sewer at the expense of the owner of the property.”

is hereby repealed and the following is substituted in lieu thereof:

IX. (g) “All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the “Superintendent”.” Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within 3 feet of any bearing wall which might thereby be weakened. The depth of the building sewer shall be sufficient to afford protection from frost and in general such depth shall not be less than 3 feet below the finished ground surface at all points. All building sewers shall be laid at uniform grade and in straight alignment in so far as possible. Changes in direction shall be made only with properly curved pipe and fittings including cleanouts. Building sewers shall be laid on gravel bedding. Gravel bedding shall be placed to the full width of the trench and to a depth of 6 inches below the bottom of the pipe invert. After a pipe is bedded the trench shall be filled to the centerline of the pipe with gravel bedding. When polyvinyl chloride pipe is used, the depth of the gravel shall be such as to cover the top of the pipe for the full width of the trench. The sewers shall be located at a sufficient distance from other parallel pipes to permit alterations or repairs to any such pipes or the sewer pipe without disturbing the other; they shall be well cleaned inside after laying; and they shall conform to all reasonable requirements for good construction. Backfill placed over building sewers shall be done with hand tools to a depth of at least one foot over the pipe, using sand free from stones and rubbish. Backfill shall be well and carefully tamped over the

ORDINANCE #68

AN ORDINANCE AMENDING ORDINANCE # 49 ENTITLED “ORDINANCE ESTABLISHING REGULATIONS ON THE USE OF PUBLIC SEWERS, THE CONNECTION TO PUBLIC SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO PUBLIC SEWERS”

sewer. Under pavement, backfill and pavement shall be replaced in accordance with Town specifications. The open ends of building sewers, building drains and “Building connection laterals” shall be kept closed or protected during construction and during periods when work is suspended in order to exclude from the public sewer all water or debris which might obstruct, damage or otherwise be detrimental to the public sewers or sewage works. Abandoned building sewers or drains shall be likewise promptly closed and sealed off from any public sewer at the expense of the owner of the property.”

3.) All other provisions of Ordinance #49, entitled “Ordinance Establishing Regulations On the Use of Public Sewers, The Connection of Public Sewers, and the Discharge of Waters and Wastes into Public Sewers” is reaffirmed as previously adopted.

Introduced: April 17, 1972
Advertised: April 2, 1972
Public Hearing: May 1, 1972
Council Action: May 15, 1972
Advertised: May 18, 1972
Effective Date: June 2, 1972

* See section VIII of Ordinance #101 adopted November 16, 1976

ORDINANCE #69

**ORDINANCE APPROPRIATING \$175,000 FOR PURCHASE OF LAND FOR LAND
FILL SITE**

BE IT ORDAINED, That the sum of One Hundred Seventy-Five Thousand (\$175,000) Dollars be appropriated for the purchase of land by the Town of Vernon. The land to be purchased contains 30 acres more or less and is located on the Easterly side of Connecticut Route #140, also known as Sadds Mill Road, in the Town of Ellington, County of Tolland and State of Connecticut, and is more particularly bounded and described as follows:

Bounded North by land now or formerly of Thompson; Easterly by land now or formerly of DeCarli; Southerly by land now or formerly of Kibbe and Westerly by highway known as Connecticut Route #140, and also known as Sadds Mill Road.

That the Town, to finance said appropriation, issue its serial bonds, on one or more series, pursuant to the provisions of Section 7-369 of the General Statutes of Connecticut, Revision of 1958, and any other acts of the General Assembly thereto enabling in a principal sum not to exceed \$175,000.00, the Treasurer shall keep a record of such bonds; and such bonds shall be signed by the Mayor, Director of Administration and Treasurer or any two of them who are authorized to determine the form and text, the date of issue, dates of maturity, rate of interest, the bank or trust company to act as certifying and paying agent, the attorneys at law to render an opinion approving the legality of such issue, to sell such bonds at public sale and to do all other acts necessary and appropriate to complete the issue of such bonds; issue its temporary notes from time to time in an amount not exceeding \$175,000.00 pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958 as amended, in anticipation of the receipt of the proceeds from the sale of the aforementioned bonds; comply with the provisions of Section 7-378a if the maturity of such notes shall extend beyond the time permitted by said Section 7-378; and the Mayor, Director of Administration and Treasurer or any two of them are hereby authorized to determine the amount, date, maturity, interest rate, form and other details of such notes and to execute, sell and deliver the same.

Introduced:	June 5, 1972
Advertised:	June 8, 1972
Public Hearing:	June 19, 1972
Council Action:	June 19, 1972
Advertised:	June 22, 1972
Effective Date:	July 7, 1972

ORDINANCE #70

ORDINANCE PROVIDING FOR PENALTIES TO SECTIONS 122.3 AND 123.2 OF THE BUILDING CODE OF THE TOWN OF VERNON

BE IT ORDAINED:

The Building Code of the Town of Vernon, is hereby amended by adding the following Sections 122.3 and 123.2, to the Town of Vernon Building Code.

122.3 Any person who shall violate a provision of the Town of Vernon Building Code, 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 Code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$100.00, or by imprisonment not exceeding one (1) year, or both such fine and imprisonment. Each day that a violation shall continue shall be deemed a separate offense.

123.2 Any person who shall continue any work in or about the building after having been served with a “stop work” order, except such work as he is directed to perform to remove a violation of unsafe conditions, shall be liable for a fine of not less than \$25.00 or not more than \$100.00. Each day that a violation continues shall be deemed a separate offense.

Introduced: June 5, 1972
Advertised: June 8, 1972
Public Hearing: June 19, 1972
Council Action: June 19, 1972
Advertised: June 22, 1972
Effective Date: July 7, 1972

**REPEALED - SEE ORDINANCE NO. 171

ORDINANCE #71

ORDINANCE APPROPRIATING \$7,750,000 FOR AN ADDITION TO AND ALTERATIONS OF ROCKVILLE HIGH SCHOOL AND AUTHORIZING BONDS AND NOTES

BE IT ORDAINED, That the sum, of Seven Million Seven Hundred Fifty Thousand Dollars (\$7,750,000) be appropriated for constructing, furnishing, and equipping, additions and alterations to Rockville High School, Loveland Hill, Vernon, Connecticut, including site development, landscaping, architect's and engineer's fees, and other expenses incidental thereto, substantially in accordance with preliminary plans entitled, "Preliminary Drawings Rockville High School, Vernon, Connecticut, McHugh and Associates." dated May 15, 1972, subject to approval by referendum vote. 'The estimated costs are allocated as follows: constructing core facility \$6,195,000, gymnasium \$1,000,000, indoor swimming pool \$555,000;

That the Town, to finance said appropriation, issue its serial bonds, in one or more series, under the provisions of Section 10-289 of the General Statutes of Connecticut, Revisions of 1958, as amended, in an amount sufficient to defray so much of the aforesaid appropriation, not in excess of \$7,750,000, as may be approved by referendum vote; the Treasurer shall keep a record of such bonds which shall be payable at and certified by a bank or trust company, at such time or times, and bear such date and rate of interest as shall be determined by the Mayor, Director of Administration and Treasurer, or any two of them; such bonds shall be signed by said officers or a majority of them, or bear a, facsimile of any of such signatures; the seal of the Town or a facsimile thereof shall be printed thereon; said officers or any two (2) of them are authorized to appoint the attorneys at law to render an opinion approving the legality of such issue; the proceeds shall be used to defray so much of the aforesaid appropriation as may be approved by referendum vote, and said officers, or any two of them, are hereby authorized to determine the form of such bonds, to sell the same on behalf of the Town at public or private sale, deliver and do all other acts necessary and appropriate to complete the issue;

That the Town issue its temporary notes from time to time in such amount not exceeding so much of the aforesaid appropriation as may be approved by referendum vote under and pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958, in anticipation of the receipt of the proceeds from the sale of the aforesaid bonds and the receipt of state grants-in-aid, and comply with the provisions of Section 7-378a if the maturity of such notes shall extend beyond the time permitted by said Section 7-378; and said officers, or any two of them, are hereby authorized to determine the amount, date of maturity, interest rate, form and other details of such notes and to execute, sell and deliver the same.

Introduced:	June 19, 1972
Advertised:	June 22, 1972
Public Hearing:	July 10, 1972
Council Action:	July 10, 1972
Advertised:	July 13, 1972
Effective Date:	July 28, 1972

*Referendum vote on September 20, 1972 disapproved Ordinance #71

ORDINANCE #72

ORDINANCE APPROPRIATING \$235,800 FOR AN ADDITION AND ALTERATION OF THE TALCOTTVILLE SCHOOL

BE IT ORDAINED, that the sum of Two Hundred Thirty-Five Thousand Eight Hundred (\$235,800) Dollars be appropriated for construction, furnishing and equipping, additions and alterations to the Talcottville School, Main Street, Vernon, in the Talcottville Section of Vernon, Connecticut, including site development, landscaping, architect's and engineer's fees, and other expenses incidental thereto; said school to be constructed substantially in accordance with preliminary plans entitled, "Proposed Addition and Alterations to Talcottville School, Main Street, Vernon, Connecticut."

That the Town to finance said appropriation, issue its serial bonds, in one or more series, pursuant to the provisions of Section 10-289 of the General Statutes of Connecticut, Revision of 1958, and any other acts of the General Assembly thereto enabling, in a principal sum not to exceed \$235,800, the Treasurer to keep a record of such bonds; such bonds shall be signed by the Mayor, Director of Administration and Treasurer, or any two of them, who are authorized to determine the form and text, the date of issue, dates of maturity, rate of interest, the bank or trust company to act as certifying and paying agent, the attorneys at law to render an opinion approving the legality of such issue, to sell such bonds at public sale and to do all other acts necessary and appropriate to complete the issue of such bonds; issue Its temporary notes from time to time in an amount not exceeding \$235,800 pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958 as amended, in anticipation of the receipt of the proceeds from the sale of the aforementioned bonds; comply with the provisions of Section 7-378a if the maturity of such notes shall extend beyond the time permitted by said Section 7-378; and the Mayor, Director of Administration and Treasurer or any two of them are hereby authorized to determine the amount, date, maturity, interest rate, form and other details of such notes and to execute, sell and deliver the same. Such bonds may be consolidated with and sold as a part of any issue of school bonds.

Introduced: June 19, 1972

Advertised: June 22, 1972

Public Hearing: July 10, 1972

Council Action: July 10, 1972

Advertised: July 13, 1972

Effective Date: July 28, 1972

*Referendum vote on September 20, 1972 approved Ordinance #72

ORDINANCE #73

AN ORDINANCE ESTABLISHING COLLECTION AND DISPOSAL OF SEWAGE AS A SERVICE OF SPECIAL BENEFIT NATURE AND ESTABLISHING USER CHARGES FOR THE COLLECTION AND DISPOSAL OF SEWAGE WITHIN THE TOWN OF VERNON

In accordance with the provisions of Chapter 13, Section 1(a) of the Charter of the Town of Vernon, it is hereby established that the collection and disposal of sewage is a service of special benefit nature.

In accordance with the provisions of Chapter 13, Section 1(b) and 1(c) of the Charter of the Town of Vernon, the Town Council has prepared lists of properties against which User Charges for the collection and disposal of sewage are to be charged, and hereby establishes the following rates for this service for the Fiscal Year ending June 30, 1973, payable May 1, 1973.

Section I. Definition: The following definition shall apply in the interpretation and enforcement of this ordinance:

- (a) Dwelling unit: Any group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Section II. For all residential structures located within the geographical limits of the Town of Vernon, the annual rate shall be as follows:

For each dwelling unit\$9.50

Section III. For all users other than residential users located within the geographical limits of the Town of Vernon, the annual rate shall be as follows:

The average daily flow of sewage discharged into the sewage system shall be determined and the annual charge shall be determined in accordance with the schedule set forth herein.

<u>Average Daily Flow in Gallons</u>	<u>Rate</u>
Less than 50,000	\$14.78 per thousand gallons
In excess of 50,000	\$739.00 plus \$9.24 per thousand gallons on gallons in excess of 50,000.

Section IV. The Tax Collector of the Town of Vernon is hereby designated as the collector of the charges provided for herein and the said Tax Collector is further authorized to collect such charges in accordance with the provisions of the General Statutes of the State of Connecticut for the collection of property taxes. The Tax Collector is further authorized to print on the bill for the charges provided for herein a notice that if the said bill is not paid within one month of the due date, interest will be charged on the delinquent amount at the rate of three-fourths of the one per cent (1%) per month from the due date as per Connecticut State Law.

Section V. In determining how many dwelling units are contained in a residential structure, the definition, as provided in Section 1A shall be used with the following exception. The Assessor of the Town of Vernon may reduce the number of dwelling units on his list of properties he has prepared for the Town Council, if the owner of the property provides sufficient information to the satisfaction of the Assessor, including, but not limited to, an Affidavit from the property owner that the particular dwelling unit, as determined by the Assessor, has not been occupied for at least two (2) years prior to the date of the Affidavit.

- Introduced: January 15, 1973
- Advertised: January 18, 1973
- Public Hearing: February 5, 1973
- Council Action: Adopted on February 5, 1973
- Advertised: February 8, 1973
- Effective Date: February 23, 1973

ORDINANCE #74

**ORDINANCE PROHIBITING POSSESSION, CONSUMPTION, SALE, OR
DISTRIBUTION OF ALCOHOLIC BEVERAGES ON SCHOOL GROUNDS OR IN
SCHOOL BUILDINGS IN THE TOWN OF VERNON**

BE IT ORDAINED: It shall be unlawful to possess, consume, sell, or distribute alcoholic beverages of any kind on school grounds or in school buildings in the Town of Vernon.

Any person who violates any provision of this ordinance shall be fined not more than \$100.00 or imprisonment of not more than six (6) months, or both.

Introduced: February 5, 1973
Advertised: February 8, 1973
Public Hearing: February 27, 1973
Council Action: Adopted on February 27, 1973
Advertised: March 1, 1973
Effective Date: March 16, 1973

ORDINANCE #75

ORDINANCE APPROPRIATING \$2,200,000.00 FOR THE EXTENSION OF SEWER LINE AND ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT

BE ORDAINED:

(1) That the Town of Vernon appropriate \$2,200,000.00 for the extension of sewer lines in the following areas of the Town:

- a. Overbrook Drive Area including all or a portion of the following roads in said area and which are naturally tributary thereto: Riverside Road, Overbrook Drive, Kenwood Road, Fernwood Road, Pleasant View Drive, Sunset Drive, and a portion of Talcottville Road, also known as Route #83.
- b. Richard Road - Berkley Drive Area, including all or a portion of the following roads in said area and which are naturally tributary thereto:
Berkley Drive, Richard Road, Lake Street, Box Mountain Drive, Rosewood Drive, Tunnel Road, Montauk Drive, Hublard Drive, Ironwood Drive, Phoenix Street, Washington Street, Warren Avenue, Maple Street, Church Street.

(2) That the Town of Vernon finance said appropriation by the issue of sewer bonds, in one or more series, under the provisions of Section 7-259 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other acts of the General Assembly thereto enabling, in an amount not to exceed \$2,200,000.00; the Treasurer shall keep a record of such bonds; such bonds shall bear the seal of the Town or a facsimile thereof and shall be signed by the Mayor, Director of Administration and Treasurer or any two of them, or bear a facsimile of any such signature; said officials are hereby authorized to determine the amount, date, rate of interest, maturities and form of such bonds, to designate a bank or trust company to act as certifying and paying agent and the attorneys at law to render an opinion approving the legality of such bonds, and to sell and deliver such bonds on behalf of the Town;

(3) That the Town issue its temporary notes from time to time in an amount not exceeding \$2,200,000.00 under and pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended, in anticipation of the receipt of the proceeds from the sale of the aforementioned bonds; comply with the provisions of Section 7-378a if the maturity of such notes shall extend beyond the time permitted by said Section 7-378; and the Mayor, Director of Administration and Treasurer or any two of them are hereby authorized to determine the amount, date, interest rate, maturities, form and other details of such notes and to execute, sell and deliver the same.

Introduced: April 16, 1973
Advertised: April 26, 1973
Public Hearing: May 7, 1973
Council Action: Adopted on May 7, 1973
Advertised: May 10, 1973
Effective Date: May 25, 1973

*Referendum vote on June 26, 1973 approved Ordinance #75

ORDINANCE #76

ORDINANCE APPROPRIATING \$10,500,000.00 FOR ADDITION TO AND ALTERATION OF TOWN OF VERNON SEWAGE TREATMENT FACILITY

BE IT ORDAINED:

(1) That the Town of Vernon appropriate \$10,500,000.00 for the addition to and alteration of the sewage treatment facility located on Windsorville Road, Town of Vernon, and described as:

Alternate B in the supplement to the Report to the Town of Vernon, Connecticut, on the Sewage Treatment Facility as prepared by Anderson -Nichols & Co., Inc., and dated June, 1971.

(2) That the Town of Vernon finance said appropriation by the issue of sewer bonds, in one or more series, under the provisions of Section 7-259 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other acts of the General Assembly thereto enabling, in an amount .not to exceed \$10,500,000.00; the Treasurer shall keep a record of such bonds; such bonds shall bear the seal of the Town or a facsimile thereof and shall be signed by the Mayor, Director of Administration and Treasurer or any two of them, or bear a facsimile of any such signature; said officials are hereby authorized to determine the amount, date, rate of interest, maturities and form of such bonds, to designate a bank or trust company to act as certifying and paying agent and the attorneys at law to render an opinion approving the legality of such bonds, and to sell and deliver such bonds on behalf of the Town;

(3) That the Town issue its temporary notes from time to time in an amount not exceeding \$10,500,000.00 under and pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended, in anticipation of the receipt of the proceeds from the sale of the aforementioned bonds; comply with the provisions of Section 7-378a if the maturity of such notes shall extend beyond the time permitted by said Section 7-378; and the Mayor, Director of Administration and Treasurer or any two of them are hereby authorized to determine the amount, date, interest rate, maturities, form and other details of such notes and to execute, sell and deliver the same.

Introduced: April 16, 1973

Advertised: April 26, 1973

Public Hearing: May 7, 1973

Council Action: Adopted on May 7, 1973

Advertised: May 10, 1973

Effective Date: May 25, 1973

* Referendum vote on June 26, 1973 approved Ordinance #76

ORDINANCE #77

ORDINANCE REQUIRING PERMITS FOR DRIVEWAYS

BE IT ORDAINED: No person, firm, or corporation, in the Town of Vernon, shall construct a new driveway or relocate an existing driveway leading onto a Town Highway or Road, without first obtaining a permit from the Director of Public Works. In determining the advisability of issuing such permits, the Director of Public Works shall include, in his consideration, the location of the driveway, in respect to its effect on highway drainage, highway safety, the width and character of the highway affected, the density of traffic thereon and the character of such traffic. The person to whom the permit is issued shall comply with the provisions and restrictions contained therein at his own expense.

The Director of Public Works shall establish specifications and requirements for driveway curb-cuts which shall be used for the basis of constructing new and relocated driveways.

The Public Works Director shall prepare applications for permits and the Director of Public Works is authorized to seek the advice of the Traffic Commission of the Town of Vernon in determining whether or not the curb-cuts shall be permitted, when possible traffic hazards exist.

Any person who shall construct a new driveway or relocate an existing driveway without first obtaining the permission of the Director of Public Works shall be fined not more than \$100.00. Each day that said violation shall continue shall be considered a separate offense.

Introduced: April 16, 1973
Advertised: April 26, 1973
Public Hearing: May 7, 1973
Council Action: Adopted on May 7, 1973
Advertised: May 10, 1973
Effective Date: May 25, 1973

The above Ordinance was repealed December 21, 1982 and Ordinance #142 was substituted in lieu thereof.

ORDINANCE #78

ORDINANCE ESTABLISHING REGIONAL COUNCIL OF GOVERNMENTS

Be It Ordained By The Town Council of the Town of Vernon that:

Section 1. The Town of Vernon does hereby adopt Sections 4-124i through 4-124p of the 1971 Supplement to the Connecticut General Statutes (Public Act 821), providing for the formation of a Regional Council of Governments within a planning region as defined or redefined by the Director of the Office of State Planning, and does hereby join such Regional Council of Governments when and as such Council is duly established in accordance with said statutes, upon the adoption of said statutes by not less than sixty percent of all municipalities within such planning region. The adoption of such Sections of the General Statutes is intended to include the provisions of any special act of the 1973 General Assembly respecting additional representation for the core city within the Capitol Region on a Regional Council of Governments, and a nonvoting advisory Regional Forum thereunder, consistent with proposed bylaws of such Regional Council of Governments dated January 25, 1973 and endorsed by the existing Regional Council of Governments on May 3, 1973.

Section 2. The clerk is directed to immediately prepare and file with the director of the office of State Planning a certified copy of this ordinance.

Introduced: June 4, 1973
Advertised: June 8, 1973
Public Hearing: June 18, 1973
Council Action: Adopted on June 18, 1973
Advertised: June 21, 1973
Effective Date: July 6, 1973

ORDINANCE #79

ORDINANCE APPROPRIATING \$5,020,000.00 FOR AN ADDITION TO AND ALTERATION OF ROCKVILLE HIGH SCHOOL

BE IT ORDAINED, that the sum of Five Million Twenty Thousand (\$5,020,000.00) Dollars be appropriated for construction, furnishing, and equipping, additions and alterations to Rockville High School, Loveland Hill, Vernon, Connecticut, including site development, landscaping, architects' and engineers' fees, and other expenses incidental thereto; said school to be constructed substantially in accordance with preliminary plans entitled, "Preliminary Drawings Rockville High School, Vernon, Connecticut, McHugh and Associates."

That the Town to finance said appropriation, issue its serial bonds, on one or more series, pursuant to the provisions of Section 10-289 of the General Statutes of Connecticut, Revision of 1958, and any other acts of the General Assembly thereto enabling, in a principal sum not to exceed \$5,020,000.00, the Treasurer shall keep a record of such bonds; such bonds shall be signed by the Mayor, Director, of Administration and Treasurer or any two of them who are authorized to determine the form and text, the date of issue, dates of maturity, rate of interest, the bank or trust company to act as certifying and paying agent, the attorneys at law to render an opinion approving the legality of such issue, to sell such bonds at public sale and to do all other acts necessary and appropriate to complete the issue of such bonds; issue its temporary notes from time to time in an amount not exceeding \$5,020,000.00, pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958 as amended, in anticipation of the receipt of the proceeds from the sale of the aforementioned bonds; comply with the provisions of Section 7-378A if the maturity of such notes shall extend beyond the time permitted by said Section 7-378; and the Mayor, Director of Administration and Treasurer or any two of them, are hereby authorized to determine the amount, date, maturity, interest rate, form and other details of such notes and to execute, sell and deliver the same. Such bonds may be consolidated with and sold as a part of any issue of school bonds.

Introduced: August 7, 1973
Advertised: August 9, 1973 in Journal Inquirer
Public Hearing: August 15, 1973
Council Action: Adopted on August 15, 1973
Advertised: August 21, 1973 in Journal Inquirer
Effective Date: September 5, 1973

* Referendum vote on November 6, 1973 approved Ordinance # 79

ORDINANCE #80

ORDINANCE APPROPRIATING \$120,000 FOR AN ADDITION TO AND ALTERATION OF THE VO-AG DEPARTMENT OF ROCKVILLE HIGH SCHOOL

BE IT ORDAINED, that the sum of One Hundred Twenty Thousand (\$120,000.00) Dollars be appropriated for construction, furnishing, and equipping, additions and alterations to The Vo-Ag Department of Rockville High School, Loveland Hill, Vernon, Connecticut, including site development, landscaping, architect' and engineers' fees, and other expenses incidental thereto; said school to be constructed substantially in accordance with preliminary plans entitled, "Preliminary Drawings Vo-Ag Addition Rockville High School, Vernon, Connecticut, McHugh and Associates."

That the Town to finance said appropriation, issue its serial bonds, on one or more series, pursuant to the provisions of Section 10-289 of the General Statutes of Connecticut, Revision of 1958, and any other acts of the General Assembly thereto enabling, in a principal sum not to exceed \$120,000.00, the Treasurer shall keep a record of such bonds; such bonds shall be signed by the Mayor, Director of Administration and Treasurer or any two of them who are authorized to determine the form and text, the date of issue, dates of maturity, rate of interest, the bank or trust company to act as certifying and paying agent, the attorneys at law to render an opinion approving the legality of such issue, to sell such bonds at public sale and to do all other acts necessary and appropriate to complete the issue of such bonds; issue its temporary notes from time to time in an amount not exceeding \$120,000.00, pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958 as amended, in anticipation of the receipt of the proceeds from the sale of the aforementioned bonds; comply with the provisions of Section 7-378A if the maturity of such notes shall extend beyond the time permitted by said Section 7-378; and the Mayor, Director of Administration and Treasurer or any two of them, are hereby authorized to determine the amount, date, maturity, interest rate, form and other details of such notes and to execute, sell and deliver the same. Such bonds may be consolidated with and sold as a part of any issue of school bonds.

Introduced: August 7, 1973
Advertised: August 9, 1973
Public Hearing: August 15, 1973
Council Action: Adopted on August 15, 1973
Advertised: August 21, 1973 in Journal Inquirer
Effective Date: September 5, 1973

* Referendum vote on November 6, 1973 approved Ordinance # 80

ORDINANCE #81

**ORDINANCE REQUIRING PSYCHIATRIC EXAMINATION FOR EMPLOYMENT IN
VERNON POLICE DEPARTMENT**

BE IT ORDAINED:

All candidates for employment as policemen in the Vernon Police Department shall be examined by a psychiatrist, and a psychiatric report shall accompany each application for employment.

Introduced: February 4, 1974
Advertised.: February 13, 1974
Public Hearing: March 4, 1974
Council Action: Adopted on March 4, 1974
Advertised: March 8, 1974 in Journal Inquirer
Effective Date: March 23, 1974

ORDINANCE #82

AN ORDINANCE ESTABLISHING COLLECTION AND DISPOSAL OF SEWAGE AS A SERVICE OF SPECIAL BENEFIT NATURE AND ESTABLISHING USER CHARGES FOR THE COLLECTION AND DISPOSAL OF SEWAGE WITHIN THE TOWN OF VERNON

In accordance with the provisions of Chapter 13, Section 1(a) of the Charter of the Town of Vernon, it is hereby established that the collection and disposal of sewage is a service of special benefit nature.

In accordance with the provisions of Chapter 13, Section 1 (b) and 1 (c) of the Charter of the Town of Vernon, the Town Council has prepared lists of properties against which User Charges for the collection and disposal of sewage are to be charged, and hereby established the following rates for this service for the fiscal year ending June 30, 1974, payable May 1, 1974.

Section I. Definition: The following definition shall apply in the interpretation and enforcement of this ordinance:

- a) Dwelling Unit: Any group of rooms located with a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Section II. For all residential structures located within the geographical limits for the Town of Vernon, the annual rate shall be as follows:

For each dwelling unit\$9.50

Section III. For all users other than residential users located within the geographical limits of the Town of Vernon, the annual rate shall be as follows:

The average daily flow of sewage discharged into the sewage system shall be determined and the annual charge shall be determined in accordance with the schedule set forth herein.

<u>Average daily flow in gallons</u>	<u>Rate</u>
Less than 50,000	\$22.17 per thousand gallons
In excess of 50,000	\$1,108.50 plus \$13.86 per thousand gallons on gallons in excess of 50,000

Section IV. The Tax Collector of the Town of Vernon is hereby designated as the collector of the charges provided for herein and the said Tax Collector is further authorized to collect such charges in accordance with the provisions of the General Statutes of the State of Connecticut for the collection of property taxes. The Tax Collector is further authorized to print on the bill for the charges provided for herein a notice that if the said bill is not paid within one month of the due date, interest will be charged on the delinquent amount at the rate of three-fourths of the one per cent (1%) per month from the due date as per Connecticut State Law.

Section V. In determining how many dwelling units are contained in a residential structure, the definition, as provided in Section 1A, shall be used with the following exception. The Assessor of the Town of Vernon may reduce the number of dwelling units on his list of properties he has prepared for the Town Council, if the owner of the property provides sufficient information to the satisfaction of the Assessor, including, but not limited to an Affidavit from the property owner that the particular dwelling unit, as determined by the Assessor, has not been occupied for at least two (2) years prior to the date of the Affidavit.

- Introduced: March 18, 1974
- Advertised: March 21, 1974
- Public Hearing: April 1, 1974
- Council Action: Adopted on April 1, 1974
- Advertised: April 4, 1974
- Effective Date: April 19, 1974

ORDINANCE #83

“ORDINANCE RELATING TO CONSTRUCTION OF SIDEWALKS, CURBS AND GUTTERS”

Section 1. CONSTRUCTION: The Town Council of the Town of Vernon is authorized to lay, set, construct and place in the streets and highways in said Towns, sidewalks, curbs, and gutters of such material and of such dimensions, styles, kinds and forms as the public convenience and necessity in the use of said streets and highways may require; and to assess one-half of the cost of such work upon the owners of the lands abutting upon said streets and highways in proportion to the number of feet of land of each of said owners fronting upon said streets and highways as hereinafter provided.

Section 2. ASSESSMENT: Whenever the Town Council shall order any of said betterments and improvements referred to in the preceding section, the Director of Public Works shall hold a hearing for the purpose of assessing the benefits against the owners of said lands and shall give written notice to each landowner affected thereby of such hearing. Such notice shall be given landowner by registered mail not less than five (5) days before the date of such hearing at which time persons claiming to be interested therein may be heard. After such hearing, written notice of the amount of assessment against each landowner shall be given such landowner by registered mail over the signature of the Director of Public Works.

Section 3. REPORT TO THE TOWN COUNCIL: The Director of the Public Works shall thereafter prepare a list of names of each landowner against whom an assessment is made and the amount thereof, which he shall submit to the Town Council in the form of a report. Such report when accepted by the Town Council shall constitute an assessment against each landowner listed therein in the amount designated by such report. Said assessment shall be paid by such landowner and shall be added by the collector of taxes of said Town to the tax bill for such landowner next to become due and payable to said Town after the construction of sidewalks, curbs or gutters have been completed, and shall become a part thereof, and the property of such landowner shall be held for its payment in the same manner as for the remainder of such tax bill.

Section 4. APPEAL: Any person aggrieved by said assessment may take an appeal to the court of common pleas for Tolland County within thirty (30) days from the date such report shall have been accepted by the Town Council.

Section 5. SPECIAL CONSTRUCTION: Where in the opinion of the traffic authority of the Town of Vernon, a traffic hazard exists to children walking to school along streets where there are no sidewalks, the Town Council is authorized to lay, set, construct and place in the streets and highways in said Town sidewalks, curbs and gutters of such material and of such dimensions, styles, kinds and forms as is necessary for the protection of the children walking to school without assessment to the owners of the land abutting upon said streets and highways.

The Traffic Authority shall submit a written report to the Town Council stating where the traffic hazard exists, for what distance together with their recommendations on placement of said sidewalks and priorities for construction. Upon acceptance of the report by the Town Council, the Board shall take steps to implement the report. Nothing contained in this Section 5 shall be construed as relieving the abutters from the responsibility to remove snow and ice from said sidewalks as provided by ordinance in the Town of Vernon.

Section 6.: The Ordinance entitled “Ordinance Relating to Construction of Sidewalks, Curbs and Gutters,” adopted May 6, 1968, and the Ordinance entitled “Ordinance Relating to Construction of Sidewalks, Curbs and Gutters”, dated January 5, 1970, are hereby repealed.

Introduced: April 1, 1974
Advertised: April 10, 1974
Public Hearing: April 15, 1974
Adopted by Council: April 15, 1974
Advertised: April 18, 1974
Effective Date: May 3, 1974

ORDINANCE #84

**ORDINANCE ESTABLISHING THE CONSERVATION COMMISSION TO
PROMULGATE REGULATIONS TO PROTECT THE WETLANDS AND WATER
COURSES WITHIN THE TERRITORIAL LIMITS OF THE TOWN OF VERNON**

BE IT ORDAINED: Pursuant to the Provisions of Public Act. No. 73-571 of the 1973 Session of the Connecticut General Assembly, specifically Section III, The Conservation Commission of the Town of Vernon is hereby designated as the “Inland Wetlands Agency” as provided for by Public Act 73-571.

The Conservation Commission acting as the “Inland Wetlands Agency” is further authorized to promulgate such regulations, in conformity with the regulations promulgated by the Commissioner of Environmental Protection, pursuant to Section 5 of No. 155 of Public Acts of 1972, as are necessary to protect the wetlands and water courses within the territorial limits of the Town of Vernon.

The Conservation Commission acting as the Inland Wetlands Agency, shall serve as the sole agent for the licensing of regulated activities as provided for by Section III of Public Act No. 571 of the 1973 Session of the General Assembly.

Introduced: April 18, 1974
Advertised: April 22, 1974 in Journal Inquirer
Public Hearing: May 6, 1974
Council Action: Adopted May 6, 1974
Advertised: May 9, 1974 in Journal Inquirer
Effective Date: May 24, 1974

ORDINANCE #85

**ORDINANCE ESTABLISHING AN INSURANCE EXCHANGE ACCOUNT WITHIN
THE GENERAL FUND OF THE TOWN OF VERNON**

BE IT ORDAINED:

1. That an Insurance Exchange Account shall be established in the Town of Vernon.
2. That funds received from casualty losses in the Town of Vernon will be deposited into said Insurance Exchange Account and checks shall be drawn from said Account to the extent of monies received.
3. Any excess unappropriated funds in the account at the end of the fiscal year shall revert to the general fund.
4. Checks shall be drawn in the same manner as general fund checks.

Introduced: May 6, 1974
Advertised: May 14, 1974 in Journal Inquirer
Public Hearing: June 3, 1974
Council Action: Adopted June 3, 1974
Advertised: June 6, 1974 in Journal Inquirer
Effective Date: June 21, 1974

ORDINANCE #86

ORDINANCE APPROPRIATING \$3,500,000 FOR EXTENSION OF SEWER LINES AND ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT.

Be It Ordained:

(1) That the Town of Vernon appropriate \$3,500,000 for the extension of sewer lines in the following areas of the Town:

All or parts of the following streets including areas tributary thereto, necessary rights of way and extensions as required to connect into the existing sewer system: Hartford Turnpike, Vernon Avenue, Evergreen Drive, Meadowlark Road, Inland Drive, Glenstone Drive, Hill Crest Drive, Sunny View Drive, West Street, Temple Street, Tumblebrook Drive, Trout Stream Drive, Deerfield Drive, Hamilton Drive, Pinewood Drive, Taylor Street, Elm Hill Road, Hartl Drive, Allison Drive, Welles Road, Acorn Road, Talcottville Road, Lorraine Road, Required future crossings of Connecticut Route 15 (I-84). All essentially as shown on plate No. 6 Proposed Sewage System contained in the Preliminary Report on Sewerage and Sewage Disposal, Vernon, Connecticut dated May, 1965 and prepared by Anderson-Nichols Associates Consulting Engineers.

(2) That the Town of Vernon finance said appropriation by the issue of sewer bonds, in one or more series under the provisions of Section 7-259 of the General Statutes of Connecticut, Revision of 1958, as amended, or any other acts of the General Assembly thereto enabling in an amount not to exceed \$3,500,000; the Treasurer shall keep a record of such bonds; such bonds shall bear the seal of the Town or a facsimile thereof and shall be signed by the Mayor, Director of Administration and Treasurer or any two of them, or bear a facsimile of any such signature; said officials are hereby authorized to determine the amount, date, rate of interest, maturities and form of such bonds, to designate a bank or trust company to act as certifying and paying agent and the attorneys at law to render an opinion approving the legality of such bonds, and to sell and deliver such bonds on behalf of the Town:

(3) That the Town issue its temporary notes from time to time in an amount not exceeding \$3,500,000 under and pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended, in anticipation of the receipt of the proceeds from the sale of the aforementioned bonds; comply with the provisions of Section 7-378a if the maturity of such notes shall extend beyond the time permitted by said Section 7-378; and the Mayor, Director of Administration and Treasurer or any two of them are hereby authorized to determine the amount, date, interest rate, maturities, form and other details of such notes and to execute, sell and deliver the same.

Introduced: July 15, 1974
Advertised: July 22, 1974 in Journal Inquirer
Public Hearing: July 29, 1974
Council Action: Adopted July 29, 1974
Advertised: August 1, 1974 in Journal Inquirer
Effective Date: August 16, 1974

* Referendum vote on November 5, 1974 approved Ordinance #86

ORDINANCE #87

**ORDINANCE PROHIBITING MOTORIZED VEHICLES ON BICYCLE PATHS IN
THE TOWN OF VERNON**

BE IT ORDAINED:

It shall be unlawful to ride mini-bicycles, motorbikes, go-carts or any type of motorized vehicle on trails or walks designated and marked "Bike Route" in the Town of Vernon, excluding any bike route which is marked on a public highway.

Any person who violates any provision of this ordinance shall be fined not more than \$100.

Introduced: August 12, 1974
Posted on Bulletin Board: August 26, 1974
Advertised Public Hearing: September 3, 1974 in Journal Inquirer
Public Hearing: September 16, 1974
Council Action: September 16, 1974
Advertised: September 19, 1974 in Journal, Inquirer
Effective Date: October 4, 1974
See Ordinance #128 amending Ordinance #87.

ORDINANCE #88

**ORDINANCE AUTHORIZING PURCHASE OF THE VERNON WATER COMPANY,
AND ESTABLISHING METHOD OF PAYMENT FOR SAID PURCHASE.**

BE IT ORDAINED:

1. Pursuant to the provisions of Chapter 102 of the Connecticut General Statutes the Town of Vernon shall purchase the Vernon Water Company, a private waterworks system for the sum of \$175,000.00. The Town of Vernon shall pay for the acquisition by the issuance of revenue bonds as provided by section 7-235 of the Connecticut General Statutes. The Town of Vernon shall pay said revenue bonds only from the net revenue of said water company.

2. The Town Council of the Town of Vernon shall determine the form of such bonds, whether registered or coupon, the rate and dates of payment of interest thereon and the time or times, not more than 30 years from the date at which they mature and the manner in which they shall be issued and by whom they shall be executed and sold.

3. The Town Council shall provide for the establishment from net revenues of such water company, of a sinking fund for the payment of the bonds and interest thereon and any charges connected therewith, plus 10 per cent of the amount required for such payment, as a safety margin. Any surplus from the bond proceeds over the cost of establishing the system shall be paid into said sinking fund.

4. The Town Council shall establish just and equitable rates or charges for the use of the water company, to be paid by the owner of each lot or building which is connected with and uses such system, and may change such rates or charges from time to time. Such rates or charges shall be sufficient in each year for the payment of the expenses of operation, repair, replacement and maintenance of such system and for the payment of the sums required to be paid into the sinking fund as described in paragraph 3 herein. No such rate or charge shall be established until after a public hearing at which all the users of the waterworks system and the owners of property served or to be served and others interested shall have an opportunity to be heard concerning such proposed rate and charge. Notice of such hearing shall be given at least ten (10) days before the date set therefor in a newspaper having a circulation in such municipality. Such notice shall set forth a schedule of rates or charges, and a copy of the schedule of rates or charges established shall be kept on file in the office of the legislative body, (Clerk of the Town Council) and in the office of the Town Clerk, and shall be open to inspection by the public. Such rates or charges, if not paid when due, shall constitute a lien upon the premises served and a charge against the owners thereof, which lien and charges shall bear interest at the same rate as unpaid taxes. The Town of Vernon shall be subject to the same rates or charges under the same conditions as other users of such water company.

5. A separate account shall be kept by the Town of Vernon of the funds derived from such water company and of their disposition, which account shall be audited annually by the Town auditor, and a report of such audit shall be open to public inspection. The treasurer of the Town of Vernon shall be the custodian of such funds and shall give bond to the satisfaction of the Town Council for the faithful discharge of his duties. Such funds shall be kept separate from other funds of the Town of Vernon and shall be used for such water company and for no other purpose.

6. In all respects the Town of Vernon adopts the provisions of Chapter 102 of the Connecticut General Statutes and any amendments thereto.

Introduced: November 18, 1974
Advertised: November 26, 1974 in Journal Inquirer
Public Hearing: December 2, 1974
Council Action: Adopted December 2, 1974
Advertised: December 5, 1974 in Journal Inquirer
Effective Date: December 20, 1974

ORDINANCE #89

ORDINANCE CONCERNING OBSCENE AND PORNOGRAPHIC MATERIAL

BE IT ORDAINED:

Section 1 Definitions

As used in this ordinance, the following words shall, unless the context requires otherwise, have the following meanings:

“Disseminate” - to import, publish, produce, print, manufacture, distribute, sell, lease, exhibit or display.

“Matter” - any printed material, visual representation, live performance or sound recording including but not limited to books, magazines, motion pictures, films, pamphlets, phonographic records, pictures, tapes, photographs, figures, statues, plays, dances.

“Sexual conduct” - human masturbation, sexual intercourse actual or simulated, normal or perverted, or any touching of the genitals, pubic areas or buttocks of the human male or female, whether alone, or between members of the same or opposite sex, or between humans and animals, any depiction or representation of excretory functions, any lewd exhibitions of the genitals, flagellation or torture in the context of a sexual relationship. Sexual intercourse is simulated when it depicts explicit sexual intercourse which gives the appearance of the consummation of sexual intercourse, normal or perverted.

“Patently offensive” matter if taken as a whole:

- (a) appeals to prurient interest of the average person
- (b) depicts or describes sexual conduct in a patently offensive way applying the contemporary standards of the State of Connecticut
- (c) lacks serious literary, artistic, political or scientific value.

Section 2

Whoever sells or distributes or disseminates or imports or loans or possesses with the intent to sell, or exhibit, prints or publishes for the purpose of selling or distributing a book, pamphlet, ballad, printed paper, phonographic record, tape record, print, picture, movie, figure, image, or description which depicts or describes:

- A. Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, or
- B. Patently offensive representations or descriptions of masturbation, excretory functions, lewd exhibitions of the genitals

shall be fined in the amount not to exceed \$100 or be imprisoned not to exceed thirty (30) days, or both.

Section 3

Whoever performs or promotes the performance of any act which depicts or describes:

- A. Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, or
- B. Patently offensive representations or descriptions of masturbation, excretory functions, lewd exhibition of the genitals

shall be fined in the amount not to exceed \$100 or be imprisoned not to exceed thirty (30) days, or both.

Introduced: December 9, 1974
Advertised: December 10, 1974 in Journal Inquirer
Public Hearing: December 16, 1974
Council Action: Adopted December 16, 1974
Advertised: December 17, 1974 in Journal Inquirer
Effective Date: January 1, 1975

ORDINANCE #90

**AN ORDINANCE ESTABLISHING COLLECTION AND DISPOSAL OF SEWAGE AS
A SERVICE OF SPECIAL BENEFIT NATURE AND ESTABLISHING USER
CHARGES FOR THE COLLECTION AND DISPOSAL OF SEWAGE WITHIN THE
TOWN OF VERNON**

In accordance with the provisions of Chapter 13, Section 1 (a) of the Charter of the Town of Vernon, it is hereby established that the collection and disposal of sewage is a service of special benefit nature,

In accordance with the provisions of Chapter 13, Section 1 (b) and 1 (c) of the Charter of the Town of Vernon, the Town Council has prepared lists of properties against which User Charges for the collection and disposal of sewage are to be charged, and hereby establishes the following rates for this service for the fiscal year ending June 30, 1975, payable May 1, 1975.

Section I. Definition: The following definition shall apply in the interpretation and enforcement of this ordinance:

- a) Dwelling Unit: Any group of rooms located with a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Section II. For all residential structures located within the geographical limits of the Town of Vernon, the annual rate shall be as follows:

For each dwelling unit\$9.50

Section III. For all users other than residential users located within the geographical limits of the Town of Vernon, the annual rate shall be as follows:

The average daily flow of sewage discharged into the sewage system shall be determined and the annual charge shall be determined in accordance with the schedule set forth herein.

<u>Average daily flow in gallons</u>	<u>Rate</u>
Less than 50,000	\$22.17 per thousand gallons
In excess of 50,000	\$1,108.50 plus \$13.86 per thousand gallons on gallons in excess of 50,000

Section IV. The Tax Collector of the Town of Vernon is hereby designated as the collector of the charges provided for herein and the said Tax Collector is further authorized to collect such charges in accordance with the provisions of the General Statutes of the State of Connecticut for the collection of property taxes. The Tax Collector is further authorized to print on the bill for the charges provided for herein a notice that if the said bill is not paid within one month of the due date, interest will be charged on the delinquent amount at the rate of three-fourths of the one per cent (1%) per month from the due date as per Connecticut State Law.

Section V. In determining how many dwelling units are contained in a residential structure, the definition, as provided in Section 1A, shall be used with the following exception. The Assessor of the Town of Vernon may reduce the number of dwelling units on his list of properties he has prepared for the Town Council, if the owner of the property provides sufficient information to the satisfaction of the Assessor, including, but not limited to an Affidavit from the property owner that the particular dwelling unit, as determined by the Assessor, has not been occupied for at least two (2) years prior to the date of the Affidavit.

Introduced: March 17, 1975
Advertised: March 21, 1975 in Journal Inquirer
Public Hearing: April 7, 1975
Council Action: Adopted April 7, 1975
Advertised: April 10, 1975 in Journal Inquirer
Effective Date: April 25, 1975

ORDINANCE #91

**ORDINANCE REVISING CHARGES FOR INSPECTIONS OF SEPTIC TANKS AND
WELLS**

BE IT ORDAINED:

1. The charges for inspection fee paid for the services of the Town Sanitarian at the time of installation of a septic tank system shall be increased from \$15.00 to \$25.00.
2. The charges for inspection fee paid for the Services of the Town Sanitarian at the time of installation of a well shall be \$15.00.
3. All funds shall be paid to the Town of Vernon and shall be deposited into the General Fund.

Introduced: April 21, 1975
Advertised: April 29, 1975 in Journal Inquirer
Public Hearing: May 5, 1975
Council Action: Adopted May 5, 1975
Advertised: May 8, 1975 in Journal Inquirer
Effective Date: May 23, 1975
Repealed: May 23, 1981 See Ordinance #125

ORDINANCE #92

ORDINANCE APPROPRIATING \$725,000.00 FOR CONSTRUCTION AND EQUIPPING OF FIRE HOUSE ADDITION, PURCHASE OF LAND FOR FIRE HOUSE, THREE PIECES OF FIRE APPARATUS AND IMPROVEMENTS TO FIRE ALARM SYSTEMS

BE IT ORDAINED:

(1) That the Town of Vernon appropriate the sum of Seven Hundred Twenty-Five Thousand Dollars (\$725,000.00) for the following purposes:

- (a) construction, furnishing and equipping a two-bay two story addition to the existing Vernon Co. #1 fire house, Rte. 30, Vernon, Conn., including site development, architects and engineers fees, and other expenses incidental thereto;
- (b) purchase of land for a new fire house to replace Vernon Co. #2;
- (c) a 100 foot aerial ladder truck for the Prospect Street fire house;
- (d) a 85 foot aerial platform truck for the Vernon Company 1 fire house;
- (e) a 1250 gallon per minute pumper truck for the Nye Street fire house;
- (f) improvements and expansion of the fire alarm communication system;

(2) That the Town of Vernon finance said appropriation by the issue of its serial bonds, in one or more series under the provisions of Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, or any other acts of the General Assembly thereto enabling in an amount not to exceed \$725,000.00; the Treasurer shall keep a record of such bond; such bonds shall bear the seal of the Town or a facsimile thereof and shall be signed by the Mayor, Director of Administration and Treasurer or any two of them, or bear a facsimile of any such signatures; said officials are hereby authorized to determine the amount, date, rate of interest, maturities and form of such bonds, to designate a bank or trust company to act as certifying and paying agent and the attorneys at law to render an opinion approving the legality of such bonds, and to sell and deliver such bonds on behalf of the Town;

(3) That the Town issue its temporary notes from time to time in an amount not exceeding \$725,000.00 under and pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended, in anticipation of the receipt of the proceeds from the sale of the aforementioned bonds; comply with the provisions of Section 7-378a if the maturity of such notes shall extend beyond the time permitted by said Section 7-378; and the Mayor, Director of Administration and Treasurer or any two of them are hereby authorized to determine the amount, date, interest rate, maturities, form and other details of such notes and to execute, sell and deliver the same.

Introduced: June 30, 1975
Advertised: July 2, 1975 in Journal Inquirer
Public Hearing: July 8, 1975
Council Action: Adopted July 8, 1975
Advertised: July 11, 1975 in Journal Inquirer
EFFECTIVE DATE: July 26, 1975

Ordinance #92 defeated by Referendum Vote September 9, 1975.

ORDINANCE #93

ORDINANCE AUTHORIZING ESTABLISHMENT OF FIRE LANE IN THE TOWN OF VERNON

Section 1. 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 2. Whenever the Fire Marshall 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 3. Whenever a Fire Marshal establishes a fire lane, he shall file one copy of his order with the Director of Administration and with the Police Department. Any person aggrieved by such order may file, with the Director of Administration, within fifteen days after the date of such order, written notice of appeal, setting forth therein reasons for aggrievement. After hearing, the Director of Administration may affirm, modify or rescind such order.

Section 4. Upon establishment of a fire lane, the Public Works Department shall cause to be erected or installed, adequate signs, marking and other devices to delineate said fire lane. Signs, markings, and other devices erected or installed on privately owned premises, shall be at the cost of the owner, and may be billed for and collected as a municipal fee in the same manner as municipal taxes.

Section 5. No person shall park, or permit to stand, a motor vehicle in a fire lane which has been established in accordance with this ordinance, except when the operator remains in the vehicle and is in the actual process of picking up or discharging passengers. Any person violating this section shall be fined not more than one hundred dollars. The registered owner of a motor vehicle shall be presumed to be the operator of such vehicle.

Section 6. Any motor vehicle found standing in a fire lane which has been established in accordance with this ordinance, may be towed, upon the direction of a police officer, to any public or private parking facility, and all expense of such towing, and any subsequent storage, shall be borne by the registered owner of such vehicle.

Section 7. Whenever a vehicle is found standing in violation of Section 5, a police officer shall serve upon the owner or operator of such vehicle, or place upon such vehicle, a notice directing the owner or operator thereof to appear at the Police Department prior to a time specified in said notice. If any person receiving said notice shall appear as directed, and shall pay an amount as specified in said notice, not exceeding \$25.00, such payment shall bar a prosecution for violation of Section 5.

Introduced: October 20, 1975
Advertised: November 3, 1975 in Journal Inquirer
Public Hearing: November 17, 1975
Council Action: November 17, 1975 Adopted
Advertised: November 20, 1975 in Journal Inquirer
Effective Date: December 5, 1975

ORDINANCE #94

AN ORDINANCE CREATING THE PARKS DEPARTMENT

BE IT ORDAINED BY THE TOWN OF VERNON THAT:

SECTION I There is hereby created and established a Parks Department which shall have supervision and control over the maintenance of certain school grounds of the Vernon school system and supervision and control over the maintenance of all recreation areas and facilities belonging to the Town. This Department shall consist of the Superintendent of Parks and such other employees as may be provided by the Town Council.

SECTION II The expense of all maintenance questions of said school grounds and recreation areas and facilities shall be charged respectively to the Board of Education and Recreation Department budget appropriations through June 30, 1976; thereafter, such expenses shall be charged respectively to the Board of Education and Parks Department budget appropriations.

SECTION III The Mayor shall appoint subject to the approval of a majority of the Town Council, a Superintendent of Parks who shall organize the work of the entire Parks Department in such a manner as he shall deem most economical and efficient and he shall be responsible for the efficiency, discipline, and good conduct of the Department. In the performance of his duties, the Superintendent of Parks shall cooperate and consult with the Superintendent of Buildings and Grounds for the Board of Education, the Public Works Director and the Director of Recreation.

Introduced: February 3, 1976
Advertised: February 6, 1976 in Journal Inquirer
Public Hearing: February 17, 1976
Council Action: February 17, 1976 Adopted
Advertised: February 20, 1976 in Journal Inquirer
Effective Date: March 6, 1976

ORDINANCE #95

AN ORDINANCE ESTABLISHING COLLECTION AND DISPOSAL OF SEWAGE AS A SERVICE OF SPECIAL BENEFIT NATURE AND ESTABLISHING USER CHARGES FOR THE COLLECTION AND DISPOSAL OF SEWAGE WITHIN THE TOWN OF VERNON

In accordance with the provisions of Chapter 13, Section 1 (a) of the Charter of the Town of Vernon, it is hereby established that the collection and disposal of sewage is a service of special benefit nature.

In accordance with the provisions of Chapter 13, Section 1 (b) and 1 (c) of the Charter of the Town of Vernon, the Town Council has prepared lists of properties against which User Charges for the collection and disposal of sewage are to be charged, and hereby establishes the following rates for this service for the Fiscal Year ending June 30, 1976, payable May 1, 1976,

Section I. Definition: The following definition shall apply in the interpretation and enforcement of this ordinance:

- (a) Dwelling unit: Any group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Section II. For all residential structures located within the geographical limits of the Town of Vernon, the annual rate shall be as follows:

For each dwelling unit\$16.00

Section III. For all users other than residential users located within the geographical limits of the Town of Vernon, the annual rate shall be as follows:

The average daily flow of sewage discharged into the sewage system shall be determined and the annual charge shall be determined in accordance with the schedule set forth herein.

<u>Average Daily Flow in Gallons</u>	<u>Rate</u>
Less than 50,000	\$40.00 per thousand gallons
In excess of 50,000	\$2,000.00 plus \$24.00 per thousand gallons on gallons in excess of 50,000.

Section IV. The Tax Collector of the Town of Vernon is hereby designated as the collector of the charges provided for herein and the said Tax Collector is further authorized to collect such charges in accordance with the provisions of the General Statutes of the State of Connecticut for the collection of property taxes. The Tax Collector is further authorized to print on the bill for the charges provided for herein a notice that if the said bill is not paid within one month of the due date, interest will be charged on the delinquent amount at the rate of three-fourths of the one per cent (1%) per month from the due date as per Connecticut State Law,

Section V. In determining how many dwelling units are contained in a residential structure, the definition, as provided in Section IA shall be used with the following exception. The Assessor of the Town of Vernon may reduce the number of dwelling units on his list of properties he has prepared for the Town Council, if the owner of the property provides sufficient information to the satisfaction of the Assessor, including, but not limited to, an Affidavit from the property owner that the particular dwelling unit, as determined by the Assessor, has not been occupied for at least two (2) years prior to the date of the Affidavit.

- Introduced: March 3, 1976
- Advertised: March 9, 1976 in Journal Inquirer
- Public Hearing: March 18, 1976
- Council Action: Adopted March 18, 1976
- Advertised: March 23, 1976 in Journal Inquirer
- Effective Date: April 7, 1976

ORDINANCE #96

**AN ORDINANCE CONCERNING A PERSONAL PROPERTY TAX EXEMPTION
ON CERTAIN AMBULANCE-TYPE MOTOR VEHICLES**

BE IT ORDAINED BY THE TOWN OF VERNON THAT:

Pursuant to Public Act No. 75-607, there is hereby created an exemption from personal property taxation any ambulance-type motor vehicle which is used exclusively for the purpose of transporting any medically incapacitated individual, except any such vehicle used to transport any such individual for payment.

Introduced: March 18, 1976
Advertised: March 23, 1976 in Journal Inquirer
Public Hearing: April 6, 1976
Council Action: Adopted April 6, 1976
Advertised: April 9, 1976 in Journal Inquirer
Effective Date: April 24, 1976

ORDINANCE #97

AN ORDINANCE PROHIBITING LOITERING IN A PUBLIC PLACE

BE IT ORDAINED BY THE TOWN OF VERNON THAT:

SECTION I - DEFINITION

- (a) As used in this section, “loitering” shall mean remaining idle in essentially one location and shall include the concepts of spending time idly, loafing, or walking about aimlessly, and shall also include the colloquial expression “hanging around.”
- (b) “Public Place” shall mean any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks.

SECTION II - CERTAIN TYPES OF LOITERING PROHIBITED

No person shall loiter in a public place in such manner as to:

- (a) create or cause to be created a breach of the peace;
- (b) create or cause to be created any disturbance or annoyance to the comfort and repose of any person;
- (c) obstruct the free passage of pedestrians or vehicles;
- (d) obstruct, molest, or interfere with any person lawfully in any public place;
- (e) make unsolicited remarks of an offensive, disgusting, or insulting nature which are calculated to annoy or disturb the person to, or in whose hearing, they are made.

SECTION III - REQUEST TO LEAVE

Whenever the presence of any person in any public place is causing or is likely to cause any of the conditions enumerated in Section II, any police officer may order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this section.

SECTION IV - PENALTY

Any person violating the provisions of this ordinance shall be fined Twenty-five Dollars for each offense.

Introduced: June 1, 1976
Advertised: June 4, 1976 in Journal Inquirer
Public Hearing: June 15, 1976
Council Action: June 15, 1976, adopted
Advertised: June 18, 1976 in Journal Inquirer Effective Date: July 3, 1976
**Repealed by Ordinance No. 118

ORDINANCE #98

AN ORDINANCE CONCERNING TIME LIMIT PARKING IN THE TOWN OF VERNON

BE IT ORDAINED BY THE TOWN OF VERNON THAT:

SECTION I - TIME LIMIT PARKING

Except on Sundays or legal holidays it shall be unlawful to park any motor vehicle on any public street or highway in the Town of Vernon under the jurisdiction of the Traffic Authority of the Town of Vernon between the hours of 9:00 A.M. and 6:00 P.M., and on Thursdays and Fridays between the hours of 9:00 A.M. and 9:00 P.M. for a longer consecutive period of time than that designated and posted by order of the Traffic Authority of the Town of Vernon, pursuant to S14-307(a) of the General Statutes, in any area designated as a limited parking area and so marked.

SECTION II - SIGNS

The Traffic Authority of the Town of Vernon shall cause signs to be posted in all areas where parking is so limited, indicating such limitations.

SECTION III - REGULATIONS

The Traffic Authority of the Town of Vernon may promulgate all necessary rules and regulations in order to implement this ordinance.

SECTION IV - PARKING METER REMOVAL

The parking meters located upon public streets, highways or sidewalks under the jurisdiction of the Traffic Authority of the Town of Vernon shall be removed forthwith.

SECTION V - PENALTIES

The penalty for each violation of this ordinance shall be the same as contained in Ordinance #5a of the Town of Vernon effective March 1, 1966. Each hour or fraction thereof, if less than one (1) hour is the time limited for parking, shall constitute a separate violation of this ordinance.

SECTION VI - REPEALER

All ordinances, by-laws, rules and regulations of the Town of Vernon, City of Rockville and Vernon Fire District, which are inconsistent with any of the provisions of this ordinance are hereby repealed. In addition thereto an ordinance and any amendments thereto concerning parking meters as contained in Chapter II (12) of the Ordinances of the City of Rockville, revision of 1953, is hereby repealed.

Introduced:	August 24, 1976
Advertised:	September 10, 1976 in Journal Inquirer
Public Hearing:	September 21, 1976
Council Action:	September 21, 1976
Advertised:	September 24, 1976 in Journal Inquirer
Effective Date:	October 9, 1976

ORDINANCE #99

THE TOWN OF VERNON MASSAGE ESTABLISHMENT ORDINANCE

Section 1. SHORT TITLE

This ordinance shall be known and may be cited as “The Town of Vernon Massage Establishment Ordinance.”

Section 2. POLICY

It is hereby declared that the unregulated practice of massage can harm or endanger the health, safety and welfare of the public and that the business of operating massage establishments is a business affecting the public health, safety and general welfare.

Section 3. DEFINITIONS

For purposes of interpretation and enforcement, and unless the context requires otherwise, words and terms used in this ordinance shall have the meanings ascribed to them as follows:

- (a) “Director of Health” shall mean the Director of Health of the Town of Vernon or his lawful designee.
- (b) “Massage” shall mean any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the human body with the hands and, or, with the aid of any object or mechanical or electrical apparatus or appliance, with or without any supplementary aids such as rubbing alcohol, linements, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice. For purposes of this definition, the use of any aids or processes used or offered as supplementary or incidental to the above, including heat lamps, hot and cold packs, tubs, showers, cabinet baths, or steam and dry heat baths, shall be considered a part of the “massage”.
- (c) “Massage Establishment” shall mean any establishment, by whatever name called, where any person engages in or carries on or permits to be engaged in or carried on any of the activities of massage.
- (d) “Massagist” shall mean any person who, for any consideration, engages in the practice of massage.
- (e) “Person” shall mean any individual, and unless the context clearly requires otherwise, any corporation, partnership, association, joint stock company, or combination of individuals of whatever form or character.

Section 4. PERMIT TO OPERATE

- (a) No person shall engage in, conduct, or carry on or permit to be conducted, or carried on, in or upon any premises in the Town of Vernon, the operation of a massage establishment without first having obtained a permit to operate a massage establishment from the Director of Health.
- (b) All applications for a permit to operate a massage establishment shall be in writing, signed and sworn to by the applicant, and shall set forth:
 - (1) the name and address of each applicant,
 - (2) that the applicant is at least 18 years of age.
 - (3) the proposed place of business and facilities therein.
 - (4) the exact nature of the massage to be administered.
 - (5) such other information as may be necessary in order for the Director of Health to make any determination required by this ordinance.
- (c) Each application shall be accompanied by a fee of \$50.00 which shall not be refundable, to defray the cost of administration.
- (d) The Director of Health shall issue a permit to operate a massage establishment upon finding:
 - (1) All requirements concerning operation and facilities described in this ordinance will be complied with as of the effective date of the permit.
 - (2) Compliance with all other statutes, codes or ordinances including health, zoning, building, fire and safety requirements of the State of Connecticut or the Town of Vernon, as of the effective date of the permit.

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THE TOWN OF VERNON MASSAGE ESTABLISHMENT ORDINANCE

- (3) That the nature of the massage administered will not endanger the health or safety of patrons of the massage establishment.
- (4) (i) That the applicant or any person directly engaged in the operation or management of the massage establishment has not been convicted of a felony, an offense involving the unauthorized practice of the healing arts, sexual misconduct with minors, obscenity, keeping or residing in a house of ill fame, solicitation of a lewd or unlawful act, prostitution or pandering, and has not had a permit to operate a massage establishment or a massagist permit suspended or revoked in this or any other state; or
 - (ii) that such conviction, suspension or revocation occurred at least three years prior to the date of the application; or
 - (iii) that notwithstanding such conviction, suspension or revocation, the public health, safety or welfare would not be impaired.

Section 5. MASSAGIST PERMIT

- (a) No person shall engage in the practice of massage without first having obtained a massagist permit from the Director of Health.
- (b) All applications for a massagist permit shall be in writing, signed and sworn to by the applicant, and shall set forth:
 - (1) the name and address of the applicant
 - (2) that the applicant is at least 18 years of age
 - (3) such other information as may be necessary in order for the Director of Health to make any determination required by this ordinance,
- (c) Each applicant shall provide sufficient identification to establish that the applicant is in fact the person applying for the permit.
- (d) Each applicant shall present a certificate from a physician licensed to practice in the State of Connecticut stating that the applicant has been examined and found to be free of any contagious or communicable disease and showing that the examination was conducted within 30 days prior to the submission of the application.
- (e) Each application shall be accompanied by a fee of \$15.00, which shall not be refundable, to defray the cost of administration.
- (f) The Director of Health shall issue a massagist permit upon finding:
 - (1) (i) That the applicant has successfully completed a course of study at a school or institution of learning which has for its purpose the teaching of the theory, practice, method, profession or work of massage including anatomy, physiology, hygiene, and professional ethics and which is recognized or approved by the Department of Education, Commission on Higher Education, or Department of Health of the State of Connecticut or by the American Massage and Therapy Association; or
 - (ii) That the applicant has successfully completed a course of study at a school or institution as described in subsection (1) (i) which requires a course of study not less than seventy hours, to be given in no more than three calendar months, before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning following the successful completion of such course of study or learning; or
 - (iii) That the applicant, through past experience and training, possesses a sufficient knowledge of the theory, practice, method, profession or work of massage and of anatomy, physiology, hygiene and professional ethics such that the granting of a permit to the applicant would not impair the public health, safety, or welfare.
 - (2) (i) That the applicant has not been convicted of a felony, an offense involving the unauthorized practice of the healing arts, sexual misconduct with minors, obscenity, keeping or residing in a house of ill fame, solicitation of a lewd or unlawful act, prostitution or pandering, and has not had a permit to operate a massage establishment or a massagist permit suspended or revoked in this or any other state; or
 - (ii) That such conviction, suspension, or revocation occurred at least three years prior to the date of the application; or

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(iii) That notwithstanding such conviction, suspension or revocation, the public health, safety, or welfare would not be impaired.

Section 6. LIMITED MASSAGIST PERMIT

- (a) Any applicant who meets all requirements and provisions of Section 5 except those in subsection 5 (f) (1) may be granted a limited massagist permit if the applicant provides a certificate signed and sworn to by the holder of a valid permit issued under Section 5, whereby the holder of said permit agrees, without condition, to supervise, control, and accept responsibility for the administering or practice of massage by the applicant should such applicant be granted a limited massagist permit.
- (b) No person to whom a limited massagist permit has been granted, shall administer or practice massage except under the direct supervision and control of the holder of a massagist permit who has agreed to accept responsibility for said person as provided in subsection (a).

Section 7. RENEWAL OF PERMITS

- (a) A permit to operate a massage establishment, a massagist permit, and a limited massagist permit shall be valid, unless revoked or suspended, for one year from the date of issuance.
- (b) Application for renewal shall be made at least 60 days before expiration and shall be in the form and manner as required for application for the original permit.
- (c) Each application for renewal of a permit shall be accompanied by a fee in the amount as provided for the original permit.
- (d) The Director of Health shall renew each permit no later than 30 days before expiration upon making such findings as are required for issuance of the original permit.
- (e) If renewal of any permit is denied, the Director of Health shall notify the holder of the permit in writing, not later than 30 days before expiration of the permit, of the facts and of the specific section or sections of this ordinance upon which, his determination was made.

Section 8. HEARINGS, DENIAL OF PERMIT OR RENEWAL

- (a) Any person aggrieved by the denial of a permit to operate a massage establishment, a massagists permit or limited massagists permit or by the denial of renewal of such a permit may request, in writing, a hearing before the Director of Health, at which hearing such person shall be afforded the opportunity to present evidence and argument on all facts or issues involved.
- (b) The Director of Health shall, upon receiving a request for a hearing under subsection (a), schedule a hearing not later than fifteen days from the date of actual receipt of the request and shall notify all parties of the time and place thereof.
- (c) The Director of Health shall render a decision within 10 days of the date of a hearing held under subsection (a).

Section 9. REVOCATION OR SUSPENSION OF PERMIT

- (a) The Director of Health may revoke or suspend any permit to operate a massage establishment if he finds:
 - (1) That the applicant for the permit has knowingly or negligently made any false or misleading statement in applying for the permit.
 - (2) That the provisions of this ordinance are violated or that the holder of the permit, or any agent or employee of the holder, including a massagist, has been convicted of any offense found in Section 4 (d) (4) and the holder has actual or constructive knowledge of the violation or conviction,
 - (3) That the holder of the permit has refused to permit the Director of Health or any other duly authorized officer to make a reasonable inspection of the premises or the operation therein, or unduly hinders such inspection.
- (b) The Director of Health may revoke or suspend any massagist permit or limited massagist permit if he finds:
 - (1) That the applicant for the permit has knowingly or negligently made any false or

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misleading statement in applying for the permit.

(2) That the holder of the permit has been convicted of any offense found in Section 5 (f)(2).

(c) (1) The Director of Health shall not revoke or suspend any permit issued under this ordinance without notifying the holder of the permit, in writing, of the facts and of the specific section or sections of this ordinance upon which his determination was made, and of the holder's right to request a hearing before the Director of Health and to present evidence or argument on all facts or issues involved.

(2) A request for a hearing under subsection (c)(1) shall stay any revocation or suspension until such time as a hearing has been held and a decision rendered thereon, provided, however, that if the Director of Health finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in his notice, the permit may be summarily suspended, pending a hearing thereon, which hearing shall be promptly instituted and all facts and issues promptly determined.

Section 10. TRANSFERABILITY

No permit issued pursuant to this ordinance shall be transferable.

Section 11. FACILITIES

No permit to operate a massage establishment shall be granted until the Director of Health has established, following inspection, that the establishment complies with each of the following minimum requirements:

- (a) Construction of rooms used for toilets, tubs, steam baths, and showers shall be waterproofed with approved waterproof materials.
- (b) Toilet facilities shall be provided in convenient locations. When five or more employees and patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided. A single water closet per section shall be provided for each twenty or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one water closet has been provided. Toilets shall be designated as to the sex accommodated therein.
- (c) Lavatories or wash basins provided with both hot and cold running water shall be installed in either the toilet room or vestibule. Lavatories or wash basins shall be provided with soap in a dispenser and with sanitary towels.

Section 12. OPERATING REQUIREMENTS

- (a) Every portion of the massage establishment, including appliances and apparatus shall be clean and in good repair and operated in a sanitary condition.
- (b) All employees shall wear clean outer garments, maintain a high degree of personal cleanliness and conform to hygienic practices while on duty.
- (c) All massage establishments shall be provided with clean laundered sheets and towels in sufficient quantity which shall be laundered after each use thereof and stored in an approved sanitary manner, provided however that appropriate single service disposal items may be utilized in lieu of sheets and towels.
- (d) Pads used on massage tables shall be covered in workmanlike manner with durable, washable plastic or other acceptable waterproof material.
- (e) Wet and dry heat rooms, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation and bathtubs shall be thoroughly cleaned after each use.
- (f) All equipment and materials utilized by practitioners of massage shall be in safe and sanitary order and so maintained and operated as to preclude any danger or hazard to patron or practitioner.
- (g) No massagist affected by any contagious or communicable disease shall practice massage and each massagist shall, from time to time, as the Director of Health may reasonably require, present a certificate as provided for in Section 5 (d).
- (h) Massagists shall not diagnose or treat classified diseases nor practice spinal or other joint manipulation nor prescribe medicine or drugs.

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THE TOWN OF VERNON MASSAGE ESTABLISHMENT ORDINANCE

- (i) No activity enumerated in Section 3 (b) of this ordinance may be carried on in any cubicle, room, booth or area except where such cubicle, room, booth or area is so constructed or arranged such that all activity within the cubicle, room, booth or area is visible from outside the same.
- (j) No massage establishment shall be operated and no massage administered, in violation of or in such a manner as to promote or encourage violation of any statute or ordinance, including Part VI of Chapter 952, Chapter 350, or Section 53a-186 of the General Statutes, or as they may be amended from time to time.
- (k) Each permit to operate a massage establishment and each permit of a massagist employed therein shall be conspicuously displayed within the establishment.

Section 13. INSPECTIONS

The Director of Health shall, from time to time, and no less than twice a year, make an inspection of each massage establishment for the purpose of determining that the provisions of this ordinance are complied with. Such inspections shall be made at a reasonable time and in a reasonable manner. No permit holder shall fail to allow access to the premises for purpose of inspection or hinder such inspection in any manner.

Section 14. EFFECTIVE DATE

- (a) The provisions of this ordinance shall apply immediately to any massage establishment which is initially opened, or which is moved to a different location, or which makes physical improvements to its place of business, after the effective date of this ordinance. The provisions of Section 12 shall apply to all massage establishments from the effective date hereof. All massage establishments shall comply with all provisions of this ordinance within six months from the effective date.
- (b) Any person who is employed as a massagist in the Town of Vernon as of the effective date of this ordinance shall comply with Section 5 or Section 6 within six months of the effective date. No other person may administer massage without first obtaining a massagist permit or limited massagist permit.

Section 15. EXCEPTIONS

This ordinance shall not apply to any school, hospital, nursing home, sanitarium, non profit private group or club, operating in accordance with the laws of the State of Connecticut, nor to any person holding a valid certificate or license to practice the healing arts or to practice podiatry, physical therapy, midwifery, nursing, dentistry, dental hygiene, or optometry or to engage in the occupation of a barber, hairdresser, or cosmetician under the laws of the State of Connecticut, provided, that the activities of such person are confined to those for which the certificate or license, is granted, nor, to any person lawfully acting under their supervision or control, nor to any person principally employed as a domestic helper or athletic trainer, nor shall it prohibit the furnishing of assistance in the case of emergency.

Section 16. VIOLATIONS AND PENALTY

Any person, whether acting as individual, owner, employee of the owner, operator or employee of the operator, or acting as a participant or worker in any way, who administers massages or operates a massage establishment without first obtaining a permit and paying a permit fee or who violates any provision of this ordinance shall be fined not more than \$100.00.

Section 17. SEVERABILITY

If any section, subsection, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, subsection, clause or provision so adjudged and the remainder of the ordinance shall be deemed to be valid and effective.

Introduced: September 21, 1976
Advertised: September 26, 1976 in Tri Town Reporter
Public Hearing: October 5, 1976
Council Action: October 5, '1976
Advertised: October 10, 1976 in Tri Town Reporter
Effective Date: October 25, 1976

*Repealed 10-1-79, See Ordinance #115, Page 194

ORDINANCE #100

ORDINANCE EXTENDING SEWER LINES TO JONATHAN DRIVE IN THE TOWN OF VERNON

BE IT ORDAINED BY THE TOWN OF VERNON, THAT:

Pursuant to the provisions of Chapter 13, Section 1. (f) of the Charter of the Town of Vernon, the Town Council hereby authorizes the extension of sewer lines to that portion of Jonathan Drive in the Town of Vernon described as follows:

Starting at a manhole at Station 16 Plus 50 on the North South interceptor sewer along the right of way formerly of the Penn. Central Railroad, and proceeding Easterly a distance of approximately 325 feet to Jonathan Drive, and then proceeding Northerly and Southerly a combined distance of approximately 250 feet.

Introduced: September 21, 1976
Advertised: September 24, 1976 in Journal Inquirer
Public Hearing: October 19, 1976
Council Action: October 19, 1976
Advertised: October 22, 1976 in Journal Inquirer
Effective Date: November 6, 1976

ORDINANCE #101

AN ORDINANCE CREATING THE SEWER AUTHORITY OF THE TOWN OF VERNON

BE IT ORDAINED BY THE TOWN OF VERNON:

SECTION I - Creation of Authority. Pursuant to Section 7-246 of the General Statutes, as amended, the Sewer Authority of the Town of Vernon is hereby established (hereinafter referred to as “the Authority”).

SECTION II - Composition of Authority. The Authority shall consist of five (5) members, who shall serve without compensation and who shall be electors of the Town of Vernon,

SECTION III - Appointment, Removal and Terms. The Mayor shall appoint and remove all members with the approval of a majority of the Town Council for terms of five (5) years. Members of the Authority first appointed under this ordinance shall be appointed for one, two, three, four and five year terms respectively. Thereafter, members shall be appointed to said Authority in like manner to succeed those whose terms expire, to serve for terms of five (5) years each and until their successors are appointed. Vacancies shall be filled by appointment of the Mayor and approval of a majority of the Town Council for the unexpired portion of the term.

SECTION IV - Powers and Duties. The Authority shall have all of the powers and duties conferred by Chapter 103 of the General Statutes, as amended.

SECTION V - Advisory Authority. In addition to its other powers, the Authority is hereby designated as an advisory authority to the Town Council on all matters concerning the Vernon Water Company and municipal waterworks systems.

SECTION VI - Pre-existing Rights and Obligations. The taking effect of this ordinance shall in no way delay or otherwise adversely affect any rights of action, suits, claims, liens, privileges or other obligations which prior to the effective date of this ordinance existed in or against the Town of Vernon or the Town Council acting as the Sewer Authority of the Town of Vernon, but shall be continued in or against the Sewer Authority of the Town of Vernon as established by this ordinance.

SECTION VII - Repealer.

- (a) Ordinance No. 21 of the Town of Vernon designating the former Board of Representatives as the Sewer Authority of the Town of Vernon is hereby repealed.
- (b) Paragraph 1.C. of Ordinance No. 29 is hereby repealed.

SECTION VIII - Other Ordinances and Charter.

- (a) Duties delegated to the former Board of Representatives under Ordinance No. 29, “An Ordinance Establishing Method of Assessment for Sewer Line in the Town of Vernon and Rules Relating to the Sanitary Sewer System in the Town of Vernon”, as amended by Ordinance No. 58, and under Chapter XIII of the Charter of the Town of Vernon shall be concurrently exercised by the Authority and the Town Council until such time as the Charter of the Town of Vernon, as revised November 3, 1970, is again revised.
- (b) The duties of enforcement of Ordinance No. 49, “Ordinance Establishing Regulations on the Use of Public Sewers, the Connections to Public Sewers and the Discharge of Waters and Wastes into Public Sewers,” as amended by Ordinances Nos. 57 and 68, are hereby vested, in the Authority.

Introduced: October 19, 1976
Advertised: November 6, 1976 in Journal Inquirer
Public Hearing: November 16, 1976
Council Action: November 16, 1976
Advertised: November 19, 1976 in Journal Inquirer
Effective Date: December 4, 1976

ORDINANCE #102

ORDINANCE AUTHORIZING PROPERTY TAX EXEMPTION FOR SOLAR ENERGY SYSTEMS

BE IT ORDAINED BY THE TOWN OF VERNON, THAT:

SECTION I Pursuant to Section 12-81 (56) of the Connecticut General Statutes, as amended, any building or addition to a building, the construction of which is commenced on or after October 1, 1976 and before October 1, 1991, which is equipped with a solar energy heating or cooling system, 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, shall be exempt from property taxation, provided this exemption shall only apply to the first fifteen (15) assessment years following construction of such building or addition.

SECTION II As used in this ordinance, "solar energy heating or cooling system" means equipment, including windmills and water wheels, 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 and energy policy.

SECTION III Any person who desires to claim the exemption provided in this ordinance shall file with the Assessor within thirty (30) days following the annual assessment date, written application claiming such exemption on a form as prescribed by the State 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.

Introduced:	February 1, 1977
Advertised:	February 7, 1977 in Journal Inquirer
Public Hearing:	February 15, 1977
Council action:	February 15, 1977
Advertised:	February 18, 1977 in Journal Inquirer
Effective Date:	March 5, 1977

ORDINANCE #103

AN ORDINANCE ESTABLISHING COLLECTION AND DISPOSAL OF SEWAGE AS A SERVICE OF SPECIAL BENEFIT NATURE AND. ESTABLISHING USER CHARGES FOR THE COLLECTION AND DISPOSAL OF SEWAGE WITHIN THE TOWN OF VERNON

In accordance with the provisions of Chapter 13, Section 1 (a) of the Charter of the Town of Vernon, it is hereby established that the collection and disposal of sewage is a service of special benefit nature.

In accordance with the provisions of Chapter 13, Section 1 (b) and 1 (c) of the Charter of the Town of Vernon, the Town Council has prepared lists of properties against which User Charges for the collection and disposal of sewage are to be charged, and hereby establishes the following rates for this service for the Fiscal Year ending June 30, 1977, payable May 1, 1977.

Section I. Definition: The following definition shall apply in the interpretation and enforcement of this ordinance:

- (a) Dwelling unit: Any group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Section II. For all residential structures located within the geographical limits of the Town of Vernon, the annual rate shall be as follows:

For each dwelling unit\$21.00

Section III. For all users other than residential users located within the geographical limits of the Town of Vernon, the annual rate shall be as follows:

The average daily flow of sewage discharged into the sewage system shall be determined and the annual charge shall be determined in accordance with the schedule set forth therein.

<u>Average Daily Flow in Gallons</u>	<u>Rate</u>
Less than 50,000	\$52.50 per thousand gallons
In excess of 50,000	\$2,625.00 plus \$31.00 per thousand gallons on gallons in excess of 50,000.

Section IV. The Tax Collector of the Town of Vernon is hereby designated as the collector of the charges provided for herein and the said Tax Collector is further authorized to collect such charges in accordance with the provisions of the General Statutes of the State of Connecticut for the collection of property taxes. The Tax Collector is further authorized to print on the bill for the charges provided for herein a notice that if the said bill is not paid within one month of the due date, interest will be charged on the delinquent amount at the rate of three-fourths of the one per cent (1%) per month from the due date as per Connecticut State Law.

Section V. In determining how many dwelling units are contained in a residential structure, the definition, as provided in Section 1A shall be used with the following exception. The Assessor of the Town of Vernon may reduce the number of dwelling units on his list of properties he has prepared for the Town Council, if the owner of the property provides sufficient information to the satisfaction of the Assessor, including, but not limited to, an Affidavit from the property owner that the particular dwelling unit, as determined by the Assessor, has not been occupied for at least two (2) years prior to the date of the Affidavit.

- Introduced: March 15, 1977
- Advertised: March 21, 1977 in Journal Inquirer
- Public Hearing: April 5, 1977
- Council Action: April 5, 1977
- Advertised: April 8, 1977
- Effective Date: April 23, 1977

ORDINANCE #104

AN ORDINANCE AMENDING ORDINANCE #13 ENTITLED “HOUSING ORDINANCE REGULATING SUPPLIED FACILITIES, MAINTENANCE AND OCCUPANCY OF DWELLINGS AND DWELLING UNITS”, AS AMENDED BY ORDINANCES #36 and #65

BE IT ORDAINED BY THE TOWN OF VERNON THAT the Ordinance entitled “Housing Ordinance Regulating Supplied Facilities, Maintenance and Occupancy of Dwellings and Dwelling Units”, is hereby amended as follows:

1. Paragraph six of the Introduction to the Housing Code is hereby repealed and the following is substituted in lieu thereof:

“Administration of the Housing Code is entrusted to the Housing Code Inspector. The Housing Code Inspector and his authorized representatives are permitted by law to inspect all dwelling structures and to order any repairs or additional facilities necessary to meet code standards. The Housing Code Inspector is also empowered to condemn dwellings that are unfit for human habitation, and the owner of a condemned dwelling then must bring the structure up to code standards or cease its use for living purposes. Appeals from the actions of the Housing Code Inspector may be taken to the Code Enforcement Committee.”
2. Section 1.4 is hereby repealed and the following is substituted in lieu thereof:

“1.4 DWELLING shall mean any building or structure, including mobile homes and trailers as defined in Section 21-64 (a) of the General Statutes, as amended, which is used or intended to be used in whole or in part for living or sleeping by human occupants.”
3. Section 1.24 is hereby repealed and the following is substituted in lieu thereof:

“1.24 HOUSING CODE INSPECTOR shall mean the legally designated Housing Code Inspector of the Town of Vernon or his designated assistant.”
4. The words “Housing Code Inspector” are hereby substituted for the words “Building Inspector” in Sections 2.1, 3.2, 3.3, 3.7, 4.3, 5.2, 5.3, 5.7, 6.8, 9.1, 9.3, 9.4, 9.5, 10.1, 10.2, 10.3, 13.1, 13.2, 13.3 and 14.1.
5. The words “Housing Code Inspector” are hereby substituted for the words “Health Officer” in Sections 3.5 and 3.6.
6. The words “Code Enforcement Committee” are hereby substituted for the words “Health Officer” in Sections 3.7, 9.2, 9.4 and 10.5.
7. All other provisions of Ordinance #13, as amended by Ordinances #36 and #65 are reaffirmed as previously adopted.

Introduced: June 7, 1977
Advertised: June 10, 1977
Public Hearing: June 21, 1977
Council action: June 21, 1977
Advertised: June 24, 1977 in Journal Inquirer
Effective Date: July 9, 1977

*Repealed By Ordinance #105 - March 6, 1978

ORDINANCE #105

HOUSING ORDINANCE REGULATING SUPPLIED FACILITIES, MAINTENANCE AND OCCUPANCY OF DWELLINGS, DWELLING UNITS, ROOMING HOUSES AND ROOMING UNITS

The following general provisions shall apply in the interpretation and enforcement of this ordinance:

STATEMENT OF NEED It is hereby found there exist and may in the future exist, within the Town of Vernon, premises, dwellings, dwelling units, rooming houses, or rooming units, or parts thereof, which by reason of their structure, equipment, sanitation, maintenance, use, or occupancy affect or are likely to affect adversely the public health (including the physical, mental, and social well-being of persons and families), safety, and general welfare. To, correct and prevent the existence of such adverse conditions, and to achieve and maintain such levels of residential environmental quality as will protect and promote public health, safety, and general welfare, it is further found that the establishment and enforcement of minimum housing standards are required.

PURPOSE It is hereby declared that the purpose of this ordinance is to protect, preserve, and promote the physical and mental health and social well-being of the people; to prevent and control the incidence of communicable diseases; to reduce environmental hazards to health; to regulate privately and publicly owned dwellings for the purpose of maintaining adequate sanitation and public health; to protect the safety of the people; and to promote the general welfare by legislation which shall be applicable to all dwellings now in existence or hereafter constructed. It is hereby further declared, that the purpose of this ordinance is to insure that the quality of housing is adequate for protection of public health, safety and general welfare, including: establishment of minimum standards for basic equipment and facilities for light, ventilation, and thermal conditions, for safety from fire and accidents, for the use and location and amount of space for human occupancy, and for an adequate level of maintenance; and determination of the responsibilities of owners, operators and occupants of dwellings.

ADMINISTRATION Administration of the Housing Code is entrusted to the Housing Code Inspector. The Housing Code Inspector and his authorized representative are permitted by, law to inspect all dwellings, dwelling units, rooming houses and, rooming units and order any repairs or additional facilities necessary to meet code standards. The Housing Code Inspector is also empowered to designate as unfit for human habitation any dwelling, dwelling unit, rooming house or rooming unit which by reason of structure, equipment, sanitation, maintenance, use or occupancy adversely affects public health, safety or general welfare. Once designated as unfit for human habitation, the Housing Code Inspector is further authorized to order the dwelling, dwelling unit, rooming house or rooming unit vacated. The Code empowers the Building Inspector to order demolished any dwelling, dwelling units or rooming house designated as unfit for human habitation if not put into proper repair by the owner or if determined not to warrant repair under the provisions of this ordinance. Where circumstances warrant, the Housing Code provides that the Town may act to make necessary repairs or take corrective action to abate an emergency when the owner fails to do so. Appeals from the actions of the Housing Code Inspector and/or Building Inspector may be taken to the Code Enforcement Committee.

SCOPE The provisions of this ordinance shall apply uniformly to the construction, maintenance, use and occupancy of any structure or building containing a dwelling unit where applicable, and shall apply uniformly to the alteration, repair, equipment, use, occupancy and maintenance of any existing building or structure containing a dwelling unit within the jurisdiction of the Town of Vernon irrespective of when or under what code or codes such buildings or structures were originally constructed or rehabilitated. The provisions of the Housing Code are supplemented in some instances by the State Tenement House Act., Chapter 352 of the General Statutes of the State of Connecticut, the State Fire Safety Code, Chapter 530 of the General Statutes and the Landlord and Tenant Act, Chapter 830 of the General Statutes.

Be it therefore ordained by the Town Council of the Town of Vernon as follows: All provisions of Ordinance #13, as amended by Ordinance #36, #65, and #104 are hereby repealed and the following is substituted in lieu thereof:

SECTION 1. DEFINITIONS.

1.0 The following definitions shall apply in the interpretation and enforcement of this Ordinance:

- 1.1** Accessory Building or Structure shall mean a detached building or structure in a secondary or subordinate capacity from the main or principal building or structure on the same premises, such as garages, sheds, barns and other similar non-residential structures.

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- 1.2 Approved shall mean approved by the local or state authority having such administrative authority.
- 1.3 Ashes shall mean the residue from the burning of combustible materials.
- 1.4 Basement shall mean a portion of a building located partly underground, but having less than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- 1.5 Building Inspector shall mean the legally designated Building Inspector of the Town of Vernon or his designated assistant.
- 1.6 Cellar shall mean a portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- 1.7 Central Heating System shall mean a single system supplying heat to one (1) or more dwelling unit(s) or more than one (1) rooming unit.
- 1.8 Chimney shall mean a vertical masonry shaft of reinforced concrete, or other approved noncombustible, heat-resisting material enclosing one (1) or more flues, for the purpose of removing products of combustion from solid, liquid or gaseous fuel.
- 1.9 Common Area shall mean an area being used by more than one family residing in a dwelling.
- 1.10 Dwelling shall mean any building which is used or intended to be used in whole or in part for living or sleeping by human occupants; provided that temporary housing as hereinafter defined in Sub-section 1.42 shall not be regarded as a dwelling.
- 1.11 Dwelling Unit shall mean any group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.
- 1.12 Egress shall mean an arrangement of exit facilities to assure a safe means of exit from buildings.
- 1.13 Extermination shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the Health Officer of the Town of Vernon and the State Department of Health.
- 1.14 Family any number of individuals related by blood, marriage or adoption, living together as a single household unit, provided that a group of not more than seven (7) persons keeping house together but not necessarily related by blood or marriage or adoption may be considered a family.
- 1.15 Flush Water Closet shall mean a toilet bowl which is flushed with water which has been supplied under pressure and equipped with a water sealed trap above the floor level.
- 1.16 Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- 1.17 Habitable Room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes excluding bathroom, water closet compartments, laundries, pantries, foyers, or hallways, closets, recreation room (but not including "living rooms") private workshops or hobby rooms, and storage spaces.
- 1.18 Health Officer shall mean the legally designated health authority of the Town of Vernon or his designated assistant.
- 1.19 Heated Water shall mean water heated to a temperature of not less than 120° at the outlet.
- 1.20 Heating Device shall mean all furnaces, unit heaters, domestic incinerators, cooking and heating stoves and ranges, and other similar devices.
- 1.21 Housing Code Inspector shall mean the legally designated Housing Code Inspector of the Town of Vernon or his designated assistant.

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- 1.22** Infestation shall mean the presence, within or around a dwelling, of any insects, rodents or other pests.
- 1.23** Kitchen shall mean any room used for the storage of foods, preparation of foods and containing the following equipment: sink and/or other device for dishwashing, stove or other device for cooking, refrigerator or other device for cool storage of food, cabinets and/or shelves for storage of equipment and utensils, and counter or table for food preparation.
- 1.24** Multiple Dwelling shall mean any dwelling containing more than two dwelling units.
- 1.25** Lead-based Paint shall mean any paint containing more lead than the level established by the U.S. Consumer Product Safety Commission as being the “safe” level of lead in residential paint and paint products.
- 1.26** Occupant shall mean any person living, sleeping, cooking, or eating in or having actual possession of a dwelling unit or rooming unit.
- 1.27** Operator shall mean any person who, has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.
- 1.28** Owner shall mean any person who, alone or jointly or severally with others; shall
- a. Have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or,
 - b. Have charge, care, or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this ordinance, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.
- 1.29** Person shall mean and include any individual, firm, corporation, association, partnership, cooperative or governmental agency.
- 1.30** Plumbing shall mean and include all of the following supplied facilities and equipment; gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, showers, installed clothes-washing machines, catch basins, drains, vents, and any other similar supplies fixtures, together with all connections of water, sewer, or gas lines.
- 1.31** Privacy shall mean the existence of conditions which will permit an individual or individuals to carry out an activity commenced without interruption or interference, either by sight or sound by unwanted individuals.
- 1.32** Premises shall mean a platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or nondwelling structure, and includes any such building, accessory structure or other structure thereon.
- 1.33** Properly Connected shall mean connected in accordance with all applicable codes and ordinances of the Town of Vernon and the State of Connecticut as from time to time enforced; provided, however, that the application of this definition shall not require the alteration or replacement of any connection in good working order and not constituting a hazard to life or health.
- 1.34** Rat Harborage shall mean any conditions or place where rats can live, nest, or seek shelter.
- 1.35** Ratproofing shall mean a form of construction which will prevent the ingress or egress of rats to or from a given space or building, or from gaining access to food, water, or harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings, and other places that may be reached and entered by rats by climbing, burrowing or other methods, by the use of materials impervious to rat gnawing and other methods approved by the Health Officer of the Town of Vernon.
- 1.36** Refuse Container shall mean a watertight container that is constructed of metal, or other

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durable material impervious to rodents, that is capable of being serviced without creating insanitary conditions, or such, other containers as have been approved by the Housing Code Inspector. Openings into the container such as covers and doors shall be tight fitting.

- 1.37** Room Unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
- 1.38** Rooming House shall mean any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to individuals who are not husband or wife, son or daughter, mother or father, sister or brother of the owner or operator; provided that hospitals, homes for the aged, and other institutions licensed by the State Department of Health under Chapter 181 of the General Statutes shall not be regarded as rooming houses or as subject to the provisions of this ordinance. The word Rooming House shall have the same meaning as the word Boarding Home referred to in the Zoning Regulations of the Town of Vernon.
- 1.39** Rubbish shall mean combustible and non-combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery, and dust or other items as specified by the Health Officer of the Town of Vernon.
- 1.40** Safety shall mean the condition of being reasonably free from danger and hazards which may cause accidents or disease.
- 1.41** Space Heater shall mean a self-contained, heating appliance of either the convection type or the radiant type and intended primarily to heat only a limited space or area such as one room or two adjoining rooms.
- 1.42** Temporary Housing shall mean any tent, trailer, mobile home or any other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than thirty (30) consecutive days.
- 1.43** Supplied shall mean paid for, furnished, or provided by or under the control of the owner or operator.
- 1.44** Toxic Substance shall mean any chemical product applied on the surface of or incorporated into any structural or decorative material which constitutes a potential hazard to human health at acute or chronic exposure levels.
- 1.45** Meaning of Certain Words. Whenever the word dwelling unit, rooming house, rooming unit, premises, are used in this ordinance, they shall be construed as though they were followed by the words "or any part thereof." whenever the masculine pronoun is used, it shall also mean the feminine pronoun.

SECTION 2 RESPONSIBILITIES OF OWNERS AND OCCUPANTS

- 2.0** The following responsibilities of owners and occupants, are in addition to those specified elsewhere throughout this ordinance:

OWNER'S RESPONSIBILITIES

- 2.1** No owner or other person shall occupy or let to another person any dwelling or dwelling unit unless it and the premises are clean, sanitary, fit for human occupancy, and comply with all applicable legal requirements of the State of Connecticut and the Town of Vernon.
- 2.2** Every owner of a dwelling containing two (2) or more dwelling units shall maintain in a clean and sanitary condition the shared or public area of the dwelling and premises thereof.
- 2.3** Every owner of a dwelling containing three (3) or more dwelling units shall supply facilities or refuse containers for the sanitary and safe storage and/or disposal of rubbish and garbage. In the case of single or two (2) family dwellings, it shall be the responsibility of each occupant to furnish such facilities or refuse containers. All refuse containers shall be rat-proof, insect-proof, water tight, structurally strong to withstand handling stress, easily filled, emptied and cleaned; shall be provided with tight-fitting

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covers or similar closure; and shall be maintained at all times in a clean sanitary condition. A minimum of two (2) twenty gallon refuse containers shall be supplied for each dwelling unit.

- 2.4** No owner of a dwelling or dwelling unit shall store, place, or allow to accumulate any materials which may serve as food for rats in a site accessible to rats.
- 2.5** No owner of a dwelling shall accumulate or permit the accumulation of rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide a rat harborage in a dwelling or about the shared or public areas of a dwelling or its premises. Materials stored by the owner or permitted to be stored by the owner shall be stacked neatly in piles elevated at least eighteen (18) inches above the ground floor.
- 2.6** Whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or common parts of any dwelling containing two or more units, extermination thereof shall be the responsibility of the owner.
- 2.7** Every owner of a dwelling or dwelling unit shall provide and maintain the dwelling or dwelling unit free from hazards to health due to the presence of toxic substances, e.g. lead-based paint, as determined by the Health Officer of the Town of Vernon.
- 2.8** No owner shall apply a lead-based paint to any surface in any dwelling, dwelling unit, rooming house and/or rooming unit.
- 2.9** The owner of a dwelling unit shall be responsible for providing and having all screens and double or storm doors and windows whenever the same are required under the provisions of this ordinance or any rule or regulation adopted pursuant thereto. The maintenance and/or replacement of all screens and double storm doors and windows is the responsibility of the owner.

OCCUPANT'S RESPONSIBILITIES

- 2.10** Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.
- 2.11** Every occupant of a dwelling unit shall keep all supplies fixtures and facilities therein in a clean, sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- 2.12** Every occupant of a dwelling or dwelling unit shall store and dispose of all his garbage, refuse, and any other organic waste which might provide food for insects and/or rodents in a clean, sanitary, safe manner by placing it in refuse containers.
- 2.13** No occupant of a dwelling or dwelling unit shall accumulate rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide a rat harborage in or about any dwelling or dwelling unit. Stored materials shall be stacked neatly in piles elevated at least eighteen (18) inches above the ground or floor.
- 2.14** No occupant of a dwelling or dwelling unit shall store, place, or allow to accumulate any materials which may serve as food for rats in a site accessible to rats.
- 2.15** Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only dwelling unit within the dwelling that is infested.
- 2.16** No occupant shall apply a lead-based paint to any surface in any dwelling, dwelling unit, rooming house and/or rooming unit.

SECTION 3 MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES.

- 3.0** No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit, for the purposes of living, sleeping, cooking or eating therein, which does not comply with the following requirements:

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BASIC EQUIPMENT & FACILITIES

- 3.1** Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked, which shall have adequate circulation area, and which shall be equipped with the following:
- 3.1.1** A kitchen sink in good working condition and properly connected to a water supply system which is approved by the Health Officer of the Town of Vernon and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to a sewer system or septic system approved by the Health Officer of the Town of Vernon.
 - 3.1.2** Cabinet's and/or shelves for the storage of eating, drinking, and cooking equipment and utensils and of food that does not require refrigeration for safe keeping; and a counter or table for food preparation; said cabinets and/or shelves and counter or table shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or harmful effect to food.
 - 3.1.3** A stove, or similar device, for cooking food, and a refrigerator, or similar device, for the safe storage of food, both of which are properly installed with all necessary connections for safe, sanitary and efficient operation; provided that such stove, refrigerator, and/or similar devices need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide same on occupancy, and that sufficient space and adequate connections for the safe and efficient installation and operation of said stove, refrigerator and/or similar devices are provided.
- 3.2** Within every dwelling unit there shall be a non-habitable room which affords privacy to a person within said room and which is equipped with a flush water closet in good working condition. Said flush water closet shall be equipped with easily cleanable surfaces, be properly connected to a water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly, and shall be properly connected to a sewer system or Septic system which is approved by the Health Officer of the Town of Vernon.
- 3.3** Within every dwelling unit there shall be a lavatory sink. Said lavatory sink may be in the same room as the flush water closet, or, if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink shall be in good working condition and properly connected to a water supply system which is approved by the Health Officer and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is properly connected to a sewer system or septic system approved by the Health Officer of the Town of Vernon, Water inlets for lavatory sinks shall be located above the overflow rim of these facilities.
- 3.4** Within every dwelling unit there shall be a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition. Said bathtub or shower may be in the same rooms as the flush water closet or in another room and shall be properly connected to a water supply system which is approved by the Health Officer, and which provides at all times an adequate amount of heated and unheated water under pressure, and which is connected to a sewer system or septic system approved by the Health Officer of the Town of Vernon. Water inlets for bathtubs shall be located above the overflow rim of these facilities.

MEANS OF EGRESS

- 3.5** Every multiple dwelling unit shall be provided with not less than two remote means of egress. Each story above the first story of each building shall be provided with not less than two remote means of egress by stairways on the inside or fire escapes on the outside of such building. Remote means of egress shall be without entering into or going through a dwelling or rooming unit of another occupant and. shall be by means of doorways.

SAFETY FACILITIES

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- 3.6** Structurally sound hand rails shall be provided on all stairs containing four (4) risers or more. Porches, patios, and/or balconies located more than three (3) feet higher than the adjacent area shall have structurally sound protective guard or hand rails.
- 3.7** Each dwelling unit shall have facilities for the safe storage of drugs and household poisons.
- 3.8** No person shall let to another for occupancy any dwelling or dwelling unit unless all exterior doors of the dwelling or dwelling unit are equipped with functioning locking devices.

SECTION 4 MINIMUM STANDARDS FOR LIGHT AND VENTILATION

- 4.0** No person shall occupy as owner occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:
 - 4.1** Every habitable room shall have at least one window facing directly to the outdoors. The minimum aggregate glass area of windows for habitable rooms shall be not less than one-tenth (1/10) of the floor area of the room served by them. Whenever walls or other portions of structures face a window of any habitable room any such light-obstruction structures are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such window shall not be included as contributing to the required minimum total window area. Whenever an interior wall is located parallel to a window and within three (3) feet of that window, the window shall not be included as contributing to the required window area.
 - 4.2** Every habitable room shall have at least one window which can be easily opened, or such other device as will adequately ventilate the room. The total of the open window area in every habitable room shall be equal to at least 45 per cent of the minimum aggregate glass area of the window as required in Sub-Section 4.1 except where there is supplied some other device affording adequate ventilation and approved by the Housing Code Inspector.
 - 4.3** Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in Sub-Section 4.1 and 4.2, except where the bathroom or water closet compartment is adequately ventilated by a ventilation system which is kept in continuous or automatic operation, ventilating directly to the outdoors and approved by the Housing Code Inspector.
 - 4.4** Every dwelling unit and all public and common areas shall be supplied with electric service outlets, and fixtures which shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a manner prescribed by the ordinances, rules and regulations of the Town of Vernon. The capacity of such services and the number of outlets and fixtures shall be:
 - 4.4.1** every habitable room shall have an electric service and outlets and/or fixtures capable of providing at least three (3) watts per square foot of floor area.
 - 4.4.2** every habitable room shall have at least one (1) floor or wall-type electric convenience outlet for each sixty (60) square feet or fraction thereof of floor area, and in no case less than two (2) such outlets. No duplex outlet shall serve more than two (2) fixtures or appliances.
 - 4.4.3** every water closet compartment, bathroom, laundry room, furnace room and public hall shall contain at least one supplied ceiling-or-wall type electric light fixture.
 - 4.5** Temporary wiring or extension cords shall not be used as permanent wiring.
 - 4.6** All electric lights and outlets in bathrooms and kitchens shall be controlled by switches which are of such design as shall minimize the danger of electric shock, and such lights and outlets shall be installed and maintained in such condition as to minimize the danger of electrical shock.
 - 4.7** Every common area and every cellar and every hallway and every stairway in every multiple dwelling shall be adequately lighted with lighting facilities sufficient to

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provide a light intensity of at least one (1) lumen at the floor or stair tread level at all times, every common area, every cellar, every hallway and every stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units may be supplied with conveniently located switches controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

- 4.8** No owner, operator, or occupant shall cause any service facility, equipment or utility which is required under this ordinance to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies.

SECTION 5 MINIMUM THERMAL STANDARDS

- 5.0** No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein, which does not comply with the following requirements.

- 5.1** Every dwelling or dwelling units shall be supplied with heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments located therein to a temperature of at least 65 degrees F. at a distance three feet above floor level when outdoor temperature is 10 degrees F. below zero.

- 5.2** In every dwelling unit and/or rooming unit when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least 65 degrees F. shall be maintained in all habitable rooms, bathroom, and water closet compartments at a distance of three feet above the floor level at all times.

- 5.3** Either central or space heating facilities may be used but must meet the following requirements:

- 5.3.1** Every central heating unit and/or central hot water heating unit shall:

5.3.1.1 have every heat duct, steampipe and/or hot water pipe free of leaks and functioning properly to provide an adequate amount of heat and/or hot water to the intended place of delivery.

5.3.1.2 be provided with seals between sections of hot air furnaces to prevent the escape of noxious gases into heat ducts;

5.3.1.3 if employing electricity, be connected to an electric circuit of adequate capacity in an approved manner; and

5.3.1.4 be provided with automatic or safety devices and be installed and operated in the manner required by the statutes, ordinances, and regulations of the State of Connecticut and the Town of Vernon.

- 5.3.2** Every space heating unit and/or unit hot water facility shall:

5.3.2.1 not use gasoline as a fuel.

5.3.2.2 not be of the portable type if using solid, liquid or gaseous fuel.

5.3.2.3 If employing a flame, be connected to a flue or vent in the manner required by the statutes; ordinances and regulations of the State of Connecticut and the Town of Vernon.

5.3.2.4 if employing solid or liquid fuels, have a fire-resistant panel beneath it.

5.3.2.5 be located at least two (2) feet away from any wall or be equipped in an approved manner, with insulation sufficient to prevent the overheating of any wall. All wood burning units shall be located at least three (3) feet away from any wall.

5.3.2.6 If employing gaseous fuel, not be equipped with rubber tube or armored rubber tube connector.

5.3.2.7 If employing electricity, be connected to an electric circuit of adequate capacity in an approved manner.

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5.3.2.8 be installed and operated in the manner required by the statutes, ordinances and regulations of the State of Connecticut and the Town of Vernon.

5.4 The water-heating facilities necessary to provide the hot water required under Sub-section 3.1.1, 3.3, 3.4, 8.5 and 8.12 shall be properly installed. Water heaters shall be set on a solid base. Heaters shall be elevated in locations where seasonal water accumulations occur. Heaters shall be installed so that all controls and units are readily accessible for service. All water lines shall be of nonferrous pipe or tubing. A listed combination pressure and temperature relief valve which displays the certification seal or symbol shall be installed in accordance with the manufacturer's instructions. When the installation is on the same level as, or above living quarters, the discharge outlet of the relief valve shall terminate at an open proper drain. When the installation is in an unfinished basement, the discharge outlet of the relief valve shall terminate at a proper plumbing fixture or shall be piped to within twelve inches of the basement floor. The discharge line shall be of the same size as the relief valve outlet tapping. Relief valve shall be installed in a manner that will permit the temperature sensing element to be in contact with the water in the top 6 inches of the tank. The heating facilities shall be connected to the hot water lines required under those sub-sections; shall be maintained in safe and good working condition, and shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees F. Such supplied water heating facilities shall be capable of meeting the requirements of this sub-section when the dwelling, dwelling unit, rooming house, or rooming unit heating facilities required under the provisions of Sub-section 5.4 and 5.5 are not in operation.

5.5 "Enclosures: -- Except in one- and two-family dwellings and as specifically required for industrial furnaces and accessory equipment or for high hazard uses in Article 4 of the State Basic Building Code, all heating boilers installed in a building or structure shall be located in a separate room or compartment completely enclosed by floors, walls and ceilings of the required fire resistance; but in no case shall the enclosure of boiler rooms have less than two (2) hour fire resistance for high pressure boilers and not less than three-quarter (3/4) hours for low pressure boilers."

SECTION 6 GENERAL REQUIREMENTS RELATING TO THE SAFE AND SANITARY MAINTENANCE OF PARTS OF DWELLING AND DWELLING UNITS.

6.0 No person shall occupy as owner-occupant, or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein which does not comply with the following requirements:

6.1 Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, every porch, and every appurtenance thereto, shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair. Every inside and outside stair or step shall have uniform risers and uniform treads.

6.2 Every foundation, roof and exterior wall, door, hatchway, skylight and window shall be reasonably weather-tight, water-tight, damp-free, rodent-proof, and shall be kept in sound condition and good repair. Floors, interior walls and ceilings shall be sound and in good repair. All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by paint which is not lead-based paint or by other protective covering or treatment. Walls shall be capable of affording privacy for the occupants.

6.3 Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.

6.4 Every water closet compartment, floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

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- 6.5** All rain water shall be so drained and conveyed from every roof so as not to cause dampness in the walls, ceilings or floors of any habitable room, or any bathroom or water closet compartment.
- 6.6** All gutters, leaders and down-spouts shall be maintained In good working condition as to provide proper drainage of rain water. Where no other means exist, to meet the provisions of 6.5, gutters, leaders and down-spouts shall be provided.
- 6.7** Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents or other pests, shall be supplied with a screen or such other device as, will effectively prevent their entrance.
- 6.8** All sewer, pipes, drains or conduits and openings around such pipes and conduits shall be constructed to prevent the ingress or egress of rats to or from a building.
- 6.9** Interior floors of basements, cellars and other areas in contact with the soil shall be rat-proofed in an approved manner.
- 6.10** Every plumbing fixture and pipe, every chimney, flue, and smoke pipe, and every other facility, piece of equipment, or utility which is present in a dwelling or dwelling unit, or which is required under this ordinance, shall be constructed and installed in conformance with the appropriate statutes, ordinances and regulations of the Town of Vernon and the State of Connecticut.
- 6.11** Every supplied facility, piece of equipment, or utility which is required under this ordinance shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working conditions, the responsibility for which is outlined in Section 2 of this ordinance.
- 6.12** All fences shall be constructed of approved fencing material, shall be maintained in good condition and shall not create a harborage for rats. Wood materials shall be protected against decay by use of paint which is not lead-based paint or by other preservative material. The permissible height and other characteristics of all fences shall conform to the appropriate statutes, ordinances, and regulations of the Town of Vernon and the State of Connecticut. Wherever any egress from the dwelling opens into the fenced area, there shall be a means of egress from the premises to any public way adjacent thereto.
- 6.13** Accessory structures present or provided by the owner, agent, or tenant occupant on the premises of a dwelling shall be structurally sound, and be maintained in good repair and free of insects and rats, or such structures shall be removed from the premises. The exterior of such structures shall be made weather resistant through the use of decay-resistant materials or the use of lead-free paint or other preservatives.
- 6.14** All construction and materials, ways and means of egress, and installation and use of equipment shall conform with the appropriate statutes, ordinances, and regulations dealing with fire protection of the Town of Vernon and the State of Connecticut.
- 6.15** During the period from May 1 to September 1 for protection against mosquitoes, flies, and other insects, every door opening directly from a dwelling unit to outdoor space shall have supplied screens and a self-closing device; and every window or other device with openings to outdoor space, used or intended to be used for ventilation shall likewise be supplied with screens.
- 6.16** During the period from November 1 to April 1, every door opening directly from a dwelling unit to outdoor space shall have a supplied double or storm door. Every window shall have a supplied double or storm window.

SECTION 7 MAXIMUM DENSITY, MINIMUM SPACE, USE AND LOCATION REQUIREMENTS

- 7.0** No person shall occupy or let, to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:
 - 7.1** The maximum occupancy of any dwelling unit shall not exceed the lesser value of the following requirements:

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- 7.1.1** For the first occupant there shall be at least one hundred fifty (150) square feet of floor space and there shall be at least one hundred (100) square feet of floor space for every additional occupant thereof; the floor space to be calculated on the basis of total habitable room area;
- 7.1.2** A total number of persons shall be less than or equal to two (2) times the number of habitable rooms in the dwelling unit.
- 7.2** Not more than one (1) family, excepting guests or domestic employees, shall occupy a dwelling unit unless a license for a rooming house has been granted by the Housing Code Inspector.
- 7.3** Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of usable floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 additional square feet of usable floor area for each additional occupant thereof.
- 7.4** Ceiling height shall conform to the standards as required by the statutes, ordinances and regulations of the State of Connecticut and the Town of Vernon.
- 7.5** No cellar space shall be used as a habitable room or dwelling unit.
- 7.6** No basement space shall be used as a habitable room or dwelling unit unless, in addition to the other provisions of this ordinance:
 - 7.6.1** The floor and walls are impervious to leakage of underground and surface runoff water and insulated against dampness; and
 - 7.6.2** The minimum aggregate glass area of windows, as required under Sub-section 4.1 is located entirely above the grade of the ground adjoining such window area.
- 7.7** No dwelling unit in a multiple dwelling shall contain less than two habitable rooms. There shall be a minimum of 400 square feet of floor area for each two room dwelling unit and for each additional room the floor space shall be increased by at least 120 square feet.
- 7.8** Every dwelling unit shall have at least four (4) square feet of floor-to-ceiling height closet space for the personal effects of each permissible occupant; if it is lacking, in whole or in part, an amount of space equal in square footage to the deficiency shall be subtracted from the area of habitable room space used in determining permissible occupancy.

SECTION 8 ROOMING HOUSES

- 8.0** No person shall operate a rooming house, or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of Section 2, 3, 4, 5, 6 of this ordinance where applicable and the Zoning Regulations of the Town of Vernon.
- 8.1** No person shall operate a rooming house unless he holds a valid Rooming House Permit issued by the Housing Code Inspector in the name of the operator and for the specific dwelling or dwelling unit. The operator shall apply to the Housing Code Inspector for such permit, which shall be issued by the Housing Code Inspector upon compliance by the operator with the applicable provisions of this ordinance. This permit shall be displayed in a conspicuous place within the rooming house, at all times. No such permit shall be transferable. Every person holding such a permit shall give notice in writing to the Housing Code Inspector within 24 hours after having sold, transferred, given away, or otherwise disposed of ownership of, interest in, or control of any rooming house. Such shall include the name and address of the person succeeding to the ownership, or control of such rooming house. Every rooming house permit shall expire on the last day of August following its date of issuance, unless sooner suspended or revoked as hereinafter provided.
- 8.2** Any person whose application for a permit to operate a rooming house has been denied may request in writing and shall be granted a hearing on the matter before the Code Enforcement Committee under the procedure provided by Section 14 for the hearing of

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petitions relating to notices.

- 8.3** Whenever upon inspection of any rooming house the Housing Code Inspector finds that conditions or practices exist which are in violation of any provision of this ordinance, the Housing Code Inspector shall give notice in writing to the operator of such rooming house that unless such conditions or practices are corrected within a reasonable period, to be determined by the Housing Code Inspector, the operator's rooming house permit will be suspended. At the end of such period the Housing Code Inspector shall reinspect such rooming house, and if he finds that such conditions or practices have not been corrected he shall give notice in writing to the operator that the latter's permit has been suspended. Upon receipt of notice of suspension such operator shall immediately cease operation of such rooming house and no person shall occupy for sleeping or living purposes any rooming unit therein.
- 8.4** Any person whose permit to operate a rooming house has been suspended, or who has received notice from the Housing Code Inspector that his permit is to be suspended unless existing conditions or practices at his rooming house are corrected, may request in writing and shall be granted a hearing on the matter before the Code Enforcement Committee under the Procedure provided by Section 14. Provided that if no petition for such permit hearing is filed within 5 days following the day on which such permit was suspended, such permit shall be deemed to have been automatically revoked.
- 8.5** At least one flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sewer or septic system approved by the Health Officer of the Town of Vernon. and in good working condition, shall be supplied for each five persons or fraction thereof residing, within a rooming house, including members of the operator's family wherever they share the use of said facilities; provided that in a rooming house where rooming units are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. All such facilities shall be located within the dwelling as to be reasonably accessible from common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times in accordance with the provisions of Subsection 5.6. No such facilities shall be located in a basement.
- 8.6** The operator of every rooming house shall change supplies, bed linen and towels therein at least once a week, and prior to the letting of any room to any occupants. The operator shall be responsible for the maintenance of all supplies of bedding in a clean and sanitary manner.
- 8.7** Every rooming unit occupied for sleeping purposes by one person shall contain at least 70 square feet of usable floor area and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of usable floor area as so defined for each additional occupant thereof.
- 8.8** Every rooming unit shall have a safe, unobstructed means of egress leading to safe and open space at ground level, as required by the statutes, ordinances and regulations of the State of Connecticut and the Town of Vernon.
- 8.9** The operator of every rooming house shall be responsible for the sanitary maintenance of a sanitary condition in every other part of the rooming house, and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the Operator.
- 8.10** Every provision of this ordinance which applies to rooming houses shall also apply to hotels, and/or motels, except as provided in Sub-section 8.11 and except to the extent that any such provision may be found in conflict with the laws of this State or with the lawful regulations of any State Board or Agency.
- 8.11** No meals may be prepared or eaten in a rooming house, other than in a dwelling unit contained therein, unless such meals are prepared and eaten in communal kitchens and dining rooms conforming to the standards of Sub-section.8.12 and 8.13, except that this Subsection shall not apply to the eating of meals in establishments which are operating a valid restaurant business and which have the rooming house and restaurant operations integrated as single business enterprise.

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- 8.12** A communal kitchen shall comply with the following standards:
- 8.12.1** It shall contain at least 60 square feet of floor area in every case and at least 100 square feet if meals are both prepared and eaten therein;
 - 8.12.2** If occupants are permitted to eat meals therein, it shall be supplied with one dining chair and two lineal feet of dining table space, in addition to the surface area for food preparation as required under Sub section 8.12.6 below, for each occupant of the rooming house permitted to eat in the kitchen, the surface of each dining table to be smooth and easily cleanable;
 - 8.12.3** It shall contain at least one supplied kitchen sink of an approved type which shall be supplied with hot water at all times in accordance with the provisions of Sub-section 5.6.
 - 8.12.4** It shall contain at least one supplied kitchen gas stove or electric stove, every such stove, to have at least two top burners and an oven;
 - 8.12.5** It shall contain one supplied electric or gas refrigerator with an adequate food storage capacity;
 - 8.12.6** It shall contain one or more supplied tables or other facilities having a total surface area for food preparation of not less than six square feet, the surface of each table or other facility to be suitable for the preparation of food, smooth and easily cleanable;
 - 8.12.7** It shall contain at least one supplied cabinet of adequate size for and suitable for storage of food and eating and cooking utensils.
 - 8.12.8** It shall be supplied by the operator with facilities or refuse containers for sanitary and safe storage and/or disposal of rubbish and garbage, Sub-section 2.3 of this ordinance and
 - 8.12.9** It shall be located within a room accessible to the occupant of each rooming unit sharing the use of such kitchen without going outside of the dwelling and without going through a dwelling unit or rooming unit of another occupant.
- 8.13** Where a communal kitchen does not conform to the provisions of Sub-section 8.12 relating to the eating of meals therein, meals shall be eaten in a communal dining room that complies with the following standards:
- 8.13.1** It shall contain at least 70 square feet of floor area;
 - 8.13.2** It shall be supplied with one dining chair and two lineal feet of dining table space for each occupant of the rooming house permitted to eat in the dining room, the surface of each dining table to be smooth and easily cleanable;
 - 8.13.3** It shall be located on the same floor of the rooming house as the communal kitchen in which the meals are prepared and shall be as nearly adjacent to the communal kitchen as is practicable; and
 - 8.13.4** It shall be located within a room accessible to the occupant of each rooming unit sharing such dining room without going outside of the dwelling and without going through a dwelling unit or rooming unit of another occupant.
- 8.14** The operator of any rooming house shall post in every rooming unit a sign on which shall be written or printed in letter not less than three-eighths of one inch in height, the following words: "No cooking permitted in this room", and such sign shall remain so posted at all times the rooming unit is occupied.

SECTION 9 ADOPTION OF PLANS OF INSPECTION BY THE PLANNING COMMISSION

- 9.1** The Planning Commission is hereby authorized and directed to develop plans, such plans to be adopted by the Vernon Town Council, for the inspection of dwelling units subject to the provisions of this ordinance, including:
- 9.1.1** A plan for the periodic inspection of rooming houses subject to the provisions of Section 8 governing the licensing of the operation, of such dwellings;

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9.1.2 A plan for the systematic inspection of dwelling units contained within the Town of Vernon. The plan shall also contain reasonable provisions concerning administrative procedures to be used by the Housing Code Inspector in executing the plan.

9.2 Before making inspections pursuant to a plan authorized in Paragraph 9.1.2, the Housing Code Inspector shall advise the public of the plan to inspect by means of a notice published in a newspaper having general circulation in the Town of Vernon.

SECTION 10 INSPECTIONS: POWERS AND DUTIES OF THE HOUSING CODE INSPECTOR

10.1 The Housing Code Inspector shall enforce the provisions of this ordinance and is hereby authorized and directed to make inspections pursuant one (1) or more of the plans for inspection authorized by Section 9.1 or in response to a request or a complaint that an alleged violation of the provisions of this ordinance or of applicable rules or regulations pursuant thereto may exist, or when the Housing Code Inspector has valid reason to believe that a violation of this ordinance or any rules and regulations pursuant thereto has been or is being committed.

10.2 The Housing Code Inspector is hereby authorized and directed to enter and inspect all dwellings, dwelling units, rooming houses and rooming units and the premises surrounding said dwellings, dwelling units, rooming houses and rooming units subject to the provisions of this ordinance for the purpose of determining whether there is compliance with its provisions.

10.3 The owner, occupant, or other person in charge of a dwelling, dwelling unit, rooming house, or rooming unit upon presentation of proper identification by the Housing Code Inspector, a copy of any relevant plan of inspection pursuant to which entry is sought, and a schedule of the specific areas and facilities to be inspected shall give the Housing Code Inspector entry and free access to every part of the dwelling, dwelling unit, rooming house, or rooming unit or to the premises surrounding any of these.

10.4 If after receipt of a complaint or request for inspection due to an emergency the Housing Code Inspector determines that a violation of this ordinance probably exists, the owner, occupant, or other persons in charge of a dwelling, dwelling unit, rooming house, or rooming unit upon presentation of proper identification by the Housing Code Inspector and a schedule of the specific areas and facilities to be inspected shall give the Housing Code Inspector entry and free access to every part of the dwelling, dwelling unit, rooming house, or rooming unit or to the premises surrounding any of these.

10.5 If any owner, occupant or other person in charge of a dwelling, dwelling unit, rooming house, or rooming unit or structure subject to licensing under Section 8, fails or refuses to permit free access and entry to the structure or premises under his control, or any part thereof, with respect to which an inspection authorized by this ordinance is sought to be made, the Housing Code Inspector may, upon showing that probable cause exists for the inspection and for the issuance of an order directing compliance with the inspection requirements of this section with respect to such dwelling, dwelling unit, rooming house, or rooming unit, petition and obtain such order from a court of competent jurisdiction.

SECTION 11 NOTICE OF VIOLATION

11.1 Whenever the Housing Code Inspector determines that any dwelling, dwelling unit, or rooming unit, or the premises surrounding any of these, fails to meet the requirements set forth in this ordinance or in applicable rules and regulations issued pursuant thereto, the Housing Code Inspector shall issue a notice setting forth the alleged failures, and advising the owner, occupant, operator, or agent that such failures must be corrected. All reasonable efforts will be made to notify the occupant (s) except where the occupant is being cited under the Code, in which case such notification will be mandatory. This notice shall:

11.1.1 Be in writing.

11.1.2 Set forth the alleged violations of this ordinance of applicable rules and

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regulations issued pursuant thereto.

- 11.1.3** Describe the dwelling, dwelling unit, rooming house or rooming unit where the violations are alleged to exist or to have been committed. Such written notice shall specify an appropriate or acceptable method of correction.
- 11.1.4** Specify a specific date for the correction of any violation alleged, which shall be no later than 90 days after the mailing, posting, or publishing of said notice.
- 11.1.5** Specify the right to appeal violation notice before the Code Enforcement Committee under the procedure set forth in Section 14.
- 11.1.6** Be served upon the owner, occupant, operator, or agent of the dwelling, dwelling unit, rooming house, or rooming unit personally, or by registered mail, return receipt requested, addressed to the owner, occupant, operator or agent. If one (1) or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such persons by posting the notice in or about the dwelling, dwelling unit or rooming unit described in the notice, or by causing such notice to be published in a newspaper of general circulation for a period of two (2) consecutive days.
- 11.2** At the end of the period of time allowed for the correction of any violation alleged, the Housing Code Inspector shall reinspect the dwelling, dwelling unit, rooming house, or rooming unit described in the notice.
- 11.3** If upon reinspection the Housing Code Inspector determines that the violations have not been corrected, the Housing Code Inspector shall initiate legal proceedings for the immediate correction of the alleged violations or shall order the dwelling, dwelling unit, rooming house, or rooming unit vacated within 30 days or both. In cases where the Housing Code Inspector determines that substantial compliance with the enforcement order has occurred, he may request an extension of time for completion of corrections on behalf of the owner, occupant, operator, or agent before the Code Review Committee as specified in Section 14.
- 11.4** The Housing Code Inspector shall file a caveat on the Land Records of the Town of Vernon in the following form whenever the period of time specified in the enforcement has passed and any violations have not been satisfied or corrected:

CAVEAT

NOTICE OF VIOLATION OF TOWN OP VERNON HOUSING CODE

NOTICE IS HEREBY GIVEN that property located at

in the Town of Vernon and owned by

of the Town of

is in violation of .the Town of Vernon Housing Code. Information on specific violations of the Code may be obtained by contacting the Housing Code Inspector, 14 Park Place, Vernon, Connecticut,

Dated at Vernon, Connecticut this

day of

19

By _____
Housing Code Inspector
Town of Vernon

SECTION 12 PENALTIES

- 12.1** Any owner, occupant, operator, or agent of a dwelling, dwelling unit, rooming house or rooming unit who has received an order or notice of an alleged violation of this ordinance shall be subject to a penalty of not more than seventy-five (\$75.00), or fifteen (15) days in jail, or both, for each day any alleged violation continues after expiration of the specified repair period; provided that no such penalty shall be applicable while a reconsideration hearing or appeal to a court of competent jurisdiction is pending in the matter.
- 12.2** For purposes of this section, a violation shall be defined as one or more alleged failures cited in the notice issued under Section 11.

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SECTION 13 DESIGNATION OF UNFIT UNITS AND/OR STRUCTURES, REPAIRS, CORRECTIVE ACTION, AND DEMOLITION

DESIGNATION OF UNFIT UNITS

- 13.1** Any dwelling, dwelling unit, rooming house, or rooming unit shall be designated as unfit for human habitation when any one of the following defects or conditions is found, and when, in the judgment of the Housing Code Inspector such defect creates a hazard to the health, safety, or welfare of the occupants .or of the public:
- 13.1.1** Is damaged, decayed, unsanitary, unsafe, and/or vermin-infested and/or contains hazardous levels of lead-based paint or other toxic substance.
- 13.1.2** Lacks illumination, ventilation, and/or required sanitation facilities.
- 13.1.3** The general condition of the location is unsanitary, unsafe, and/or unhealthful.
- 13.2** Whenever any dwelling, dwelling unit, rooming house or rooming unit has been designated as unfit for human habitation, the Housing Code Inspector shall placard the dwelling, dwelling unit, rooming house, or rooming unit indicating that it is unfit for human habitation, and, if occupied, shall order the dwelling, dwelling unit, rooming house, or rooming unit vacated within a reasonable time.
- 13.3** Whenever any dwelling, dwelling unit, rooming house, or rooming unit has been placarded and vacated the Housing Code Inspector may order services and utilities to be turned off or disconnected and all utility meters removed.
- 13.4** No dwelling, dwelling unit, rooming: house, or rooming unit which has been designated as unfit for human habitation, has been placarded as such and vacated shall be used again for human habitation until written approval is secured from the Housing Code Inspector and the placard removed by the Housing Code Inspector.
- 13.5** The Housing Code Inspector shall rescind the designation as unfit for human habitation and remove the placard when the defect or condition upon which such designation and placarding was based has been removed or eliminated and the dwelling, dwelling unit, rooming house, or rooming unit is deemed by the Housing Code Inspector as a safe, sanitary, and fit place for human habitation.
- 13.6** No person shall deface or remove the placard from any dwelling, dwelling unit, rooming house, or rooming unit which has been designated as unfit for human habitation except as provided in Section 13.5.
- 13.7** Any person affected by any decision of the Housing Code Inspector or by any designation or placarding of a dwelling, dwelling unit, rooming house, or rooming unit as unfit for human habitation shall be granted an opportunity for a hearing on the matter before the Code Enforcement Committee under the procedure set forth in Section 14.

REPAIRS AND OTHER CORRECTIVE ACTION

- 13.8** Whenever an owner, operator, or agent of a dwelling, dwelling unit, rooming house, or rooming unit fails, neglects, or refuses to make repairs or take other corrective action called for by the order or notice of violation issued pursuant to Section 11.1, the Town of Vernon may undertake such repairs or action, when in its judgment a failure to make them will endanger the public health, safety, or welfare, and the cost of such repairs will not exceed fifty (50) percent of the fair market value, exclusive of foundations, of the structure to be repaired.
- 13.9** Notice of the intention to make such repairs or take other corrective action shall be served upon the owner, operator, or agent of a dwelling, dwelling unit, rooming house, or rooming unit.
- 13.10** Every owner, operator, or agent of a dwelling, dwelling unit, rooming house, or rooming unit who has received notice of the intention of the Town of Vernon to make repairs or take other corrective action shall give free entry and access to the agent of the Town of Vernon for the purpose of making such repairs. Any owner, operator, or agent of a dwelling, dwelling unit, rooming house, or rooming unit who refuses, impedes, interferes with or hinders, or obstructs entry by such agent pursuant to a notice of intention to make repairs or take other corrective action shall be subject to a civil

ORDINANCE #105

HOUSING ORDINANCE REGULATING SUPPLIED FACILITIES, MAINTENANCE AND OCCUPANCY OF DWELLINGS, DWELLING UNITS, ROOMING HOUSES AND ROOMING UNITS

penalty not to exceed one hundred dollars (100.00) for each such failure to comply.

- 13.11** When repairs are made or other corrective action taken at the direction of the Housing Code Inspector, the cost of such repairs and corrective action shall constitute a debt in favor of the Town of Vernon against the owner of the repaired structure. In the event such owner fails, neglects, or refuses to pay the Town of Vernon the amount of this debt, it shall be recoverable in a civil action against the owner or his successor, brought in a court of competent jurisdiction by the Town of Vernon, which shall possess all rights of a private creditor.

DEMOLITION

- 13.12** The Building Inspector may order a dwelling, dwelling unit, or rooming house to be demolished if it has been designated as unfit for human habitation, has been placarded as such, has been vacated, has not been put into proper repair so as to rescind the designation as unfit for human habitation and to cause the placard to be removed.
- 13.13** The owner of any dwelling, dwelling unit, or rooming house which has been ordered demolished shall be given notice of this order in the manner provided for service of notice in Section 11, and shall be given a reasonable time, not to exceed ninety (90) days, to demolish such structure.
- 13.14** Any owner aggrieved by the notice to demolish may seek a reconsideration of the matter in the manner provided in Section 14.
- 13.15** When the owner fails, neglects, or refuses to demolish a dwelling, dwelling unit, or rooming house within the requisite time, the Building Inspector may proceed to cause all work required to comply with the order according to the provisions of Section 124.0 of the State of Connecticut Basic Building Code. If the cost of such demolition shall create a debt in favor of the Town of Vernon against such owner, such costs shall be recoverable in a civil action brought by the Town of Vernon which shall possess all the rights of a private creditor.
- 13.16** Whenever a dwelling, dwelling unit, or rooming house is demolished, whether carried out by the owner or by the Town of Vernon, such demolition shall include the filling in of the excavation on which the demolished dwelling, dwelling unit, or rooming house was located in such a manner as to eliminate all potential danger to the public health, safety, or welfare arising from such excavation, Demolition will also be subject to the provision of Chapter 354a of the Connecticut State Statutes.
- 13.17** All demolition shall be preceded by an inspection of the premises by the Health Officer to determine whether or not extermination procedures are necessary. If the premises are found to be infested, appropriate rat extermination to prevent the spread of rats to adjoining or other areas shall be instituted before, during, and after demolition.

SECTION 14 APPEALS

- 14.1** There is hereby created a Code Enforcement Committee which shall consist of the Chairman of the Vernon Planning Commission, a member of the Vernon Town Council designated by the Mayor, and the Building Inspector, The Health Officer, Police Chief, Fire Chief, Housing Authority Director and other Town of Vernon professional staff may provide technical assistance at the request of the Committee.
- 14.2** Any person requesting an inspection or complaining of an alleged housing code violation where no notice has been issued and any person affected by a notice which has been issued in connection with the enforcement of any provision of this ordinance may request and shall be granted a hearing on the matter before the Code Enforcement Committee created in Section 14.1; provided that such person shall file in the office of the Housing Code Inspector a written petition requesting such hearing and setting forth a brief statement of the grounds thereof within five (5) days after the day the notice was served, posted, or published or after a request for an inspection or complaint of alleged housing code violations has been made where no notice has been issued. Upon receipt of such petition, the Housing Code Inspector shall set a time and place for such hearing and shall give the petitioner and other affected persons including the owner, operator, agent, or occupant written notice thereof.

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HOUSING ORDINANCE REGULATING SUPPLIED FACILITIES, MAINTENANCE AND OCCUPANCY OF DWELLINGS, DWELLING UNITS, ROOMING HOUSES AND ROOMING UNITS

- 14.2.1** At such hearing, the petitioner shall be given an opportunity to be heard and to show why any notice should be issued, modified, extended or withdrawn or a variance granted, or why any other appropriate action should be taken, including the ordering of appropriate inspection.
- 14.2.2** The hearing shall be commenced not later than fifteen (15) days after the day on which the petition was filed; provided that upon application of the petitioner or other affected person the committee may postpone the date of the hearing for a reasonable time beyond such fifteen (15) day period, if in its judgement the petitioner has submitted a good and sufficient reason for such postponement, but in no event shall said hearing be postponed longer than 5 days.
- 14.3** Such hearing shall be had before all the members of the said committee. Said panel, by a majority vote of those present, may order appropriate action or order that a notice be issued or may sustain, modify or withdraw the notice; it may also grant an extension or variance in accordance with the following conditions:
- 14.3.1** The time for performance of any act required by the notice may be extended for not more than 18 months subject to appropriate conditions and where the committee makes specific findings of fact based on evidence relating to the particular case:
- 14.3.1.1** that there are practical difficulties or unnecessary hardships, other than solely financial hardships, in the way of carrying out the strict letter of any provision of this ordinance; and
- 14.3.1.2** that such extension is in harmony with the general purpose and intent of this ordinance in securing the public health, safety and general welfare.
- 14.3.2** A variance may be granted in a specific case and from a specific provision of this ordinance subject to appropriate conditions and where the committee makes specific findings of fact based on evidence relating to the particular case:
- 14.3.2.1** that there are practical difficulties or hardships, other than solely financial hardship, in the way of carrying out the strict letter of the provision; or
- 14.3.2.2** that the effect of the application of the provisions would be arbitrary in the specific case; or
- 14.3.2.3** that an extension would not constitute an appropriate remedy for these practical difficulties or unnecessary hardships and this arbitrary effect; and
- 14.3.2.4** that such variance is in harmony with the general purpose and intent of this ordinance in securing the public health, safety and general welfare.
- 14.4** If a notice is ordered issued, or a notice is sustained, modified, or extended, it shall become an order as so sustained, modified or extended. Any notice served pursuant to Sub-Section 11.1 of this ordinance shall automatically become an order if a written petition for a hearing is not filed in the office of the Housing Code Inspector within 5 days after such notice is served.
- 14.5** After a hearing in the case of any notice suspending any permit required by this ordinance, when such notice has been sustained by the said committee, the permit shall be deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the Housing Code Inspector within 5 days after such notice is served.
- 14.6** The proceedings at such hearings, including the findings and decision of the Code Enforcement Committee, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Housing Code Inspector and open to reasonable public inspection. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by a decision of the Housing Code Inspector may seek relief therefrom in any court of competent jurisdiction, within fifteen days from the date of the sending of notice of the decision of

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the Housing Code Inspector in accordance with the general provisions of the Statutes relating to the taking of appeals from municipal commissions, boards and committees.

SECTION 15 CONFLICT OF ORDINANCE 'S EFFECT OF PARTIAL INVALIDITY

- 15.1** In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, health, or, other ordinance or code of the Town of Vernon, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.
- 15.2** If any section, sub-section, paragraph, sentence, clause, or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect; and to this end the provisions of this ordinance are declared to be severable.

SECTION 16 EMERGENCIES

- 16.1** Whenever, in the judgment of the Housing Code Inspector, an emergency exists which requires immediate action to protect the public health, safety, or welfare, an order may be issued, without a hearing or appeal, directing the owner, occupant, operator, or agent to take such action as is appropriate to correct or abate the emergency. If circumstances warrant, the Housing Code Inspector may act to correct or abate the emergency.
- 16.2** The owner, occupant, operator, or agent shall be granted a hearing before the Code Enforcement Committee on the matter upon his request, as soon as practicable, but such appeal shall in no case stay the abatement or correction of such emergency.

SECTION 17 EFFECTIVE DATE

- 17.1** This ordinance shall become effective fifteen (15) days after publication.

Introduced: February 6, 1978
Advertised: February 28, 1978 in Journal Inquirer
Public Hearing: March 6, 1978
Council Action: March 6, 1978
Advertised: March 12, 1978 in Tri Town Reporter
Effective Date: March 27, .1978
See Amendment - Ordinance #139, Page 235 September 21, 1982

ORDINANCE #106

AN ORDINANCE ESTABLISHING COLLECTION AND DISPOSAL OF SEWAGE AS A SERVICE OF SPECIAL BENEFIT NATURE AND ESTABLISHING USER CHARGES FOR THE COLLECTION AND DISPOSAL OF SEWAGE WITHIN THE TOWN OF VERNON

In accordance with the provisions of Chapter 13, Section 1 (a) of the Charter of the Town of Vernon, it is hereby established that the collection and disposal of sewage Is a service of special benefit nature.

In accordance with the provisions of Chapter 13, Section 1 (b) and 1 (c) of the Charter of the Town of Vernon, the Town Council has prepared lists of properties against which User Charges for the collection and disposal of sewage are to be charged, and hereby establishes the following rates for this service for the Fiscal Year ending June 30, 1978, payable April 1, 1978.

Section I. Definition: The following definition shall apply in the interpretation and enforcement of this ordinance:

- (a) Dwelling unit: Any group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Section II. For all residential structures located within the geographical limits of the Town of Vernon, the annual rate shall be as follows:

For each dwelling unit\$21.00

Section III. For all users other than residential users located within the geographical limits of the Town of Vernon, the annual rate shall be as follows:

The average daily flow of sewage discharged into the sewage system shall be determined and the annual charge shall be determined in accordance with the schedule set forth herein.

<u>Average Daily Flow in Gallons</u>	<u>Rate</u>
Less than 50,000	\$52.50 per thousand gallons
In excess of 50,000	\$2,625.00 plus \$31.00 per thousand gallons on gallons in excess of 50,000.

Section IV. The Tax Collector of the Town of Vernon is hereby designated as the collector of the charges provided for herein and the said Tax Collector is further authorized to collect such charges in accordance with the provisions of the General Statutes of the State of Connecticut for the collection of property taxes. The Tax Collector is further authorized to print on the bill for the charges provided for herein a notice that if the said bill is not paid within one month of the due date, interest will be charged on the delinquent amount at the rate of three-fourths of the one per cent (1%) per month from the due date as per Connecticut State Law.

Section V. In determining how many dwelling units are contained in a residential structure, the definition, as provided in Section 1A shall be used with the following exception. The Assessor of the Town of Vernon may reduce the number of dwelling units on his list of properties he has prepared for the Town Council, if the owner of the property provides sufficient information to the satisfaction of the Assessor, including, but not limited to, an Affidavit from the property owner that the particular dwelling unit, as determined by the Assessor, has not been occupied for at least two (2) years prior to the date Of the Affidavit.

- Introduced: March 6, 1978
- Advertised: March 9, 1978 in Journal Inquirer
- Public Hearing: March 20, 1978
- Council Action: March 20, 1978
- Advertised: March 24, 1978 in Journal Inquirer
- Effective Date: April 8, 1978

ORDINANCE #107

ORDINANCE EXTENDING SEWER LINES TO ESTELLE DRIVE, SUSAN DRIVE, KANTER DRIVE, FREDERICK ROAD, JONATHAN DRIVE, RANGE HILL DRIVE, COUNTRY LANE, THAT PORTION OF WEST ROAD NORTH OF DARYL DRIVE TO ITS INTERSECTION WITH SOUTH STREET AND THAT PORTION OF TUNNEL ROAD BETWEEN FEEDER ROAD AND THE TANKEROOSEN RIVER AND APPROPRIATING \$1,040,000 FOR EXTENSION OF SEWER LINES AND ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT

BE IT ORDAINED BY THE TOWN OP VERNON:

SECTION I. That pursuant to the provisions of Chapter 13, Section 1 (f) of the Charter of the Town of Vernon, the Town Council hereby authorizes the extension of sewer lines to Estelle Drive, Susan Drive, Kanter Drive, Frederick Road,, Jonathan Drive, Range Hill Drive, Country Lane, that portion of West Road north of Daryl Drive to its intersection with South Street and that portion of Tunnel Road between Feeder Road and the Tankeroosen River.

SECTION II. That the Town of Vernon appropriate \$1,040,000 for the extension of sewer lines in the areas set forth in Section I herein above.

SECTION III. That the Town of Vernon finance said appropriation by the issue of sewer bonds, in one or more series under the provisions of Section 7-259 of the General Statutes of Connecticut, Revision of 1958, as amended, or any other acts of the General Assembly thereto enabling in an amount not to exceed \$1,040,000; the Treasurer shall keep a record of such bonds; such bonds shall bear the seal of the Town or a facsimile thereof and shall be signed by the Mayor, Director of Administration and Treasurer or any two of them, or bear a facsimile of any such signature; said officials are hereby authorized to determine the amount, date, rate of interest, maturities and form of such bonds, to designate a bank or trust company to act as certifying and paying agent and the attorneys at law to render an opinion approving the legality of such bonds, and to sell and deliver such bonds on behalf of the Town.

SECTION IV. That the Town issue its temporary notes from time to time in an amount not exceeding \$1,040,000 under and pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended, in anticipation of the receipt of the proceeds from the sale of the aforementioned bonds; comply with the provisions of Section 7-378a if the maturity of such notes shall extend beyond the time permitted by said Section 7-378; and the Mayor, Director of Administration and Treasurer or any two of them are hereby authorized to determine the amount, date, interest rate, maturities, form and other details of such notes and to execute, sell and deliver the same.

Introduced: March 6, 1978

Advertised: March 9, 1978 in Journal Inquirer

Public Hearing: March 20, 1978

Council Action: March 20, 1978

Advertised: March 24, 1978 in Journal Inquirer

Effective Date: April 8, 1978

Approved by Referendum May 31, 1978

See Ordinance #124 amending Ordinance #107 subject to a referendum vote.

ORDINANCE #108

ORDINANCE APPROPRIATING THE SUM OF \$100,000 FOR THE PURCHASE OF A REPLACEMENT AERIAL LADDER FIRE TRUCK FOR THE ROCKVILLE FIRE DEPARTMENT

BE IT ORDAINED:

- (1) That the Town of Vernon appropriate the sum of One Hundred Thousand (\$100,000) Dollars for the purchase and equipping of a replacement ladder fire truck for use by the Rockville Fire Department;
- (2) That the Town of Vernon finance said appropriation by the issue of its serial bonds or notes, in one or more series, under the provisions of Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, or any other acts of the General Assembly thereto enabling in an amount not to exceed \$100,000.00; the Treasurer shall keep a record of such bonds or notes; such bonds or notes shall bear the seal of the Town or a facsimile thereof and shall be signed by the Mayor, Director of Administration and Treasurer or any two of them, or bear a facsimile of any such signatures; said officials are hereby authorized to determine the amount, date, rate of interest, maturities and form of such bonds, to designate a bank or trust company to act as certifying and paying agent and the attorneys at law to render an opinion approving the legality of such bonds, and to sell and deliver such bonds or notes on behalf of the Town as a single issue or to consolidate and sell the same with any other authorized but unissued general purpose bonds or notes of the Town;
- (3) That the Town issue its temporary notes from time to time in an amount not exceeding \$100,000.00 under and pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended, in anticipation of the receipt of the proceeds from the sale of the aforementioned bonds or notes; and comply with the provisions of Section 7 -378a of the General Statutes; if the maturity of such notes shall extend beyond the time permitted by said Section 7-378; and the Mayor, Director of Administration and Treasurer or any two of them are hereby authorized to determine the amount, date, interest rate, maturities, form and other details of such notes and to execute, sell and deliver the same.

Introduced: April 3, 1978
Advertised: April 7, 1978 in Journal Inquirer
Public Hearing: April 17, 1978
Council Action: April 17, 1978
Advertised: April 21, 1978 in Journal Inquirer
Effective Date:
Approved by Referendum May 31, 1978

ORDINANCE #109

ORDINANCE APPROPRIATING THE SUM OF \$250,000 FOR THE PURCHASE OF AN AERIAL PLATFORM FIRE TRUCK FOR THE VERNON FIRE DEPARTMENT

BE IT ORDAINED:

- (1) That the Town of Vernon appropriate the sum of Two Hundred Fifty Thousand (\$250,000) Dollars for the purchase and equipping of an aerial platform fire truck for use by the Vernon Fire Department;
- (2) That the Town of Vernon finance said appropriation by the issue of its serial bonds or notes, in one or more series, under the provisions of Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, or any other acts of the General Assembly; thereto enabling in an amount not to exceed \$250,000.00; the Treasurer shall keep a record of such bonds or notes; such bonds or notes shall bear the seal of the Town or a facsimile thereof and shall be signed by the Mayor, Director of Administration and Treasurer or any two of them, or bear a facsimile of any such signatures; said officials are hereby authorized to determine the amount, date, rate of interest, maturities and form of such bonds, to designate a bank or trust company to act as certifying and paying agent and the attorneys at law to render an opinion approving the legality of such bonds, and to sell and deliver such bonds or notes on behalf of the Town as a single issue or to consolidate and sell the same with any other authorized but unissued general purpose bonds or notes of the Town;
- (3) That the Town issue its temporary notes from time to time in an amount not exceeding \$250,000.00 under and pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended, in anticipation of the receipt of the proceeds from the sale of the aforementioned bonds or notes; and comply with the provisions of Section 7-378a of the General Statutes, if the maturity of such notes shall extend beyond the time permitted by said Section 7-378; and the Mayor, Director of Administration and Treasurer or any two of them are hereby authorized to determine the amount, date, interest rate, maturities, form and other details of such notes and to execute, sell and deliver the same.

Introduced: April 3, 1978

Advertised: April 7, 1978 in Journal Inquirer

Public Hearing: April 17, 1978

Council Action: April 17, 1978

Advertised: April 21, 1978 in Journal Inquirer

Effective Date:

Referendum vote May 31, 1978 disapproved Ordinance #109

ORDINANCE #110

ORDINANCE APPROPRIATING THE SUM OF \$140,000 FOR THE PURCHASE OF LAND FOR THE CONSTRUCTION OF FIRE FACILITIES FOR THE VERNON FIRE DEPARTMENT

BE IT ORDAINED:

- (1) That the Town of Vernon appropriate the sum of Forty Thousand (\$40,000) Dollars for the purchase of land and related expenditures for the construction of fire facilities for use by the Vernon Fire Department, provided that no portion of such appropriation shall be spent until such action has been referred to the Planning Commission for a report and approved by the Town Council pursuant to Connecticut General Statutes Section 8-24;
- (2) That the Town of Vernon finance said appropriation by the issue of its serial bonds or notes, in one or more series, under the provisions of Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, or any other acts of the General Assembly thereto enabling in an amount not to exceed \$40,000.00; the Treasurer shall keep a record of such bonds or notes; such bonds or notes shall bear the seal of the Town or a facsimile thereof and shall be signed by the Mayor, Director of Administration and Treasurer or any two of them, or bear a facsimile of any such signatures; said officials are hereby authorized to determine the amount, date, rate of interest, maturities and form of such bonds or notes, to designate a bank or trust company to act as certifying and paying agent and the attorneys at law to render an opinion approving the legality of such bonds or notes, and to sell and deliver such bonds on behalf of the Town as a single issue or to consolidate and sell the same with any other authorized but unissued general purpose bonds or notes of the Town;
- (3) That the Town issue its temporary notes from time to time in an amount not exceeding \$40,000.00 under and pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended, in anticipation of the receipt of the proceeds from the sale of the aforementioned bonds or notes; and comply with the provisions of Section 7-378a of the General Statutes if the maturity of such notes shall extend beyond the time permitted by said Section 7-378; and the Mayor, Director of Administration and Treasurer or any two of them are hereby authorized to determine the amount, date, interest rate, maturities, form and other details of such notes and to execute, sell and deliver the same.

Introduced: April 3, 1978
Advertised: April 7, 1978 in Journal Inquirer
Public Hearing: April 17, 1978
Council Action: April 17, 1978
Advertised: April 21, 1978 in Journal Inquirer
Effective Date:
Referendum vote May 31, 1978 approved Ordinance ~&110

ORDINANCE #111

AN ORDINANCE PROHIBITING THE POSSESSION OR CONSUMPTION OF ALCOHOLIC LIQUORS IN TOWN PARKS AND RECREATION AREAS

BE IT ORDAINED BY THE TOWN OF VERNON THAT:

SECTION I - FINDING

The Town Council of the Town of Vernon finds that the unregulated consumption of alcoholic liquors in Town parks and recreation areas has caused a serious impediment to the Town, has further resulted in the congregation of large and disruptive crowds in these areas, and has posed a danger to the orderly and peaceful flow of both traffic and persons in these areas.

SECTION II - DEFINITIONS

(a) "Park" and "Recreation Area" is a park, reservation, camp, playground, beach, swimming pool, recreation center or any other area in the Town, owned, used or leased by the Town and devoted to active or passive recreation, including adjacent sidewalks, pathways, driveways and roads. Lessors of Town parks or recreational areas shall be exempt from the provisions of this ordinance with regard to sponsored activities of said lessors.

(b) "Person" is any association, organization or group formally organized for social, civic or charitable purposes, and any family group which is further defined as any number of individuals related by blood, marriage, or adoption; provided, however, the word "person" as used in the penalty section, Section V hereof, and in the prohibition section, Section III hereof, is any natural person, partnership, corporation, association, or society.

(c) "Alcoholic Liquor" shall be defined as in the Liquor Control Act, Chapter 545 of the General Statutes of Connecticut, as amended, and shall include alcohol, beer, spirits and wine.

SECTION III - PROHIBITION

No person shall possess or consume any alcoholic liquor in any Town park or recreation area.

SECTION IV - POSTING

The director of Public Works is hereby directed to post every Town park and recreation area with a sign that reads in substance that possession or consumption of alcoholic liquors is prohibited.

SECTION V - PENALTY

Any person violating the provisions of this ordinance shall be fined not more than \$100.00 for each offense.

SECTION VI - EFFECTIVE DATE

After passage, this ordinance shall take effect fifteen (15) days after its publication in a newspaper having a circulation in the Town of Vernon.

Introduced: July 19, 1978
Advertised: July 24, 1978 in Journal Inquirer
Public Hearing: August 1, 1978
Council Action: August 1, 1978
Advertised; August 4, 1978 in Journal Inquirer
Effective Date: August 19, 1978

ORDINANCE #112

AN ORDINANCE ESTABLISHING COLLECTION AND DISPOSAL OF SEWAGE AS A SERVICE OF SPECIAL BENEFIT NATURE AND ESTABLISHING USER CHARGES FOR THE COLLECTION AND DISPOSAL OF SEWAGE WITHIN THE TOWN OF VERNON

In accordance with the provisions of Chapter 13, Section 1. (a) of the Charter of the Town of Vernon, It is hereby established that the collection and disposal of sewage Is a service of special benefit nature.

In accordance with the provisions of Chapter 13, Section 1. (b) arid 1.(c) of the Charter of the Town of Vernon, the Town Council has prepared lists of properties against which User Charges for the collection and disposal of sewage are to be charged, and hereby establishes the following rates for this service for the first six months of the Fiscal Year ending June 30, 1979, payable January 1, 1979.

Section I. Definition: The following definition shall apply in the interpretation and enforcement of this ordinance :

- (a) Dwelling unit: Any group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.
- (b) Dwelling unit equivalent: The number of rooms maintained by an establishment for the purpose of providing overnight lodging on a transient basis, provided such rooms are equipped with bathroom facilities multiple by the average occupancy rate for the establishment as certified by the operator of the establishment.

Section II. For all residential structures and transient lodging facilities located within the geographical limits of the Town of Vernon, the charge shall be as follows:

For each dwelling unit or dwelling unit equivalent\$35.00

Section III. For all users other than residential users located within the geographical limits of the Town of Vernon, the average daily flow of sewage discharged into the sewage system shall be determined and the charge shall be determined by multiplying the average daily flow by (\$140.00 per thousand gallons per day).

Section IV. In the above, charges shall be subjected to such adjustment as may be required to comply with applicable federal regulations

Section V. The Tax Collector of the Town of Vernon is hereby designated as the collector of the charges provided for herein and the said Tax Collector is further authorized to collect such charges in accordance with the provisions of the General Statutes of the State of Connecticut for the collection of property taxes. The Tax Collector is further authorized to print on the bill for the charges provided for herein a notice that if the said bill is not paid within one month of the due date, interest will be charged on the delinquent amount at the rate of one percent (1%) per month from the due date as per Connecticut State Law.

Section VI. In determining how many dwelling units are contained in a residential structure, the definition, as provided in Section 1A shall be used with the following exception. The Assessor of the Town of Vernon may reduce the number of dwelling units on his list of properties he has prepared for the Town Council, if the owner of the property provides sufficient information to the satisfaction of the Assessor, including, but not limited to, an Affidavit from the property owner that the particular dwelling unit, as determined by the Assessor, has not been occupied for at least two (2) years prior to the date of the Affidavit.

Introduced: November 20, 1978
 Advertised: November 22, 1978 in Journal Inquirer
 Public Hearing: December 4, 1978
 Council Action: December 11, 1978
 Advertised: December 14, 1978 in Journal Inquirer
 Effective Date: December 30, 1978

ORDINANCE #113

AN ORDINANCE AMENDING ORDINANCE #29 ENTITLED “AN ORDINANCE ESTABLISHING METHOD OF ASSESSMENT FOR SEWER LINES IN THE TOWN OF VERNON AND RULES RELATING TO THE SANITARY SEWER SYSTEM OF THE TOWN OF VERNON” AS AMENDED BY ORDINANCES #58 AND #101; AND, AMENDING ORDINANCE #49 ENTITLED “ORDINANCE ESTABLISHING REGULATIONS ON THE USE OF PUBLIC SEWERS, THE CONNECTIONS TO PUBLIC SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO PUBLIC SEWERS” AS AMENDED BY ORDINANCES #57, #68, and #101

BE IT ORDAINED, BY THE TOWN OF VERNON:

1. That paragraphs b. (1); b. (2a);b. (4); and b. (5), Section III Rules for Assessment for sanitary sewer construction of Ordinance #29 entitled “Ordinance Re: Establishing Method of Assessment for Sewer Lines in the Town of Vernon and Rules Relating to the Sanitary Sewer System of the Town of Vernon” as amended, are hereby repealed and the following paragraphs b. (1a); b.(1b); b. (2a); b. (4); and b. (5) substituted in their place;

b. (1a):

House connection lateral benefits shall be assessed against the abutting property owners uniformly on the basis of the number of laterals installed to serve such property.

b. (1b):

Street sanitary sewer benefits shall be assessed against the abutting owners on a uniform front foot basis within a specifically defined project. area, except that~ ~any assessment against any lot which is a corner lot or a lot belonging to the same owner and abutting upon more than one sewer street, shall not be assessed for more frontage than its longer side on the sewer line.

b. (2a):

The Town Council, where a particular situation warrants, may assess the property on the basis of a method determined to be equitable by the Vernon Sewer Authority and approved by the Town Council.

b. (4):

In addition to the House Connection Lateral and Street Sanitary Sewers benefit assessments described above in Paragraph III b. (1) and Paragraph III b. (2), each property owner shall pay a sewer connection charge at the time the property owner connects to the sewer in accordance with the following schedule:

- | | |
|---|--|
| a.) For one and two family dwellings | \$200.00 each dwelling unit |
| For multi-family dwellings | \$200.00 each for first two dwelling units |
| | \$150.00: each additional dwelling unit |
| b.) For institutional, type buildings
such as schools, churches; etc. | \$1,000 per acre to the nearest 1/10 acre
with a minimum charge of \$1,000. |
| | \$1,000 per acre or fraction thereof of
property to the nearest 1/10 acre as it is
actually developed with a minimum
charge of \$1,000. |
| c.) For retail, commercial and
industrial property | |

Said sewer connection charge shall include the cost of downstream improvements such as force mains, pumping stations, excess cost of trunk sanitary sewers over street sanitary sewers, relief sewers, etc., which charge shall represent the share of the cost of downstream construction make possible the sewerage of the area under consideration.

The above described sewer connection charge shall apply to newly constructed sub-divisions even though sewers within said subdivision are constructed by the subdivider.

The Town Council, where a particular situation warrants, may establish a connection charge for the property on the basis of a method determined to be equitable by the Vernon Sewer Authority and approved by the Town Council.

b. (5):

The provision of Paragraph b. (4) shall not apply to those property owners who **1.)** on or before April 15, 1979 have received a permit to connect to the Vernon Sewer System, such permit to be in effect for 30 day period and have paid in full a connection charge as follows:

ORDINANCE #113

AN ORDINANCE AMENDING ORDINANCE #29 ENTITLED “AN ORDINANCE ESTABLISHING METHOD OF ASSESSMENT FOR SEWER LINES IN THE TOWN OF VERNON AND RULES RELATING TO THE SANITARY SEWER SYSTEM OF THE TOWN OF VERNON” AS AMENDED BY ORDINANCES #58 AND #101; AND, AMENDING ORDINANCE #49 ENTITLED “ORDINANCE ESTABLISHING REGULATIONS ON THE USE OF PUBLIC SEWERS, THE CONNECTIONS TO PUBLIC SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO PUBLIC SEWERS” AS AMENDED BY ORDINANCES #57, #68, and #101

- | | |
|---|---|
| a.) For one and two family dwellings | \$100.00 each dwelling unit |
| For multi-family dwellings | \$100.00 each for first two dwelling units
\$75.00 each additional dwelling unit |
| b.) For institutional type buildings
such as schools, churches, etc. | \$500.00 per acre of developed land or
fraction thereof |
| c.) For retail, commercial and
industrial property | \$500.00 per acre or fraction thereof of
land |
- or, 2.) have paid in full or have commenced payment as provided in paragraph 2 a combined sewer assessment and connection charge levied against said property.

2. That Paragraph (a), Section VII BUILDING OR HOUSE PERMITS of Ordinance #49 entitled “Ordinance Establishing Regulations on the Use of Public Sewers, the Connections to Public Sewers, and the Discharge of Waters and Wastes Into Public Sewers” is hereby repealed and the following paragraph (a) is substituted in its place.

a.) There shall be two classes of building permits for sewers:

1. Class A for residential and commercial service, and 2. Class B for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Town.

The application shall state the location and character of the work to be performed; the person granted permission to perform such work; the time limit for completion of the work; the general character of the wastes which are or may be discharged into the sewer in question; and any other pertinent information or conditions.

The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the “Superintendent.” A permit and inspection fee of \$15.00 for one and two family dwellings, \$15.00 each for first two dwellings and \$10.00 each additional dwelling units for multifamily dwellings, \$75.00 per acre of developed land or fraction thereof for institutional type buildings such as schools, churches, etc. and for retail commercial and industrial property, shall be paid to the Town of Vernon at the time the Application is filed.

In those cases where a sewer connection charge has been levied or will be levied under Paragraph 5 Section III Rules for Assessment for Sanitary Sewer Construction of Ordinance #29 entitled “Ordinance Establishing Method of Assessment for Sewer Lines in the Town of Vernon and Rules Relating to the Sanitary Sewer System of the Town of Vernon,” the charge for permit and inspection fee of \$15.00 for one and two family dwellings shall be waived as the charge is paid under Ordinance #29.

3. That pursuant to Public Act 78-301 any property owner who is eligible for tax relief for elderly taxpayers under the provisions of Sections 12-129b and 12-170a of the General Statutes may apply to the Sewer Authority for approval of a plan of payment of such property owners sewer assessment in a manner other than as provided under Section 7-253 of the General Statutes. The Sewer Authority is authorized to exercise any and all responsibilities required to implement the provisions of said Public Act 78-301.

In other respects Ordinances #29 and #49 are ratified and confirmed.

Introduced: November 20, 1978.
Advertised: November 22, 1978 in Journal Inquirer
Public Hearing: December 4, 1978
Council Action: December 11, 1978
Advertised: December 14, 1978 in Journal Inquirer
Effective Date: December 30, 1978

ORDINANCE #114

AN ORDINANCE ESTABLISHING COLLECTION AND DISPOSAL OF SEWAGE AS A SERVICE OF SPECIAL BENEFIT NATURE AND ESTABLISHING USER CHARGES FOR THE COLLECTION AND DISPOSAL OF SEWAGE WITHIN THE TOWN OF VERNON

In accordance with the provisions of Chapter 13, Section 1. (a) of the Charter of the Town of Vernon, it is hereby established that the collection and disposal of sewage is a service of special benefit nature.

In accordance with the provisions of Chapter 13, Section 1. (b) and 1. (c) of the Charter of the Town of Vernon, the Town Council has prepared lists of properties against which User Charges for the collection and disposal of sewage are to be charged, and hereby establishes the following rates for this service for the fiscal year ending June 30, 1979, payable June 1, 1979.

Section I. Definition: The following definition shall apply in the interpretation and enforcement of this ordinance.

- (a) Dwelling unit: Any group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.
- (b) Dwelling unit equivalent: The number of rooms maintained by an establishment for the purpose of providing overnight lodging on a transient basis, provided such rooms are equipped with bathroom facilities, multiplied by the average occupancy rate for the establishment as certified by the operator of the establishment.
- (c) Volume: The average daily volume of sewage discharged by a user of the Vernon sewage as determined from time to time by the Vernon Sewer Authority, through the use of available data on historic water consumption or such manner as the Authority finds reasonable and practicable.

Section II. For all residential structures and transient lodging facilities located within the geographical limits of the Town of Vernon, the charge shall be as follows:

For each dwelling unit or dwelling unit equivalent\$47.00

Section III. For all users other than residential users located within the geographical limits of the Town of Vernon, the charge shall be based on volume as follows:

0 - 500 gallons per day	\$63.00
500 - 1000 gallons per day	\$189.00
1000 - 5000 gallons per day	\$756.00
5000 - 15,000 gallons per day	\$2,520.00
15,000 - 25,000 gallons per day	\$5,040.00
In excess of 25,000 gallons per day	\$5,040.00 & \$252 per thousand gallons for each additional thousand gallons or part thereof in excess of 25 thousand gallons per day

Section IV. The above charges shall be subject to such adjustment as may be required to comply with any applicable federal or state regulations.

Section V. In determining how many dwelling units are contained in a residential structure, the definition, as provided in Section 1 (a) shall be used with the following exception. The Assessor of the Town of Vernon may reduce the number of dwelling units on his list of properties he has prepared for the Town Council, if the owner of the property provides sufficient information to the satisfaction of the Assessor, including, but not limited to, an affidavit from the property owner that the particular dwelling unit, as determined by the Assessor, has not been occupied for at least two (2) years prior to the date of the affidavit.

Section VI. The Tax Collector of the Town of Vernon is hereby designated as the collector of the charges provided for herein and the said Tax Collector is further authorized to collect such charges in accordance with the provisions of the General Statutes of the State of Connecticut for the collection of property taxes. The Tax Collector is further authorized to print on the bill for the charges provided for herein a notice that if the said bill is not paid within one (1) month of the due date, interest will be charged on the delinquent amount at the rate of one percent (1%) per month from the due date as per Connecticut State Law,

Section VII. Each user that has previously paid in whole or in part the User Charge levied by the Ordinance No. 112 of the Town of Vernon, shall be given credit for such payment against the charge determined by this ordinance, provided, however, that no interest or penalty paid or required to be paid under the terms of said Ordinance No. 112 shall be deemed to be a credit.

Introduced: April 30, 1979
 Advertised: May 4, 1979 in Journal Inquirer
 Public Hearing: May 15, 1979
 Council Action: May 15, 1979
 Advertised: May 17, 1979 in Journal Inquirer
 Effective Date: June 1, 1979

ORDINANCE #115

THE TOWN OF VERNON MASSAGE ESTABLISHMENT ORDINANCE

BE IT ORDAINED BY THE TOWN OF VERNON THAT Ordinance #99 entitled “The Town of Vernon Massage Establishment Ordinance” is hereby repealed and the following is substituted in lieu thereof:

Section 1. SHORT TITLE

This ordinance shall be known and may be cited as “The Town of Vernon Massage Establishment Ordinance.”

Section 2. POLICY

It is hereby declared that the unregulated practice of massage can harm or endanger the health, safety and welfare of the public and that the business of operating massage establishments is a business affecting the public health, safety and general welfare.

Section 3. DEFINITIONS

For purposes of interpretation and enforcement, and unless the context requires otherwise, words and terms used in this ordinance shall have the meanings ascribed to them as follows:

- (a) The “Health Officer” shall mean the Health Officer of the Town of Vernon or his lawful designee.
- (b) “Massage” shall mean any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the human body with the hands and, or, with the aid of any object or mechanical or electrical apparatus or appliance, with or without any supplementary aids such as rubbing alcohol, linements, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice. For purposes of this definition, the use of any aids or processes used or offered as supplementary or incidental to the above, including heat lamps, hot and cold packs, tubs, showers, cabinet baths, or steam and dry heat baths, shall be considered a part of the “massage”.
- (c) “Massage Establishment” shall mean any establishment, by whatever name called, where any person engages in or carries on or permits to be engaged in or carries on any of the activities of massage.
- (d) “Massagist” shall mean any person, who, for any consideration, engages in the practice of massage.
- (e) “Person” shall mean any individual, and unless the context clearly requires otherwise, any corporation, partnership, association, joint stock company, or combination of individuals of whatever form or character.
- (f) “Outcall Massage Service” shall mean any business, the function of which is to engage in or carry on massages at a location designated by the customer or patron rather than at a massage establishment as defined in Section 3 (c).
- (g) The “Board of Massage Establishment Permit Appeals” shall be composed of three (3) residents of the Town of Vernon to be appointed by the Mayor. Their decision shall be by majority vote.

Section 4. PERMIT TO OPERATE

- (a) No person shall engage in, conduct, or carry on or permit to be conducted, or carried on, in or upon any premises in the Town of Vernon, the operation of a massage establishment without first having obtained a permit to operate a massage establishment from the Health Officer.
- (b) All applications for a permit to operate a massage establishment shall be in writing, signed and sworn to by the applicant, and shall set forth:
 - (1) the name and address of each applicant.
 - (2) that the applicant is at least 18 years of age.
 - (3) the proposed place of business and facilities therein.
 - (4) the exact nature of the massage to be administered.
 - (5) two portrait photographs of the applicant at least two and one-half Inches by three inches (2 ½ x 3) and a complete set of the applicant’s fingerprints which shall be

ORDINANCE #115

THE TOWN OF VERNON MASSAGE ESTABLISHMENT ORDINANCE

taken by the Chief of Police or his authorized representative.

- (6) that the applicant has furnished authorization to the Health Officer and to the Vernon Chief of Police, or their authorized representatives, to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit. The Health Officer and/or the Chief of Police may require, and the applicant must furnish, any other identification and information necessary to discover the truth of the matter herein specified as required to be set forth in the application.
 - (7) business, occupation or employment of the applicant for the five (5) years immediately preceding the date of the application.
 - (8) Social Security, number.
 - (9) applicant's weight, height, color of hair and eyes.
 - (10) their agreement to provide ten (10) hours of training on their premises concerning Anatomy, Physiology, Theory and Practice of Massage, Method of Massage, Hygiene and Professional Ethics to all applicants for a Restricted Massagist Permit in their employ.
 - (11) their agreement to actively maintain at all times on their premises a collection of current texts on Anatomy, Physiology, Theory and Practice of Massage, Method of Massage, and Hygiene. A bibliography of said books shall be submitted with the application and be approved by the Health Officer.
 - (12) their agreement to maintain accurate records with regard to the dates and hours a holder of a Restricted Massagist Permit practices massage while in his or her employ; and maintain those records for inspection by the Health Officer or his lawful designee upon prior notice and at a reasonable time.
- (c) Each application shall be accompanied by a nonrefundable processing fee of \$75.00. In addition, there shall be an annual permit, fee of \$675.00 payable upon the granting of a permit.
- (d) The Health Officer shall issue a permit to operate a massage establishment upon finding:
- (1) All requirements concerning operation and facilities described in this ordinance will be complied with as of the effective date of the permit.
 - (2) Compliance with all other statutes, codes, or ordinances including health, zoning, building, fire and safety requirements of the State of Connecticut or the Town of Vernon, as of the effective date of the permit.
 - (3) That the nature of the massage administered will not endanger the health or safety of patrons of the massage establishment.
 - (4) That the applicant or any person directly engaged in the operation or management of the massage establishment has not been convicted, within five (5) years prior to the date of the application, of a felony, an offense involving the unauthorized practice of the healing arts, or any sex-related offense, such as, but not limited to, sexual assault, prostitution, sexual misconduct, public indecency, obscenity and has not had a permit to operate a massage establishment or a massagist permit suspended or revoked in this or any other state.
 - (5) That the applicant has satisfied and complied with the requirements of this ordinance.
- (e) After any change of home address, the holder of a permit to operate a massage establishment shall notify the Health Officer or his lawful designee, in writing, of the new address within seven (7) days, of the change of address.

Section 5. MASSAGIST PERMIT

- (a) No person shall engage in the practice of massage without first having obtained a massage permit from the Health Officer.
- (b) All applications for a massagist permit shall be in writing, signed and sworn to by the applicant, and shall set forth:
 - (1) the name and address of the applicant

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THE TOWN OF VERNON MASSAGE ESTABLISHMENT ORDINANCE

- (2) that the applicant is at least 18 years of age
- (3) that the applicant has complied with or provided evidence of one of the following:
 - a. Evidence of an existing massagist's permit obtained prior to the effective date of this ordinance.
 - b. A license issued by the State of Connecticut, Commissioner of Health, pursuant to Section 19-49b, Connecticut General Statutes, as amended.
 - c. A copy of a diploma showing that the applicant has successfully completed a course of study at a school or institution of learning which has for its purpose the teaching of the theory, practice, method, profession or work of massage including anatomy, physiology, hygiene, and professional ethics and which is recognized or approved by the State of Connecticut Bureau of Community & Adult Education, Division of Post-Secondary Proprietary School Approval, or its successors; or the State of Connecticut Department of Health, or the State of Connecticut Board of Higher Education.
 - d. Evidence that the applicant has completed 1,500 hours of actual massagist experience under a valid Restricted Massagist Permit within two (2) years from date of first application.
- (4) Two portrait photographs of the applicant at least two and one-half inches by three inches (2 ½ x 3) and a complete set of the applicant's fingerprints which shall be taken by the Chief of Police or his authorized representative.
- (5) that the applicant has furnished authorization to the Health Officer and to the Vernon Chief of Police, or their authorized representatives to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit. The Health Officer and/or the Chief of Police may require, and the applicant must furnish any other identification and information necessary to discover the truth of the matter herein specified as required to be set forth in the application.
- (6) business, occupation or employment of the applicant for the five (5) years immediately preceding the date of the application.
- (7) Social Security number.
- (8) applicant's weight, height, color of hair and eyes.
- (c) Each applicant shall provide sufficient Identification to establish that the applicant Is In fact the person applying for the permit
- (d) Each applicant shall present a certificate from a physician licensed to practice in the State of Connecticut stating that the applicant has been examined and found to be free of any contagious or communicable disease and showing that the examination was conducted within 30 days prior to the submission of the application.
- (e) Each application shall be accompanied by a nonrefundable processing fee of \$25.00. In addition, there shall be an annual permit fee of \$100.00 payable upon the granting of a permit.
- (f) The Health Officer shall issue a massagist permit upon finding:
 - (1) That the applicant has and complied with the requirements of this ordinance.
 - (2) That the applicant has not been convicted, within five (5) years prior to the date of the application, of a felony, an offense involving the unauthorized practice of the healing arts, or any sex related offenses, such as, but not limited to, sexual assault, prostitution, sexual misconduct, public indecency, obscenity, and has not had a permit to operate a massage establishment or a massagist permit suspended or revoked in this or any other state.
- (g) After any change of home address, the holder of a massagist permit or of a Restricted Massagist Permit shall notify the Health Officer or his lawful designee, in writing, of the new address within seven (7) days of the change of address.

Section 6. RESTRICTED MASSAGIST PERMIT

- (a) An applicant for a Restricted Massagist Permit shall meet all of the requirements of

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Section 5, except Section 5 (b) (3).

(b) Additionally, the applicant must:

- (1)** provide a certificate signed and sworn to by the holder of a valid massagist permit whereby the holder of said massagist permit agrees, without condition, to instruct and supervise the Restricted Massagist Permit holder in the practice of massage; to control and accept full responsibility for said Restricted Massage Permit holder.
 - (2)** provide a certificate signed and sworn to by the holder of a valid permit to operate a massage establishment, whereby the holder agrees to
 - (a)** maintain accurate records with regard to the dates and hours a holder of a Restricted Massagist Permit practices massage while in his or her employment.
 - (b)** maintain those records for inspection by the Health Officer or his lawful designee upon prior notice and at a reasonable time.
 - (c)** certify to the Health Officer when a holder of a Restricted Massagist Permit has completed 1,500 hours of actual massagist experience and provide written substantiation of the same.
 - (3)** present a certificate issued by the Town of Vernon Health Officer indicating that the applicant has passed a written examination given by the Health Department and testing basic knowledge of anatomy, physiology, hygiene and professional ethics. In order to take the examination, each applicant must present an affidavit, signed by the holder of a valid massage establishment permit issued by the Town of Vernon, stating that the applicant has completed the instruction described in Section 4 (b) (10) and has read the books and/or materials provided pursuant to Section 4 (b) (11).
- (c)** A person to whom a Restricted Massagist Permit has been granted shall not administer or practice massage except under the direct supervision and control of the holder of a valid massagist permit who has agreed to accept responsibility for said person.
- (d)** Upon the certification by the holder of a valid permit to operate a massage establishment and of the holder of a valid Massagist Permit who has taken responsibility for the Restricted Massagist Permit applicant that said Restricted Massagist Permit holder has completed 1,500 hours of actual massagist practice, the holder of a Restricted Massagist Permit may apply for a Massagist Permit.
- (e)** A Restricted Massagist Permit shall not be renewed more than once.

Section 7. RENEWAL OF PERMITS

- (a)** A permit to operate a massage establishment, a Massagist Permit, or a Restricted Massagist Permit shall be valid, unless revoked or suspended, for one year from the date of issuance.
- (b)** Application for renewal shall be made at least 60 days before expiration and shall be in the form and manner as required for application for the original permit.
- (c)** Each application for renewal of a permit shall be accompanied by the then current processing and annual permit fees.
- (d)** The Health Officer shall renew each permit no later than 30 days before expiration upon making such findings as are required for issuance of the original permit.
- (e)** If renewal of any permit is denied, the Health Officer shall notify the holder of the permit in writing, not later than 30 days before expiration of the permit, of the facts and of the specific section or sections of this ordinance upon which his determination was made.

Section 8. HEARINGS, DENIAL OF PERMIT OR RENEWAL

- (a)** Any person aggrieved by the denial of a permit to operate a massage establishment, a massagist's permit, or a Restricted Massagist Permit or by the denial of renewal of such a permit may, within fifteen (15) days of notice of such denial, request, in writing, a hearing before the Board of Massage Establishment Permit Appeals, at which hearing such person shall be afforded the opportunity to present evidence and argument on all facts or issues involved.
- (b)** The Board of Massage Establishment Permit Appeals shall, upon receiving a request for a

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hearing under subsection (a), schedule a hearing not later than fifteen days from the date of actual receipt of the request and shall notify all parties of the time and place thereof.

- (c) The Board of Massage Establishment Permit Appeals shall render a decision within 10 days of the date of a hearing held under subsection (a).

Section 9. REVOCATION OR SUSPENSION OF PERMIT

- (a) The Health Officer may revoke or suspend any permit to operate a massage establishment if he finds:

- (1) That the applicant for the permit has knowingly made any false or misleading statement in applying for the permit.
- (2) That the provisions of this ordinance are violated or that the holder of the permit, or any agent or employee of the holder, including a massagist, has been convicted of any offense found in Section 4 (d) (4) and the holder has actual or constructive knowledge of the violation or conviction.
- (3) That the holder of the permit has refused to permit the Health Officer or any other duly authorized officer to make a reasonable inspection of the premises or the operation therein, or unduly hinders such inspection.

- (b) The Health Officer may revoke or suspend any massagist permit if he finds:

- (1) That the applicant for the permit has knowingly made any false or misleading statement in applying for the permit.
- (2) That the provisions of this ordinance are violated or that the holder of the permit has been convicted of any offense found in Section 5 (f) (2).

- (c) (1) The Health Officer shall not revoke or suspend any permit issued under this ordinance without notifying the holder of the permit, in writing, of the facts and of the specified section or sections of this ordinance upon which his determination was made, and of the holder's right to request a hearing before the Board of Massage Establishment Permit Appeals and to present evidence or argument on all facts or issued involved.

- (2) A request for a hearing under subsection (a) (1) shall stay any revocation or suspension until such time as a hearing has been held and a decision rendered thereon, provided, however, that if the Health Officer finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in his notice, the permit may be summarily suspended, pending a hearing thereon, which hearing shall be promptly instituted and all facts and issues promptly determined.

Section 10. TRANSFERABILITY

No permit issued pursuant to this ordinance shall be transferable

Section 11. FACILITIES

No permit to operate a massage establishment shall be granted until the Health Officer has established, following inspection, that the establishment complies with each of the following minimum requirements:

- (a) Construction of rooms used for toilets, tubs, steam baths and showers shall be waterproofed with approved waterproof materials.
- (b) Toilet facilities shall be provided in convenient locations. When five or more employees and patrons of different sexes are on the premises at the same time separate toilet facilities shall be provided. A single water closet per section shall be provided for each twenty or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one water closet has been provided. Toilets shall be designated as to the sex accommodated therein.
- (c) Lavatories or wash basins provided with both hot and cold running water shall be installed in either the toilet room or vestibule. Lavatories or wash basins shall be provided with soap in a dispenser and with sanitary towels.
- (d) A current collection of materials described in Section 4 (b) (11) shall be maintained on the premises.

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Section 12. OPERATING REQUIREMENTS

- (a) Every portion of the massage establishment, including appliances and apparatus shall be clean and in good repair and operated in a sanitary condition.
- (b) All employees shall wear clean outer garments, maintain a high degree of personal cleanliness and conform to hygienic practices while on duty.
- (c) All massage establishments shall be provided with clean laundered sheets and towels insufficient quantity which shall be laundered after each use thereof and stored in an approved sanitary manner, provided however that appropriate single service disposal items may be utilized in lieu of sheets and towels.
- (d) Pads used on massage tables shall be covered in workmanlike manner with durable, washable plastic or other acceptable waterproof material.
- (e) Wet and dry heat rooms shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation and bathtubs shall be thoroughly cleaned after each use.
- (f) All equipment and materials utilized by practitioners of massage shall be in safe and sanitary order and so maintained and operated as to preclude any danger or hazard to patron or practitioner. All massages shall be administered upon, rigid, therapeutic-type tables.
- (g) No massagist affected by any contagious or communicable disease shall practice massage and each massagist shall, from time to time, as the Health Officer may reasonably require, present a certificate as provided for in Section 5 (d).
- (h) Massagists shall not diagnose or treat classified diseases nor practice spinal or other joint manipulation nor prescribe medicine or drugs.
- (i) Each cubicle, room, booth, or area in which a massage is administered shall be equipped with a transparent and untinted glass window, at least eighteen inches by eighteen inches (18 x 18) in dimension, which shall provide an unobstructed view, from the hallway or similar area, of all activities inside the cubicle, room, booth, or area. The bottom of such window shall be four and one-half (4 ½) feet from the floor. Such windows shall not be covered in any manner, at any time, so as to obstruct the view from the hallway or similar area.
- (j) No massage establishment shall be operated and no massage administered, in violation of or in such a manner as to promote or encourage violation of any statute or ordinance, including Part VI of Chapter 952, Chapter 350, or Section, 53a-186 of the General Statutes, or as they may be amended from time to time.
- (k) Each permit to operate a massage establishment, each permit of a massagist and each permit of a Restricted Massagist employed therein shall be conspicuously displayed within the establishment.
- (l) No massage establishment granted a license under the provisions of this ordinance shall place, publish or distribute or cause to be placed, published or distributed any advertisement, picture, or statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce any person to purchase or utilize any professional massage services.
- (m) No person shall permit any person under the age of eighteen (18) years to enter or remain on the premises of any massage business establishment, as massagist, restricted massagist, or patron, unless such person is on the premises on lawful business.
- (n) No person shall sell, give, dispense, provide or keep, or cause to be sold, given, dispensed, provided or kept, any alcoholic beverage on the premises of any massage establishment.
- (o) No massage establishment shall be kept open for any purpose between the hours of 1 a.m. and 10 a.m. No massage establishment shall have doorways, entrances or exits designed to allow passage directly into any adjoining premises upon which any other business or commercial activity is conducted.
- (p) A full schedule of service rates shall be posted in a prominent place within the massage establishment in such a manner as to come to the attention of all patrons. No charges

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THE TOWN OF VERNON MASSAGE ESTABLISHMENT ORDINANCE

other than the specified rates for specified services are to be allowed with the patron being notified of the full cost prior to the rendering of any service.

- (q) All rooms in the massage establishment shall be kept adequately lighted at all times, during business hours.
- (r) Upon the termination of employment for any reason of the holder of a valid Restricted Massagist Permit, the holder of a valid permit to operate a massage establishment shall provide the terminated employee with a signed certificate evidencing the term of employment and the number of hours of actual massagist experience accumulated during the period of employment.

Section 13. INSPECTIONS

The Health Officer shall, from time to time, and no less than twice a year, make an inspection of each massage establishment for the purpose of determining that the provisions of this ordinance are complied with. Such inspections shall be made at a reasonable time and in a reasonable manner. No permit holder shall fail to allow access to the premises for purpose of inspection or hinder such inspection in any manner.

Section 14. EFFECTIVE DATE

- (a) The provisions of this ordinance shall apply from the effective date hereof, except Section 12 (i) which shall take effect ninety (90) days later.
- (b) Permits issued prior to the effective date of this ordinance, shall remain valid until their stated date of expiration unless revoked or suspended as provided herein.

Section 15. EXCEPTIONS

This ordinance shall not apply to any school, hospital, nursing home, sanitarium, non profit private group or club, operating in accordance with the laws of the State of Connecticut, nor to any person holding a valid certificate or license to practice the healing arts or to practice podiatry, physical therapy, midwifery, nursing, dentistry, dental hygiene, or optometry or to engage in the occupation of a barber, hairdresser, or cosmetician under the laws of the State of Connecticut, provided, that the activities of such person are confined to those for which the certificate or license is granted, nor to any person lawfully acting under their supervision or control nor to any person principally employed as a domestic helper or athletic trainer, nor shall it prohibit the furnishing of assistance in the case of emergency.

Section 16. VIOLATIONS AND PENALTY

- (a) Any person, whether acting as individual, owner, employee of the owner, operator or employee of the operator, or acting as a participant or worker in any way, who administers massage or operates a massage establishment without first obtaining a permit and paying a permit fee shall be fined not more than \$99.00.
- (b) Any violation of the provisions of this ordinance by a permit holder shall be deemed grounds for revocation of the permit granted hereunder.

Section 17. SEVERABILITY

If any section, subsection, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, subsection, clause or provision so adjudged and the remainder of the ordinance shall be deemed to be valid and effective.

Section 18. UNLAWFUL ACTS

- (a) It shall be unlawful for any person, in a massage establishment to place his or her hand or hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage, a sexual or genital part of any other person. Sexual or genital parts shall include the genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.
- (b) It shall be unlawful for any person, in a massage establishment to expose his or her sexual or genital parts, or any portion thereof, to any other person. It shall also be unlawful for any person, in a massage establishment, to expose the sexual or genital parts, or any portions thereof, of any other person.
- (c) It shall be unlawful for any person, while in the presence of any other person in a massage establishment to fail to conceal with a fully opaque covering the sexual or genital parts of his or her body.

ORDINANCE #115

THE TOWN OF VERNON MASSAGE ESTABLISHMENT ORDINANCE

- (d)** It shall be unlawful for any person owning, operating or managing a massage establishment knowingly to cause, allow or permit in or about such massage establishment any agent, employee, or any other person under his control or supervision to perform any act prohibited by this ordinance.
- (e)** It shall be further unlawful for any massagist under this ordinance to administer massage on an outcall basis as defined in Section 3 (f). Such person shall administer massage solely within an establishment licensed to carry on such business under this ordinance.
- (f)** It shall be unlawful for an operator, massagist, or person connected with, or employed by, the ownership, management, or a massagist in a massage establishment to install or operate any listening, recording, or photographic device which shall transmit or record the activities of patrons and/or massagists within the massage establishment.
- (g)** It shall be unlawful for more than one patron to be in a room when a massage is being administered.
- (h)** It shall be unlawful to manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit, advertise, produce, direct or participate in any material or performance deemed obscene, as defined by Section 53a-193 of the General Statutes of the State of Connecticut, as amended, in a massage establishment.

Introduced: September 17, 1979
Advertised: September 21, 1979 in Journal Inquirer
Public Hearing: October 1, 1979
Council Action: October 1, 1979
Advertised: October 5, 1979 in Journal Inquirer
Effective Date: October 20, 1979

ORDINANCE #116

AN ORDINANCE ESTABLISHING COLLECTION AND DISPOSAL OF SEWAGE AS A SERVICE OF SPECIAL BENEFIT NATURE AND ESTABLISHING USER CHARGES FOR THE COLLECTION AND DISPOSAL OF SEWAGE WITHIN THE TOWN OF VERNON

In accordance with the provisions of Chapter 13, Section 1. (a) of the Charter of the Town of Vernon, It Is hereby established that the collection and disposal of sewage is a service of special benefit nature.

In accordance with the provisions of Chapter 13, Section 1. (b) and 1. (c) of the Charter of the Town of Vernon, the Town Council has prepared lists of properties against which User Charges for the collection and disposal of sewage are to be charged, and hereby establishes the following rates for this service for the first six months of the fiscal year ending June 30, 1980, payable February 1, 1980.

Section I. Definition: The following definition shall apply in the interpretation and enforcement of this ordinance.

- (a) Dwelling unit: Any group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.
- (b) Dwelling unit equivalent: The number of rooms maintained by an establishment for the purpose of providing overnight lodging on a transient basis, provided such rooms are equipped with bathroom facilities, multiplied by the average occupancy rate for the establishment as certified by the operator of the establishment.
- (c) Volume: The average daily volume of sewage discharged by a user of the Vernon sewerage system as determined from time to time by the Vernon Sewer Authority, through the use of available data on historic water consumption or such manner as the Authority finds reasonable and practicable.

Section II. For all residential structures and transient lodging facilities located within the geographical limits of the Town of Vernon, the charge shall be as follows:

For each dwelling unit or dwelling unit equivalent\$30.00

Section III. For all users other than residential users located within the geographical limits of the Town of Vernon, the charge shall be based on volume as follows:

0 - 250 gallons per day	\$40.00
251 - 500 gallons per day	\$80.00
501 - 750 gallons per day	\$120.00
751 - 1000 gallons per day	\$160.00
In excess of 1000 gallons per day	\$160.00 and \$160.00 per thousand gallons per day or part thereof,

A combination of two units

One as defined in Section I (a) and one as defined in Section III located in a single structure using less than 250 gallons per day \$ 40.00 per unit

Section IV. The above charges shall be subject to such adjustment as may be required to comply with any applicable federal or state regulations.

Section V. In determining how many dwelling units are contained in a residential structure, the definition, as provided in Section 1 (a) shall be used with the following exception. The Assessor of the Town of Vernon may reduce the number of dwelling units on his list of properties he has prepared for the Town Council, if the owner of the property provides sufficient information to the satisfaction of the Assessor, including, but not limited to, an affidavit from the property owner that the particular dwelling unit, as determined by the Assessor, has not been occupied for at least one (1) year prior to the date of the affidavit.

Section VI. The Tax Collector of the Town of Vernon is hereby designated as the collector of the charges provided for herein and the said Tax Collector is further authorized to collect such charges in accordance with the provisions of the General Statutes of the State of Connecticut for the collection of property taxes. The Tax Collector is further authorized to print on the bill for the charges provided for herein a notice that if the said bill is not paid within on (1) month of the due date, interest will be charged on the delinquent amount at the rate of one percent (1%) per month from the due date as per Connecticut State Law.

- Introduced: January 7, 1980
- Advertised: January 10, 1980 in Journal Inquirer
- Public Hearing: January 21, 1980
- Council Action: January 21, 1980
- Advertised: January 25, 1980 in Journal Inquirer
- Effective Date: February 9, 1980

ORDINANCE #117

PARKING DURING PERIODS OF SNOW REMOVAL AND CONSTRUCTION OF PUBLIC WORKS IMPROVEMENTS

BE IT ORDAINED BY THE TOWN OF VERNON THAT:

Ordinance No. 4 is hereby repealed and there is substituted in lieu thereof the following ordinance:

PARKING DURING PERIODS OF SNOW REMOVAL AND CONSTRUCTION OF PUBLIC WORKS IMPROVEMENTS

BE IT ORDAINED BY THE TOWN OF VERNON THAT:

- a.** No person shall park a motor vehicle within the limits of a public highway in the Town of Vernon in such a manner as to interfere with, impede or obstruct the removal of snow from said highway, or the sanding of said highway, during any storm or for eight hours after such storm has subsided.
- b.** Nothing in paragraph a herein shall restrict the parking by a physician on emergency call, nor prevent a vehicle, which has become disabled to such an extent that it is impossible or impracticable to remove it, from remaining for a reasonable time for the purpose of making repairs thereto or of obtaining sufficient assistance to remove it.
- c.** Whenever any motor vehicle is found parked in violation of this ordinance, it may be removed and conveyed by, or under the direction of, any law enforcement officer having jurisdiction in the Town of Vernon, by means of towing or otherwise, to a vehicle pound designated by the Mayor of said Town. Before any designated place or garage shall be authorized to be a vehicle pound, or before towing, such garage shall furnish to the Mayor of said Town satisfactory evidence of insurance coverage to protect the Town of Vernon from any claims for damages arising from the towing or storage of any impounded vehicle. Before the owner or person in charge of such vehicle shall be permitted to remove the same from such vehicle pound, he shall furnish to the Mayor or to such law enforcement officer as the Mayor shall designate, evidence of his identity, ownership or right to possession, and shall sign a receipt for the same, and he shall pay the costs of removal and storage, but not exceeding the maximum rates and charges on file with the Commissioner of Motor Vehicles for the State of Connecticut Wrecker, Towing and Road Service Rates for each day, or portion of a day, said vehicle is stored in the vehicle pound in excess of the first 24 hours said vehicle is impounded.

The owner of any impounded vehicle shall be duly informed as to the nature and circumstances of the violation on account of which such vehicle has been impounded. In case protest is made against the payment of any towing or storage fees, the designated law enforcement officer shall mark upon the receipt evidencing payment of the towing and storage fees the words "paid under protest". In such case, it shall thereupon be the duty of the law enforcement officer having knowledge of the facts to forthwith institute the proper proceedings in any Circuit Court having jurisdiction within said Town, charging the owner or driver of such vehicle with the violation of the ordinance on account of which the vehicle was impounded. In the event the owner or driver of said vehicle is found not guilty of the offense charged, he shall be reimbursed the sum so paid under protest.

It shall be the duty of the law enforcement officer designated by the Mayor to keep a record of the names of all owners of vehicles impounded, the numbers of their state license plates, the place where such vehicle was impounded, the nature and circumstances of each violation, and the disposition of each case.

- d.** Proof of the registration number of any motor vehicle concerned with a violation of this ordinance shall be prima facie evidence in any criminal action that the registered owner was the operator thereof.
- e.** The chief of police is authorized to suspend parking specifically permitted by signs and prohibit parking temporarily in any area where, in his opinion, it is necessary in order to facilitate the removal of snow, the construction of public works improvements or for other good and sufficient purposes; and he shall give notice of such temporary prohibition by causing to be, placed suitable signs indicating that parking is prohibited and also, if practicable, by radio and newspaper.
- f.** Parking shall be temporarily prohibited on the traveled portions of all streets and highways during any snowstorm and shall remain prohibited within eight (8) hours after the end of any snowstorm.
- g.** Any person who violates any provisions of this ordinance shall be fined not more than \$10.00, in addition to any other charges set forth in paragraph c of this ordinance.

The above proposed ordinance adds new paragraphs e and f and increases the penalty in the existing ordinance.

Introduced: February 4, 1980
Advertised: February 13, 1980 in Journal Inquirer
Public Hearing: February 19, 1980
Council Action: February 19, 1980
Advertised: March 11, 1980 in Journal Inquirer
Effective Date: March 26, 1980

ORDINANCE #118

**AN ORDINANCE REPEALING ORDINANCE #97 ENTITLED “AN ORDINANCE
PROHIBITING LOITERING IN A PUBLIC PLACE”**

BE IT ORDAINED:

That Ordinance #97 entitled “An Ordinance Prohibiting Loitering In a Public Place” be and is hereby repealed.

Introduced: March 3, 1980
Advertised: March 10, 1980 in Journal Inquirer
Public Hearing: March 17, 1980
Council Action: March 17, 1980
Advertised: March 21, 1980 in Journal Inquirer
Effective Date: April 5, 1980

ORDINANCE #119

ORDINANCE APPROPRIATING THE SUM OF \$375,000 FOR THE DESIGN AND CONSTRUCTION OF FIRE STATION FOR COMPANY 2 AND AUTHORIZING BONDS AND TEMPORARY NOTES TO DEFRAY THE APPROPRIATION.

BE IT ORDAINED:

1. That the Town of Vernon appropriate THREE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$375,000) for the design and construction of a new fire station for Company 2 to be located on town-owned land on Birch Road. The project shall be constructed substantially in accordance with the preliminary plans of The Lawrence Associates, of Manchester, Connecticut, entitled "Fire Station, Co. 2 Birch Road, Vernon, Connecticut Site Plan" dated January 29, 1980, Revised March 10, 1980 and March 28, 1980, and entitled "Fire Station Co. 2 Birch Road, Vernon, Ct. Floor Plan" dated February 5, 1980, Revised March 4, 1980. The appropriation may be spent for design and construction costs, equipment, furnishings, materials, architects' fees, engineering fees, legal fees, net temporary interest and other financing costs, and other expenses related to the project.

2. That the Town issue its serial bonds or notes, in an amount not to exceed THREE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$375,000) to finance the appropriation for the fire station. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Vernon. The bonds or notes may be issued in one or more series, and any series may be sold as a single issue or consolidated with any other bonds or notes of the Town. The Treasurer shall keep a record of the bonds or notes. The Mayor, Director of Administration and Treasurer, or any two of them, shall sign the bonds or notes by their manual or facsimile signatures. The bonds or notes shall bear the seal of the Town or a facsimile of the seal. The law firm of Day, Berry & Howard is designated as bond counsel to approve the legality of the bonds or notes. The Mayor, Director of Administration and Treasurer, or any two of them, are authorized to determine the amount, date, interest rates, maturities, form and other details of the bonds or notes; to designate a bank or trust company to be certifying bank and paying agent for the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

3. That the Town issue and renew its temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project. The amount of the notes outstanding at any time shall not exceed THREE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$375,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended, and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes if the notes do not mature within the time permitted by said Section 7-378. The Mayor, Director of Administration and Treasurer, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, form and other details of the temporary notes; to sell the notes at public or private sale; to execute and deliver the notes; and to perform all other acts which are necessary or appropriate to issue the temporary notes.

4. The payment of the costs of the fire house project and the principal and interest and issuance costs of the bonds or notes and the temporary notes authorized by this ordinance are hereby determined to be of a general benefit and for general government purposes and payable from taxes levied on all taxable property in the Town of Vernon.

5. The Permanent Municipal Building Committee shall act as agent for the Town pursuant to Chapter VIII, Section 9 of the Town Charter in carrying out the project, provided that all contracts or other obligations in connection with the project shall first be approved by the Mayor, Director of Administration and the Treasurer, or any two of them.

6. This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon and after approval at referendum vote as provided in Chapter XII, Section 11 of the Town's Charter.

Introduced: April 7, 1980
Advertised: April 10, 1980 in Journal Inquirer
Public Hearing: April 21, 1980
Council Action: April 21, 1980
Advertised: April 24, 1980
Effective Date: May 28, 1980
Approved by Referendum May 28, 1980

ORDINANCE #120

AN ORDINANCE ESTABLISHING BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY FEES.

BE IT ORDAINED by the Town of Vernon that the following be established as fees for certificates of occupancy and building permits in the Town of Vernon to be paid to the Building Inspector's Office, after which a building permit and/or certificate of occupancy may be issued:

Certificate of Occupancy \$5.00

Building Permits:

Estimated Cost

0 – \$1,000.00

5.00

\$1,000.00 up, or any fraction thereof over \$1,000.00

6.00 per \$1,000.00

Introduced: May 5, 1980

Advertised: May 9, 1980 in Journal Inquirer

Public Hearing: May 19, 1980

Council' Action: May 19, 1980

Advertised: May 22, 1980 in Journal Inquirer

Effective Date: June 6, 1980

*NOTE: AMENDED 7-21-87 - ORDINANCE #172
 AMENDED 3-25-1990 - ORDINANCE #184
 AMENDED 5-15-2000 - ORDINANCE #229

ORDINANCE #121

AN ORDINANCE ESTABLISHING COLLECTION AND DISPOSAL OF SEWAGE AS A SERVICE OF SPECIAL BENEFIT NATURE AND ESTABLISHING USER CHARGES FOR THE COLLECTION AND DISPOSAL OF SEWAGE WITHIN THE TOWN OF VERNON

In accordance with the provisions of Chapter 13, Section 1. (a) of the Charter of the Town of Vernon, it is hereby established that the collection and disposal of sewage is a service of special benefit nature.

In accordance with the provisions of Chapter 13, Section 1. (b) and 1. (c) of the Charter of the Town of Vernon, the Town Council has prepared lists of properties against which User Charges for the collection and disposal of sewage are to be charged, and hereby establishes the following rates for this service for the second six months of the fiscal year ending June 30, 1980, payable August 1, 1980.

Section I. Definition: The following definition shall apply in the interpretation and enforcement of this ordinance.

- (a) Dwelling unit: Any group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.
- (b) Dwelling unit equivalent: The number of rooms maintained by an establishment for the purpose of providing overnight lodging on a transient basis, provided such rooms are equipped with bathroom facilities, multiplied by the average occupancy rate for the establishment as certified by the operator of the establishment.
- (c) Volume: The average daily volume of sewage discharged by a user of the Vernon sewerage system as determined from time to time by the Vernon Sewer Authority, through the use of available data on historic water consumption or such manner as the Authority finds reasonable and practicable.

Section II. For all residential structures and transient lodging facilities located within the geographical limits of the Town of Vernon, the charge shall be as follows:

For each dwelling unit or dwelling unit equivalent.....\$ 30.00

Section III. For all users other than residential users located within the geographical limits of the Town of Vernon, the charge shall be based on volume as follows:

0 - 250 gallons per day	\$40.00
251 - 500 gallons per day	\$80.00
501 - 750 gallons per day	\$120.00
751 - 1000 gallons per day	\$160.00
In excess of 1000 gallons per day	\$160.00 and \$160.00 per thousand gallons per day or part thereof.

A combination of two units

One as defined in Section I (a) and one as defined in Section III located in a single structure using less than 250 gallons per day \$ 40.00 per unit

Section IV. The above charges shall be subject to such adjustment as may be required to comply with any applicable federal or state regulations,

Section V. In determining how many dwelling units are contained in a residential structure, the definition, as provided in Section 1 (a) shall be used with the following exception. The Assessor of the Town of Vernon may reduce the number of dwelling units on his list of properties he has prepared for the Town Council, if the owner of the property provides sufficient information to the satisfaction of the Assessor, including, but not limited to, an affidavit from the property owner that the particular dwelling unit, as determined by the Assessor, has not been occupied for at least one (1) year prior to the date of the affidavit.

Section VI. The Tax Collector of the Town of Vernon is hereby designated as the collector of the charges provided for herein and the said Tax Collector is further authorized to collect such charges in accordance with the provisions of the General Statutes of the State of Connecticut for the collection of property taxes. The Tax Collector is further authorized to print on the bill for the charges provided for herein a notice that if the said bill is not paid within one (1) month of the due date, interest will be charged on the delinquent amount at the rate of one percent (1%) per month from the due date as per Connecticut State Law.

- Introduced: June 2, 1980
- Advertised: June 5, 1980 in Journal Inquirer
- Public Hearing: June 16, 1980
- Council Action: June 16, 1980
- Advertised: June 20, 1980 in Journal Inquirer
- Effective Date: July 5, 1980

ORDINANCE #122

**AN ORDINANCE DESIGNATING THE HOUSING CODE INSPECTOR AS AN
AUTHORITY UNDER SECTION 19-347 OF THE GENERAL STATUTES**

BE IT ORDAINED, pursuant to Section 19-347 of the General Statutes that the Housing Code Inspector, as defined in Section 1.21 of the Town of Vernon Housing Code, is hereby designated as another authority to exercise concurrent jurisdiction with the Board of Health to enforce the provisions of Chapter 352 of the General Statutes within the Town of Vernon.

Introduced: October 20, 1980
Advertised: November 4, 1980 in Journal Inquirer
Public Hearing: November 10, 1980
Council action: November 10, 1980
Advertised: November 14, 1980 in Journal Inquirer
Effective Date: November 29, 1980

ORDINANCE #123

AN ORDINANCE ESTABLISHING AN EMERGENCY FUEL LOAN REVOLVING FUND

1. WHEREAS, from time to time emergency situations arise wherein it is in the best interest of the health and welfare of the citizens of the community, that the Director of Social Services make loans and advances in order to purchase fuel for certain citizens not otherwise eligible for assistance; and
2. WHEREAS, it is the policy of the Council of the Town of Vernon to establish a revolving fund in order that the Director of Social Services may, from time to time, meet such emergency situations.

BE IT ORDAINED:

1. That a revolving fund of Fifteen Hundred (\$1500) Dollars shall be established in the Town of Vernon for the purpose of making such loans for fuel in emergency situations, as the Director of Social Services may deem fit and advisable.
2. That the Director of Social Services is authorized to make loans in such amounts as the Director of Social Services shall deem necessary, and the Director of Social Services, or the Treasurer of the Town of Vernon upon the advice of the Director of Social Services, is authorized to issue checks, or issue funds for such purposes.
3. That the Director of Social Services shall obtain from the recipient of such funds, a written promise (promissory note) to repay without interest to the Town of Vernon such funds within one year from the date of such loan.
4. Such repayments of such loans shall be redeposited in the revolving fund to be used from time to time in conformity with this ordinance.
5. The Director of Social Services shall report to the Town Council the number and amount of such loans made and the balance of such funds and such other information as the Council may require, at the first Council meeting in March and November in each year.
6. Such fund shall be subject to audit procedures in the same manner as other funds of the Town of Vernon.
7. The Director of Social Services shall establish guidelines for the issuance of such loans to be approved by the Town Council.

Introduced: January 19, 1981
Advertised: January 23, 1981 in Journal Inquirer
Public Hearing: February 2, 1981
Council Action: February 2, 1981
Advertised: February 6, 1981 in Journal Inquirer
Effective Date: February 21, 1981
Repealed May 20, 1986 - Ordinance #160, Page 272

ORDINANCE #124

ORDINANCE AMENDING ORDINANCE NO. 107 TO INCREASE THE \$1,040,000 APPROPRIATION AND BOND AND NOTE AUTHORIZATION FOR VARIOUS SEWERS BY \$1,800,000 TO A TOTAL AMOUNT OF \$2,840,000 AND TO EXTEND THE SCOPE OF THE SEWER PROJECT INCLUDING THE EXTENSION OF SEWERS TO HAYLIN DRIVE, A PORTION OF TAYLOR STREET, A PORTION OF SOUTH FRONTAGE ROAD, FROM TUNNEL ROAD TO BOLTON ROAD, FROM TUNNEL ROAD TO SOUTH FRONTAGE ROAD, AND THE CONSTRUCTION OF A PUMPING STATION

BE IT ORDAINED BY THE TOWN OF VERNON:

That Ordinance No. 107 adopted March 20, 1978 by the Town Council and approved at referendum on May 31, 1978 entitled "ORDINANCE EXTENDING SEWER LINES TO ESTELLE DRIVE, SUSAN DRIVE, KANTER DRIVE, FREDERICK ROAD, JONATHAN DRIVE, RANGE HILL DRIVE, COUNTRY LANE, THAT PORTION OF WEST ROAD NORTH OF DARYL DRIVE TO ITS INTERSECTION WITH SOUTH STREET AND THAT PORTION OF TUNNEL ROAD BETWEEN FEEDER ROAD AND THE TANKEROOSEN RIVER AND APPROPRIATING \$1,040,000 FOR EXTENSION OF SEWER LINES AND ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT" is amended and supplemented as follows:

1. Section I of Ordinance No. 107 is amended to read as follows:

That the Town Council hereby authorizes the extension of sewer lines to Estelle Drive, Susan Drive, Kanter Drive, Frederick Road, Jonathan Drive, Range Hill Drive, Country Lane, that portion of West Road north of Daryl Drive to its intersection with South Street and that portion of Tunnel Road between Feeder Road and the Tankeroosen River; and further hereby authorizes the extension of sewer lines to Haylin Drive, that portion of Taylor Street east of Elm Hill Road, all or a portion of South Frontage Road, from Tunnel Road generally following the Tankeroosen River and Clarkes Brook to Bolton Road, from Tunnel Road generally following an unnamed brook to South Frontage Road, and the construction of a sewer pumping station located near the Tankeroosen River south of Susan Drive, and any necessary appurtenances to such sewer project.

2. Section II of Ordinance No. 107 is amended to increase the \$1,040,000 appropriation for the sewer project described above by \$1,800,000 to a total aggregate appropriation of \$2,840,000.
3. Section III of Ordinance No. 107 is amended to increase the \$1,040,000 sewer bonds authorized to finance the sewer project described above by \$1,800,000 to a total aggregate amount of \$2,840,000.
4. Section IV of Ordinance No. 107 is amended to increase the \$1,040,000 temporary notes authorized to finance the sewer project described above in anticipation of the issue of bonds by \$1,800,000 to a total aggregate amount of \$2,840,000.
5. That the Town issue and renew its sewer assessment notes from time to time in an amount which does not exceed the amount of sewer assessments levied against owners of property benefited by the sewer project. The total amount of sewer assessment notes, serial bonds or notes, and temporary bond anticipation notes issued pursuant to this resolution and outstanding at any time shall not exceed \$2,840,000. The sewer assessment notes shall be issued pursuant to Sections 7-259 and 7-269a of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The sewer assessment notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Vernon and of the benefit assessments levied or to be levied in connection with the sewer project. The Mayor, Director of Administration and Treasurer, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, form and other details of the sewer assessment notes; to sell the notes at public or private sale; to execute and deliver the notes; and to perform all other acts which are necessary or appropriate to issue the notes. If receipts from sewer assessments are not sufficient to pay principal and interest due on the sewer assessment notes at the end of the period permitted by said Section 7-269a, as amended, or if the Mayor, Director of Administration and Treasurer, or any two of them, consider it advisable to pay such notes prior to the end of such period, they are authorized to issue serial bonds or notes in accordance with Section II of Ordinance No. 107 as amended by paragraph 2 of this ordinance and apply the proceeds to pay the sewer assessment notes.
6. All sewer grants received for the sewer project shall be applied to pay the costs of the project or to reduce the amount of bonds or notes issued to finance the project, unless the Town

ORDINANCE #124

ORDINANCE AMENDING ORDINANCE NO. 107 TO INCREASE THE \$1,040,000 APPROPRIATION AND BOND AND NOTE AUTHORIZATION FOR VARIOUS SEWERS BY \$1,800,000 TO A TOTAL AMOUNT OF \$2,840,000 AND TO EXTEND THE SCOPE OF THE SEWER PROJECT INCLUDING THE EXTENSION OF SEWERS TO HAYLIN DRIVE, A PORTION OF TAYLOR STREET, A PORTION OF SOUTH FRONTAGE ROAD, FROM TUNNEL ROAD TO BOLTON ROAD, FROM TUNNEL ROAD TO SOUTH FRONTAGE ROAD, AND THE CONSTRUCTION OF A PUMPING STATION

increases the appropriation for the project and provides that such increased appropriation is to be financed by such grants. In the event of any such appropriation, temporary notes may be issued pursuant to this ordinance pending the receipt of such grants.

7. The Water Pollution Control Authority may reduce or modify the scope of the project in the event that the appropriation is insufficient to pay all projected project costs or in the event the Authority deems such reduction or modification to be in the best interests of the Town. No portion of the appropriation shall be spent or incurred for construction costs for the extension of sewer lines from Tunnel Road to Bolton Road or for the extension of sewer lines from Tunnel Road to South Frontage Road until a finding by the Water Pollution Control Authority that benefit assessment agreements cover a reasonable portion of the cost of those particular extensions but in no event unless a two-thirds (2/3) majority of the number of property owners served, and a two-thirds (2/3) majority of estimated assessable benefits shall be covered by such developers' permit agreements.
8. The appropriation may be spent for design and construction costs, equipment, furnishings, materials, land acquisition, engineers' fees, legal and financial fees, net interest on temporary borrowings and other expenses incidental to the project. The Water Pollution Control Authority is authorized to spend up to \$2,500,000 of said appropriation to carry out said sewer projects, with the remaining amount of said appropriation to be spent on net interest on temporary borrowing and other legal and financing costs unless the Mayor, Director of Administration and Treasurer, or any two of them, authorize the expenditure of said remaining amount by the Water Pollution Control Authority.
9. This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon and after approval at referendum vote as provided in Chapter XII, Section 11 of the Town's Charter.

Introduced: March 2, 1981
Advertised: March 5, 1981 in Journal Inquirer
Public Hearing: March 16, 1981
Council Action: March 16, 1981 - subject to referendum vote
Approved by: Referendum Vote April 21, 1981

ORDINANCE #125

ORDINANCE ESTABLISHING CHARGES FOR INSPECTIONS OF SUB-SURFACE SEWAGE DISPOSAL SYSTEMS AND WELLS

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF VERNON:

Ordinance #91 of the General Ordinances of the Town of Vernon is hereby repealed and the following is substituted in lieu thereof:

1. The fee for the services of the Town Environmental Health Officer to inspect the installation of any new sub surface sewage disposal system shall be \$25.00.
2. The fee for the services of the Town Environmental Health Officer to inspect the repair of any existing sub surface sewage disposal system shall be \$15.00.
3. The fee for the services of the Town Environmental Health Officer to inspect the installation of a new well is \$15.00.
4. The fee for witnessing soil tests (deep test holes) and percolation tests with respect to any proposed subdivision or single lot sub surface sewage disposal investigations is \$25.00 for the first hour, or any part thereof, and \$15.00 for each hour thereafter.
5. All funds shall be paid to the Town of Vernon and shall be deposited in it's general fund.

Introduced: April 20, 1981
Advertised: April 29, 1981 in Journal Inquirer
Public Hearing: May 4, 1981
Council Action: May 4, 1981
Advertised: May 8, 1981 in Journal Inquirer
Effective Date: May 23, 1981
Repealed: January 4, 1983 - Page 250 - Ordinance #143
July 7, 1988 - Page 303 - Ordinance #174

ORDINANCE #126

AN ORDINANCE CONCERNING FINES FOR PARKING VIOLATIONS

ORDINANCE #5a is hereby repealed and there is substituted the following:

FINES FOR PARKING VIOLATIONS

The following amounts shall be assessed as fines by the Town of Vernon as fines for the offenses set forth below:

The following offenses shall require a fine of \$5.00:

- a) Overtime parking
- b) Parking within 10 feet of a hydrant
- c) Parking within 25 feet of a corner
- d) Parking within 25 feet of a stop sign
- e) Parking on the sidewalk
- f) Parking on the wrong side of the street
- g) Parking so as to obstruct a driveway
- h) Parking more than 12 inches from the curb
- i) Double parking
- j) Parking in an intersection
- k) Parking in a "Bus Stop" area
- l) Violation of the Town of Vernon Ordinance re: Night time parking
- m) Parking in an area duly marked "Reserved for Handicapped Parking" or markings of like import.

The following offense shall require a fine of \$10.00:

- a) Violation of the Town of Vernon Ordinance re: temporary no parking areas for snow removal or sanding.

The above fines shall be those payable until the fourth day after a ticket or summons showing a violation and fine have been issued. If the required fine is not paid during that period, the fine due and payable from the 5th to the 10th day after issue shall be double the amount indicated. If the fine remains unpaid the amount payable from the 10th day after issue until the 30th day after issue shall be 4 times the amount indicated. If payment is not received within 30 days after issue, a warrant shall be issued for the arrest of the person named on the ticket or summons and said person shall be subject to the maximum penalties provided by law. The ticket or summons issued to the violator shall show the offense charged, and a warning showing the consequences of late payment as set forth herein.

Introduced: May 4, 1981
Advertised: May 11, 1981 in Journal Inquirer
Public Hearing: May 18, 1981
Council Action: May 18, 1981
Advertised: May 22, 1981 in Journal Inquirer
Effective Date: June 6, 1981

**Repealed September 19, 1989 - See ORDINANCE No. 181

ORDINANCE #127

AN ORDINANCE AMENDING ORDINANCE #45 ENTITLED “ORDINANCE ESTABLISHING HOURS FOR VALLEY FALLS PARK AND HENRY PARK, CEMETERIES AND SCHOOL GROUNDS IN THE TOWN OF VERNON AND PROHIBITING CERTAIN USES THEREON”

BE IT ORDAINED:

by the Town of Vernon that Ordinance #45 entitled “ORDINANCE ESTABLISHING HOURS FOR VALLEY FALLS PARK AND HENRY PARK, CEMETERIES AND SCHOOL GROUNDS IN THE TOWN OF VERNON AND PROHIBITING CERTAIN USES THEREON” is hereby amended as follows:

The fourth paragraph which now reads:

It shall be unlawful for any person .to ride an unregistered mini-bike, motorbike or go-cart at any time in any park, cemetery or school ground in the Town of Vernon.

is hereby repealed and the following is substituted in lieu thereof:

It shall be unlawful for any person to operate or ride any motorized mini-bike, motorbike, motorized go-cart, any other motorized vehicles at any time in any park, railroad right-of-way, cemetery or school ground or any area which is not a public parking area, highway or thoroughfare open to public use for such purposes in the Town of Vernon.

All other provisions of Ordinance #45 entitled “ORDINANCE ESTABLISHING HOURS FOR VALLEY FALLS PARK AND HENRY PARK, CEMETERIES AND SCHOOL GROUNDS IN THE TOWN OF VERNON AND PROHIBITING CERTAIN USES THEREON” is reaffirmed as previously adopted.

Introduced:	July 6, 1981
Advertised:	July 10, 1981 in Journal Inquirer
Public Hearing:	July 20, 1981
Council Action:	July 20, 1981
Advertised:	July 25, 1981
Effective Date:	August 9, 1981

ORDINANCE #128

AN ORDINANCE AMENDING ORDINANCE #87 ENTITLED "ORDINANCE PROHIBITING MOTORIZED VEHICLES ON BICYCLE PATHS IN THE TOWN OF VERNON"

BE IT ORDAINED:

By the Town of Vernon that Ordinance #87 entitled "ORDINANCE PROHIBITING MOTORIZED VEHICLES ON BICYCLE PATHS IN THE TOWN OF VERNON" is hereby repealed, and there is substituted in lieu thereof the following ordinance:

ORDINANCE PROHIBITING MOTORIZED VEHICLES ON PEDESTRIAN AND BICYCLE PATHS AND OTHER AREAS IN THE TOWN OF VERNON

BE IT ORDAINED by the Town of Vernon that:

It shall be unlawful to operate or ride on any type of motorized vehicles, including mini-bicycles, motorcycles, go-carts, mopeds, and any other motorized vehicles on any nature trail, public wooded area, or designated walk provided solely for the use of pedestrians or pedestrians and bicycles, or any area designated "Bike Route," in the Town of Vernon, except any portion of a "Bike Route" which is located within the limits of the travelled portion of a public highway.

Any person who violates any provision of this ordinance shall be fined not more than \$100.00 for each offense.

Introduced: July 6, 1981
Advertised: July 10, 1981 in Journal Inquirer
Public Hearing: July 20, 1981
Council Action: July 20, 1981
Advertised: July 25, 1981 in Journal Inquirer
Effective Date: August 9, 1981

ORDINANCE #129

ORDINANCE APPROPRIATING THE SUM OF \$705,000 FOR THE DESIGN AND CONSTRUCTION OF IMPROVEMENTS TO THE VERNON WATER SYSTEM AND AUTHORIZING BONDS AND TEMPORARY NOTES TO DEFRAY THE APPROPRIATION

BE IT ORDAINED:

1. That the Town of Vernon appropriate SEVEN HUNDRED FIVE THOUSAND DOLLARS (\$705,000) for the design and construction of improvements to the Vernon Water System. The project shall include redevelopment of Well Number 3, modifications to the booster station, pipeline improvements north of I-86, a well feasibility study for Tankerhoosen, chemical treatment and miscellaneous well improvements, a new well with generator, pipeline for the well, pipeline reinforcement north of I-86, and Connecticut Water Company meter and valve chambers. The appropriation may be spent for design and construction costs, equipment, furnishings, materials, architects' fees, engineering fees, legal fees, net temporary interest and other financing costs, and other expenses related to the project.
2. That the Town issue its serial bonds or notes, in an amount not to exceed SEVEN HUNDRED FIVE THOUSAND DOLLARS (\$705,000) to finance the appropriation for the project. The bonds or notes shall be issued pursuant to Sections 7-234 and 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Vernon. The bonds or notes may be issued in one or more series, and any series may be sold as a single issue or consolidated with any other bonds or notes of the Town. The Treasurer shall keep a record of the bonds or notes. The Mayor, Director of Administration and Treasurer, or any two of them, shall sign the bonds or notes by their manual or facsimile signatures. The bonds or notes shall bear the seal of the Town or a facsimile of the seal. The law firm of Day, Berry & Howard is designated as bond counsel to approve the legality of the bonds or notes. The Mayor, Director of Administration and Treasurer, or any two of them, are authorized to determine the amount, date, interest rates, maturities, form and other details of the bonds or notes; to designate a bank or trust company to be certifying bank and paying agent for the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.
3. That the Town issue and renew its temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project. The amount of the notes outstanding at any time shall not exceed SEVEN HUNDRED FIVE THOUSAND DOLLARS (\$705,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended, and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes if the notes do not mature within the time permitted by said Section 7-378. The Mayor, Director of Administration and Treasurer, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, form and other details of the temporary notes; to sell the notes at public or private sale; to execute and deliver the notes; and to perform all other acts which are necessary or appropriate to issue the temporary notes.
4. The payment of the costs of the project and the principal and interest and issuance costs of the bonds or notes and the temporary notes authorized by this ordinance are hereby determined to be: **(a)** of a general benefit nature and for general government purposes and payable from taxes levied on all taxable property in the Town of Vernon, with respect to the Connecticut Water Company meter and valve chambers portion of the project (estimated to be \$180,500); and **(b)** of a special benefit nature and payable from user service charges, connection fees, special assessments against benefited properties or by a combination of these methods in a manner provided by ordinance or by the Connecticut General Statutes with respect to the remaining elements of the project (estimated to be \$524,500).
5. The Water Pollution Control Authority is authorized to spend up to \$650,000 of said appropriation to carry out said projects, with the remaining amount of said appropriation to be spent on net interest on temporary borrowing and other legal and financing costs unless the Mayor, Director of Administration and Treasurer, or any two of them, authorize the expenditure of said remaining amount by the Water Pollution Control Authority. The Water Pollution Control Authority may reduce or modify the scope of the project in the event the appropriation is insufficient to pay all projected project costs.
6. This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon and, after approval at referendum vote as provided in Chapter XII, Section 12 of the Town's Charter.

Introduced: August 10, 1981
Advertised: August, 17, 1981 in Journal Inquirer
Public Hearing: September 1, 1981
Council Action: September 1, 1981 - subject to referendum vote
Advertised: September 10, 1981 in Journal Inquirer
Effective Date: November 3, 1981
Approved at Referendum: November 3, 1981

ORDINANCE #130

ORDINANCE APPROPRIATING THE SUM OF \$130,000 FOR THE PURCHASE OF A FIRE ENGINE TANKER TRUCK AND AUTHORIZING BONDS AND TEMPORARY NOTES TO DEFRAY THE APPROPRIATION

BE IT ORDAINED:

1. That the Town of Vernon appropriate ONE HUNDRED THIRTY THOUSAND DOLLARS (\$130,000) for the purchase of a fire engine tanker truck. The appropriation may be spent for the purchase price of the truck and related equipment and furnishings; legal fees, net temporary interest and other financing costs, and other expenses related to the purchase.
2. That the Town issue its serial bonds or notes, in an amount not to exceed ONE HUNDRED THIRTY THOUSAND DOLLARS (\$130,000) to finance the appropriation for the fire truck. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Vernon. The bonds or notes may be issued in one or more series, and any series may be sold as a single issue or consolidated with any other bonds or notes of the Town. The Treasurer shall keep a record of the bonds or notes. The Mayor, Director of Administration and Treasurer, or any two of them, shall sign the bonds or notes by their manual or facsimile signatures. The bonds or notes shall bear the seal of the Town or a facsimile of the seal. The law firm of Day, Berry & Howard is designated as bond counsel to approve the legality of the bonds or notes. The Mayor, Director of Administration and Treasurer, or any two of them, are authorized to determine the amount, date, interest rates, maturities, form and other details of the bonds or notes; to designate a bank or trust company to be certifying bank and paying agent for the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.
3. That the Town issue and renew its temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project. The amount of the notes outstanding at any time shall not exceed ONE HUNDRED THIRTY THOUSAND DOLLARS (\$130, 000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended, and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes if the notes do not mature within the time permitted by said Section 7-378. The Mayor, Director of Administration and Treasurer, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, form and other details of the temporary notes; to sell the notes at public or private sale; to execute and deliver the notes; and to perform all other acts which are necessary or appropriate to issue the temporary notes.
4. The payment of the costs related to the fire department engine tanker purchase and the principal and interest and issuance costs of the bonds or notes and the temporary notes authorized by this ordinance are hereby determined to be of a general benefit and for general government purposes and payable from taxes levied on all taxable property in the Town of Vernon.
5. This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon and after approval at referendum vote as provided in Chapter XII, Section 12 of the Town's Charter.

Introduced: August 10, 1981
Advertised: August 17, 1981 in Journal Inquirer
Public Hearing: September 1, 1981
Council Action: September 1, 1981 - subject to referendum vote
Advertised: September 10, 1981 in Journal Inquirer
Effective Date: November 3, 1981 (Approved By Referendum Vote)

ORDINANCE #131

**ORDINANCE ESTABLISHING A REVOLVING FUND FOR RECREATION
DEPARTMENT KNOWN AS “ACTIVITIES FUND-SENIORS”**

WHEREAS, the Council of the Town of Vernon, upon the recommendation of the town’s finance officer, desires to establish a revolving fund for the Recreation Department with respect to monies collected and expended for trips and/or any other activities of the Senior Citizens of the Town of Vernon.

BE IT ORDAINED:

1. That a revolving fund known as the “Activities Fund-Seniors” is hereby established.
2. That a checking account will be maintained and payments made therefrom, as authorized by the Director of Parks and Recreation or in his absence by the Finance Officer of the Town of Vernon, which said account shall be an interest-bearing account, (if possible), in any bank duly authorized as a depository for the Town of Vernon.
3. Detailed financial records shall be maintained by the Recreation Department with respect to all receipts and all disbursements, which records shall be subject to audit by the Finance Officer of the Town of Vernon and by the Auditors of the Town of Vernon.
4. Monthly reconciliations and detailed accountings of all cash received and all cash payments shall be made by the 15th day following the end of each calendar month and a copy of such reconciliation shall be provided to the Finance Department of the Town of Vernon no later than the 20th of each month.
5. No monies shall be collected by the Recreation Department except that they shall be deposited in the aforesaid depository and no monies shall be expended by the Recreation Department except by way of check as hereinbefore provided with respect to all activities of the Senior Citizens.

Introduced: August 10, 1981
Advertised: August 17, 1981 in Journal Inquirer
Public Hearing: September 1, 1981
Council Action: September 1, 1981 - ~~Subject to referendum vote~~
Advertised: September 10, 1981 in Journal Inquirer
Effective Date: September 25, 1981

ORDINANCE #132

ORDINANCE APPROPRIATING THE SUM OF \$150,000 FOR ROOF REPAIRS TO THE SLATE ROOF OF THE TOWN HALL (MEMORIAL BUILDING) AND AUTHORIZING BONDS AND TEMPORARY NOTES TO DEFRAY THE APPROPRIATION.

BE IT ORDAINED:

1. That the Town of Vernon appropriate ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) for the design and construction of repairs and replacements to the slate roof of the Town Hall (Memorial Building). The appropriation may be spent for design and construction costs, materials, legal fees, net temporary interest and other financing costs, and other expenses related to the project.

2. That the Town issue its serial bonds or notes, in an amount not to exceed ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) to finance the appropriation for the project. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Vernon. The bonds or notes may be issued in one or more series, and any series may be sold as a single issue or consolidated with any other bonds or notes of the Town. The Treasurer shall keep a record of the bonds or notes. The Mayor, Director of Administration and Treasurer, or any two of them, shall sign the bonds or notes by their manual or facsimile signatures. The bonds or notes shall bear the seal of the Town or a facsimile of the seal. The law firm of Day, Berry & Howard is designated as bond counsel to approve the legality of the bonds or notes. The Mayor, Director of Administration and Treasurer, or any two of them, are authorized to determine the amount, date, interest rates, maturities, form and other details of the bonds or notes; to designate a bank or trust company to be certifying bank and paying agent for the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

3. That the Town issue and renew its temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project. The amount of the notes outstanding at any time shall not exceed ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes if the notes do not mature within the time permitted by said Section 7-378. The Mayor, Director of Administration and Treasurer, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, form and other details of the temporary notes; to sell the notes at public or private sale; to execute and deliver the notes; and to perform all other acts which are necessary or appropriate to issue the temporary notes.

4. The payment of the costs of the project and principal and interest and issuance costs of the bonds or notes and the temporary notes authorized by this ordinance are hereby determined to be of a general benefit and for general government purposes and payable from taxes levied on all taxable property in the Town of Vernon.

5. The Permanent Municipal Building Committee shall act as agent for the Town pursuant to Chapter VIII, Section 9 of the Town Charter in carrying out the project, provided that all contracts or other obligations in connection with the project shall first be approved by the Mayor, Director of Administration and the Treasurer, or any two of them, and further provided that no contract shall be entered into for any construction of roof repairs or replacements until the Town Council approves the contract.

6. This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon and after approval at referendum vote as provided in Chapter XII, Section 12 of the Town's Charter,

Introduced: August 10, 1981
Advertised: August 17, 1981
Public Hearing: September 1, 1981
Council Action: September 1, 1981 subject to referendum vote
Advertised: September 10, 1981
Approved by Referendum Vote & Effective: November 3, 1981

ORDINANCE #133

ORDINANCE LIMITING MUNICIPAL LIABILITY FOR ICE AND SNOW ON PUBLIC SIDEWALKS

BE IT ORDAINED:

PURSUANT to the provisions of Connecticut Public Act #81-340, the Town of Vernon adopts the provisions of said act, specifically section (b) thereof, hereby declaring that the said Town of Vernon 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 said Town is the owner or person in possession and control of land abutting such sidewalk, other than land used as a highway or street, provided said Town shall be liable for its affirmative acts with respect to such sidewalk.

Introduced: February 2, 1982
Advertised: February 17, 1982 in Journal Inquirer
Public Hearing: March 2, 1982
Council Action: March 2, 1982
Advertised: March 5, 1982 in Journal Inquirer
Effective Date: March 20, 1982

ORDINANCE #134

ORDINANCE ESTABLISHING THE PROCEDURE FOR THE SALE OF TOWN-OWNED LAND

BE IT ORDAINED BY THE TOWN OF VERNON:

Section A Title

This ordinance shall be known and may be cited as “Ordinance establishing the procedure for the sale of Town-owned land.”

Section B Procedure

1. That the sale of any parcel of Town-owned land with an assessed valuation of \$4,000.00 or more be subject to the stipulations of the ordinance.

2. That any proposal to sell Town-owned land, whether by the Town or a prospective buyer, be forwarded immediately to the following Town entities for comments and recommendations to the Town Council within a thirty day period:

- a. Permanent Municipal Building Committee
- b. Building Official
- c. Director of Public Works
- d. Environmental Health Officer
- e. Conservation Commission
- f. Director of Parks & Recreation
- g. Town Assessor
- h. Town Planner
- i. Water Pollution Control Authority

3. That abutters of the Town-owned land under consideration for sale be notified by the Town Clerk’s office of the specific Town Council meeting date, time and place at which the proposed sale shall be discussed.

4. That the Mayor may make a recommendation to the Town Council regarding the sale of Town-owned land. For the purpose of making such recommendation, the Mayor may, with the approval of the Town Council, appoint a three member sub-committee of the Council.

5. That should the Town Council consider taking action upon the proposed sale of Town-owned land the proposal shall be referred to the Planning Commission for a recommendation under the provisions of Section 8-24 of the Connecticut General Statutes.

6. That after compliance with the provisions of Section 8-24 of the Connecticut General Statutes, should the Town Council vote to dispose of Town-owned land, the Town Council shall contract with a qualified professional real estate appraiser for the preparation of an appraisal of the fair market value of the property under consideration.

7. That the Town Council shall vote to approve a minimum sales price for said property and shall authorize the Director of Administration either to seek sealed bids or hold a public auction and in either case to give at least ten (10) days public notice to potential bidders by publication at least once in a newspaper, having circulation in the Town, of the date, time and place of the opening of sealed bids or of the public auction and inspection for the purchase of said property.

8. In the case of a public auction the auction shall be conducted by the Director of Administration or Town Attorney and the bidding shall open at no less than the minimum sale price approved by the Town Council.

9. That the Town Council may by a simple majority vote of its members present, subject to Connecticut General Statute Section 8-24, authorize the sale of said property and shall refer the matter to the Town Attorney for the preparation of the necessary documents to be executed by the purchaser and the Mayor.

10. That the sale of said property shall be accomplished by Quit-Claim Deed executed by the Mayor.

11. All expenses incurred by the Town in connection with the sale of the Town-owned land shall be borne by the purchaser and shall be included in the sale price.

Introduced: June 1, 1982
Advertised: June 8, 1982 in Journal Inquirer
Public Hearing: June 15, 1982
Council Action: June 15, 1982
Advertised: June 18, 1982 in Journal Inquirer
Effective Date: July 3, 1982

Repealed - See Ordinance #196

ORDINANCE #135

ORDINANCE PROHIBITING CERTAIN USES OF WATER FROM THE. VERNON WATER COMPANY

An Ordinance Prohibiting Certain Uses of Water from the Vernon Water Company Supply System Not Essential to the Public Well-Being; Authorizing the Water Pollution Control Authority to Terminate Water Service for Violation; Prescribing Penalties for the violation of its Provisions; and Declaring the Presence of an Emergency.

WHEREAS, an emergency exists in the Town of Vernon because of an impending shortage of water due to existing pressure and supply problems being aggravated by the necessary construction efforts to correct the same; and

WHEREAS, the Water Pollution Control Authority operates the Vernon Water Company as a municipal water supply system servicing part of the Town of Vernon;

WHEREAS, it is imperative to the public well-being that certain uses of water, not essential to the health, welfare and safety of the Town be restricted;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF VERNON:

SECTION A. Definitions. For, the purposes of this Ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- (1) “Town” is the Town of Vernon.
- (2) “Person” is any person, firm, partnership, association, corporation, company or organization of any kind.
- (3) “Water” is water from the Vernon Water Company Supply System.
- (4) “Authority” is the Vernon Water Pollution Control Authority.

SECTION B. Application of Regulations. The provisions of this Ordinance shall apply to all persons using water supplied by the Vernon Water Company in the Boulder Ridge section of Town and regardless of whether any person using water shall have a contract for water service with the Town.

SECTION C. Certain Uses Prohibited. The use and withdrawal of water by any person for the following purposes is hereby prohibited:

- (1) Cleaning Outdoor Surfaces. The washing of sidewalks, driveways, filling station aprons, porches and other outdoor surfaces.
- (2) Cleaning Buildings. The washing of the outside of dwellings; the washing of the inside and outside of office buildings.
- (3) Cleaning Equipment and Machinery. The washing and cleaning of any business or industrial equipment and machinery.
- (4) Ornamental Fountains. The operation of any ornamental fountain or other structure making a similar use of water.
- (5) Swimming Pools. Swimming and wading pools not employing a filter and recirculating system.
- (6) Escape Through Defective Plumbing. The escape of water through defective plumbing, which shall mean the knowing permission for defective plumbing to remain out of repair.

SECTION D. Certain Uses Restricted: The use and withdrawal of water by a person for the following purposes is restricted to even-numbered days of the month for those properties on the even-numbered side of the streets, and to odd-numbered days of the month for those properties on the odd-numbered side of the streets:

- (1) Watering Yards. The sprinkling, watering or irrigating of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers, or any other vegetation.
- (2) Washing Mobile Equipment. The washing of automobiles, trucks, trailers, trailer-houses, or any other type of mobile equipment.

ORDINANCE #135

**ORDINANCE PROHIBITING CERTAIN USES OF WATER FROM THE. VERNON
WATER COMPANY**

SECTION F. Enforcement.

- (a) Police Officers Enforce. Every police officer of the Town shall, in connection with his duties imposed by law, diligently enforce the provisions of this Ordinance.
- (b) Discontinuance of Service. The Authority shall have the authority to enforce the provisions of this Ordinance by the discontinuance of water service in the event of violation hereof.

SECTION G. Penalties. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding Twenty-Five Dollars (\$25.00). Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

SECTION H. Separability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION I. Finding of Emergency. This Ordinance is passed as an emergency measure, and the Council does, by the vote by which this Ordinance is passed, hereby declare that an emergency exists for a period not to exceed one year after initiation of Vernon Water Company improvements, which makes it imperative that this Ordinance should become effective forthwith in order that the public health, welfare and safety might most effectively be provided for.

Introduced: June 15, 1982
Advertised: June 18, 1982 in Journal Inquirer
Public Hearing: July 6, 1982
Council Action: July 6, 1982
Advertised: July 9, 1982 in Journal Inquirer
Effective Date: July 6, 1982

ORDINANCE #136

ORDINANCE APPROPRIATING THE SUM OF \$350,000 FOR RENOVATIONS AND IMPROVEMENTS TO THE VERNON ELEMENTARY SCHOOL BUILDING AND AUTHORIZING BONDS AND TEMPORARY NOTES TO DEFRAY THE APPROPRIATION

BE IT ORDAINED:

1. That the Town of Vernon appropriate THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000) for the design and construction of renovations and improvements to the Vernon Elementary School Building on Route 30, including fire and handicapped code renovations and modifications to permit the use of the building for town offices and by other parties, and related improvements. The Council shall approve any plans and construction contracts for the project. The appropriation may be spent for design and construction costs, materials, furnishings, site development, architectural, engineering and legal fees, net temporary interest and other financing costs, and other expenses related to the project.

2. That the Town issue its serial bonds or notes, in an amount not to exceed THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000) to finance the appropriation for the project. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Vernon. The bonds or notes may be issued in one or more series, and any series may be sold as a single issue or consolidated with any other bonds or notes of the Town. The Treasurer shall keep a record of the bonds or notes. The Mayor, Director of Administration and Treasurer, or any two of them, shall sign the bonds or notes by their manual or facsimile signatures. The bonds or notes shall bear the seal of the Town or a facsimile of the seal. The law firm of Day, Berry & Howard is designated as bond counsel to approve the legality of the bonds or notes. The Mayor, Director of Administration and Treasurer, or any two of them, are authorized to determine the amount, date, interest rates, maturities, form and other details of the bonds or notes; to designate a bank or trust company to be certifying bank and paying agent for the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

3. That the Town issue and renew its temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project. The amount of the notes outstanding at any time shall not exceed THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes if the notes do not mature within the time permitted by said Section 7-378. The Mayor, Director of Administration and Treasurer, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, form and other details of the temporary notes; to sell the notes at public or private sale; to execute and deliver the notes; and to perform all other acts which are necessary or appropriate to issue the temporary notes.

4. The payment of the costs of the project and the principal and interest and issuance costs of the bonds or notes and the temporary notes authorized by this ordinance are hereby determined to be of a general benefit and for general government purposes and payable from taxes levied on all taxable property in the Town of Vernon.

5. The Permanent Municipal Building Committee shall act as agent for the Town pursuant to Chapter VIII, Section 9 of the Town Charter in carrying out the project, provided that all contracts or other obligations in connection with the project shall first be approved by the Mayor, Director of Administration and the Treasurer, or any two of them, and further provided that no construction contract shall be entered into until the Town Council approves the contract.

6. This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon and after approval at referendum vote as provided in Chapter XII, Section 11 of the Town's Charter.

Introduced: August 17, 1982
Advertised: August 25, 1982 in Journal Inquirer
Public Hearing: August 31, 1982
Council Action: August 31, 1982
Advertised: September 4, 1982 in Journal Inquirer
Effective Date: November 2, 1982
Approved By: Referendum Vote November 2, 1982

ORDINANCE #137

ORDINANCE AMENDING ORDINANCE #46 ENTITLED “ORDINANCE REQUIRING REGISTRATION OF PEDDLERS, HAWKERS, SOLICITORS, CANVASSERS AND SALESMEN.”

BE IT ORDAINED BY THE TOWN OF VERNON THAT the Ordinance entitled “Ordinance Requiring Registration of Peddlers, Hawkers, Solicitors, Canvassers and Salesmen”, is hereby amended as follows:

1. Section 4, application fee, is hereby repealed and the following is substituted in lieu thereof:

“4 Application Fee

At the time of filing of the application and for the renewal application, which renewal application shall be filed annually, the fee which shall be charged and collected by the Chief of Police or his designee shall be \$20.00.”

2. All other provisions of Ordinance #46 are reaffirmed as previously adopted.

Introduced: August 17, 1982
Advertised: August 25, 1982 in Journal Inquirer
Public Hearing: August 31, 1982
Council Action: August 31, 1982
Advertised: September 4, 1982 in Journal Inquirer
Effective Date: September 19, 1982

ORDINANCE #138

ORDINANCE ESTABLISHING A CAPITAL IMPROVEMENT COMMITTEE

WHEREAS, the Council of the Town of Vernon, in accordance with Chapter 12, Section 5 of the Town Charter, desires to establish a Capital Improvement Committee to advise and assist the Mayor in preparing programs concerning municipal improvements and for proposed capital projects.

THEREFORE, BE IT ORDAINED THAT the Council of the Town of Vernon by the authority granted to it by the Connecticut General Statutes and the Town Charter hereby establishes the Capital Improvement Committee for the purposes set forth in Chapter 12 Section 5 of the Town Charter, to advise and assist the Mayor in preparing the capital improvement program.

Said Committee shall be comprised of Five (5) members who shall be appointed by the Mayor under the following standards:

1. That no more than three (3) members of any one political party shall be appointed to said Committee to serve concurrently at anyone time;
2. That no more than two (2) members of the Town Council be appointed to serve on said Committee at any time;
3. That all members of said Committee shall be electors of the Town of Vernon during their term of membership thereon;
4. That the initial appointment of members to said Committee shall be as follows:
 - a. Two members for the three-year terms
 - b. Two members for Two-year terms
 - c. One member for a one-year term;
5. That after the initial appointments of members all appointments of members of said Committee shall be for three-year terms, subject to vacancies in membership of said Committee being filled for the remaining duration of the then vacated membership term.
6. All appointments to said Committee shall become effective on September 1st and shall expire on August 31st.

The Town Planner shall act as an ex-officio member of said Committee for the purposes of advising, recommending, and assisting said Committee to fulfill its function.

The Town Council, by resolution, shall, annually prior to November first, prescribe such duties and powers to said Committee as the Council deems advisable.

Introduced: August 17, 1982
Advertised: August 25, 1982 in Journal Inquirer
Public Hearing: August 31, 1982
Council Action: August 31, 1982
Advertised: September 4, 1982 in Journal Inquirer
Effective Date September 19, 1982

ORDINANCE #139

AN ORDINANCE AMENDING ORDINANCE #105 ENTITLED “HOUSING ORDINANCE REGULATING SUPPLIED FACILITIES, MAINTENANCE AND OCCUPANCY OF DWELLINGS AND DWELLING UNITS:

BE IT ORDAINED BY THE TOWN OF VERNON THAT THE. ORDINANCE ENTITLED “HOUSING ORDINANCE REGULATING SUPPLIED FACILITIES, MAINTENANCE AND OCCUPANCY OF DWELLINGS AND DWELLING UNITS, IS HEREBY AMENDED AS FOLLOWS:

1. Paragraph 5 of the Introduction to the Housing Code is hereby repealed and the following is substituted in lieu thereof

SCOPE The provisions of this ordinance shall apply uniformly to the construction, maintenance, use and occupancy of any structure or building containing a dwelling unit where applicable, and shall apply uniformly to the alteration, repair, equipment, use, occupancy, and maintenance of any existing building or structure containing a dwelling unit within the jurisdiction of the Town of Vernon irrespective of when or under what code or codes such buildings or structures were originally constructed or rehabilitated. The provisions of the Housing Code are supplemented in some instances by the State Tenement House Act, Chapter 352 of the General Statutes of the State of Connecticut, the State Basic Building Code, Chapter 354 of the General Statutes; the State Fire Safety Code, Chapter 530 of the General Statutes, and the Landlord and Tenant Act, Chapter 830 of the General Statutes

2. Section 1.4 is hereby repealed and the following is substituted in lieu thereof:

1.4 Basement shall mean a portion of a building located partly underground, but having half or less than half of its clear floor-to-ceiling height below the average grade of the adjoining ground

3. Section 1.6 is hereby repealed and the following is substituted in lieu thereof:

1.6 Cellar shall mean a portion of a building located partly or wholly underground, and having more than half if its clear floor-to-ceiling height below the average grade of the adjoining ground.

4. Section 1.8 is hereby repealed and the following is substituted in lieu thereof:

1.8 Chimney shall mean a vertical shaft of approved noncombustible, heat-resisting material enclosing one (1) or more flues, for the purpose of removing products of combustion from solid, liquid or gaseous fuel.

5. Section 2.5 is hereby repealed and the following is substituted in lieu thereof:

2.5. No owner of a dwelling shall accumulate or permit the accumulation of rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide a rat harborage in a dwelling or abut the shared or public areas of a dwelling or its premises. Materials stored by the owner or permitted to be stored by the owner shall be stacked neatly in piles elevated at least eighteen (18) inches above the ground or floor

6. Section 2.9 is hereby repealed and the following is substituted in lieu thereof:

2.9 The owner of a dwelling unit shall be responsible for the provision, maintenance and/or replacement of all screens at doors, windows or other devices with openings to outdoor space whenever the same are required under the provisions of this ordinance

7. Section 2.11 is hereby repealed and the following is substituted in lieu thereof:

2.11 Every occupant of a dwelling or dwelling unit shall keep all supplied fixtures and facilities therein in clean, and sanitary condition. Every occupant of a dwelling or dwelling unit shall use all electrical, plumbing, sanitary, heating, ventilating, air conditioning and other facilities and appliances, including elevators, in the premises in a reasonable manner.

8. Section 2.17 is hereby repealed and the following is substituted in lieu thereof:

2.17 Every occupant of a dwelling or dwelling unit shall conduct himself and require other persons on the premises with his consent to conduct themselves in a manner that will not disturb his neighbors' peaceful enjoyment of the premises.

9. Section 3.5 is hereby repealed and the following is substituted in lieu thereof:

3.5 Every dwelling or dwelling unit shall have safe unobstructed means of egress

ORDINANCE #139

**AN ORDINANCE AMENDING ORDINANCE #105 ENTITLED "HOUSING
ORDINANCE REGULATING SUPPLIED FACILITIES, MAINTENANCE AND
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leading to safe and open space at ground level as required by the State BBC and the State FSC and approved by the Building Inspector and the Fire Marshall.

10. Section 3.6 is hereby repealed and the following is substituted in lieu thereof:

3.6 A structurally sound hand rail shall be provided on all stairs containing four (4) risers or more. Porches, patios, and/or balconies located more than three (3) feet higher than the adjacent area shall have structurally sound protective guard or hand rails.

11. Section 3.7 is hereby repealed and the following is substituted in lieu thereof:

3.7 No person shall let to another for occupancy any dwelling or dwelling unit unless all exterior doors of the dwelling or dwelling unit are equipped with functioning locking devices that conform to the requirements of the State Fire Safety Code as approved by the Fire Marshall.

12. Section 4.1 is hereby repealed and the following is substituted in lieu thereof:

4.1 Every habitable room shall have at least one window facing directly to the outdoors. The minimum aggregate glass area of windows for habitable rooms shall be not less than eight percent (8%) of the floor area of the room served by them. Whenever walls or other portions of structures face a window of any habitable room any such light-obstruction structures are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such window shall not be included as contributing to the required minimum total window area. Whenever an interior wall is located parallel to a window and within three (3) feet of that window, the window shall not be included as contributing to the required window area.

13. Section 4.4 is hereby repealed and the following is substituted in lieu thereof:

4.4 Every dwelling unit and all public and common areas shall be supplied with electric service, outlets, and fixtures which shall be installed and maintained in good and safe working condition. Electric service shall be connected to the source of electric power in a manner prescribed by the State Basic Building Code. The capacity of such services and the number of outlets and fixtures shall be:

14. Sections 4.4.2 and 4.4.3 are hereby repealed and the following is substituted in lieu thereof:

4.4.2 Every habitable room shall have at least one (1) wall-type electric duplex convenience outlet for each sixty (60) square feet or fraction thereof of floor area, and in no case less than two (2) such outlets. No duplex convenience outlet shall serve more than two (2) fixtures or appliances.

4.4.3 Every water closet compartment, bathroom, laundry room, furnace room and hall shall contain at least one supplied ceiling-or-wall type electric light fixture

15. Section 4.6 is hereby repealed and the following is substituted in lieu thereof:

4.6 All electric lights and outlets in bathrooms and kitchens shall be installed and maintained in such condition as to minimize the danger of electric shock. All electric lights in bathrooms and kitchens shall be controlled by switches which are of such design as shall minimize the danger of electric shock.

16. Section 4.7 is hereby repealed and the following is substituted in lieu thereof:

4.7 Every public hall and every stairway in every multiple dwelling shall be adequately lighted at all times. Every other common area and every cellar in every multiple dwelling shall be provided with an adequate lighting system, controlled by conveniently located switches, which may be turned on when needed.

17. Section 5.1 is hereby repealed and the following is substituted in lieu thereof:

5.1 Every dwelling, or dwelling unit shall be supplied with heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments located therein to a temperature of at least 65 degrees F. at a

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AN ORDINANCE AMENDING ORDINANCE #105 ENTITLED “HOUSING ORDINANCE REGULATING SUPPLIED FACILITIES, MAINTENANCE AND OCCUPANCY OF DWELLINGS AND DWELLING UNITS:

distance three feet above floor level when outdoor temperature is 0° degrees F.

18. Sections 5.3.2.2 and 5.3.2.3 are hereby repealed and the following is substituted in lieu thereof:

5.3.2.2 not be of the portable type if using liquid or gaseous fuel, unless approved by use by the State Fire Marshall.

5.3.2.3 if employing a flame, be connected to a flue or vent in the manner required by the statutes, ordinances and regulations of the State of Connecticut and the Town of Vernon

19. Section 6.2 is hereby repealed and the following is substituted in lieu thereof:

6.2 Every foundation, roof and exterior wall, door, hatchway, skylight and window shall be reasonably weather-tight, water-tight, damp-free, rodent-proof, and shall be kept in sound condition and good repair. Floors, interior walls and ceilings shall be sound and in good repair. Walls shall be capable of affording privacy for the occupants.

20. Section 6.14 is hereby repealed and the following is substituted in lieu thereof:

6.14 All construction and materials, ways and means of egress, and installation and use of equipment shall conform with the appropriate statutes, ordinances, and regulations dealing with fire protection and building construction of the Town of Vernon and the State of Connecticut.

21. Section 7.3 is hereby repealed and the following is substituted in lieu thereof:

7.3 Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of usable floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 30 additional square feet of usable floor area for each additional occupant thereof.

22. Section 7.7 is hereby repealed and the following is substituted in lieu thereof:

7.7 Every dwelling unit shall have at least four (4) square feet of floor-to-ceiling height closet space for the personal effects of each permissible occupant; if it is lacking, in whole or in part, an amount of space equal in square footage to the deficiency shall be subtracted from the area of habitable room space used in determining permissible occupancy.

23. Section 10.3 is hereby repealed and the following is substituted in lieu thereof:

10.3 Upon presentation of proper identification by the Housing Code Inspector, and a copy of any relevant plan of inspection pursuant to which entry is sought, and a schedule of the specific areas and facilities to be inspected, the owner, occupant or other person in charge of a dwelling, dwelling unit, rooming house, or rooming unit shall give the Housing Code Inspector entry and free access to every part of the dwelling, dwelling unit, rooming house, or rooming unit or to the premises surrounding any of these.

24. Section 10.4 is hereby repealed and the following is substituted in lieu thereof:

10.4 If after the receipt of a complaint or request for inspection due to an emergency, the Housing Code Inspector, determines that a violation of this ordinance probably exists, and upon presentation of proper identification by the Housing Code Inspector and a schedule of the specific areas and facilities to be inspected, the owner, occupant, or other person in charge of a dwelling, dwelling unit, rooming house, or rooming unit shall give the Housing Code Inspector entry and free access to every part of the dwelling surrounding any of these.

25. Section 10.4.1 is hereby repealed and the following is substituted in lieu thereof:

10.4.1 If the Housing Code Inspector determines, following inspection due to a complaint or alleged emergency, that no violation of this ordinance exists, he shall notify the property owner of the date and time of inspection and of the resolution of the complaint or alleged emergency.

26. Section 11.1 is hereby repealed and the following is substituted in lieu thereof:

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- 11.1** Whenever the Housing Code Inspector determines that any dwelling, dwelling unit, or rooming unit, or the premises surrounding any of these, fails to meet the requirements set forth in this ordinance or in applicable rules and regulations issued pursuant thereto, the Housing Code Inspector shall issue a notice setting forth the alleged failures, and advising the owner, occupant, operator, or agent that such failures must be corrected. All reasonable efforts will be made to notify the occupant(s) except where the occupant is being cited under the Housing Code, in which case such notification will be mandatory. This notice shall:
- 27.** Sections 11.1.3 and 11.1.4 are hereby repealed and the following is substituted in lieu thereof:
- 11.1.3** Describe the dwelling, dwelling unit, rooming house or rooming unit where the violations are alleged to exist or to have been committed.
- 11.1.4** Indicate a specific date for the correction of any violation alleged, which shall be no later than 120 days after the mailing, posting, or publishing of said notice.
- 28.** Section 11.3 is hereby repealed and the following is substituted in lieu thereof:
- 11.2** If upon reinspection the Housing Code Inspector determines that the violations have not been corrected, the Housing Code Inspector, being a duly appointed special constable, shall issue an infraction summons for each such violation and shall do so for each day that such violation continues after expiration of the specific repair period, and/or, the Housing Code Inspector shall initiate legal proceedings for the immediate correction of the alleged violations or shall order the dwelling, dwelling unit, rooming house, or rooming unit vacated within 30 days or both. In cases where the Housing Code Inspector determines that substantial compliance with the enforcement order has occurred, he may request an extension of time for completion of corrections on behalf of the owner, occupant, operator, or agent before the Code Review Committee as specified in Section 14.
- 29.** Section 11.4.1 is hereby repealed and the following is substituted in lieu thereof:
- 11.4.1** A release of caveat from the Land Records shall require a fee of five dollars (\$5.00) payable to the Town of Vernon.
- 30.** Section 12.1 is hereby repealed and the following is substituted in lieu thereof:
- 12.1** Any owner, occupant, operator, or agent of a dwelling, dwelling unit, rooming house or rooming unit who has received an order or notice of an alleged violation shall be subject to a penalty or not more than seventy five dollars (\$75 00), or fifteen (15) days in jail, or both, for each day any alleged violation continues after expiration of the specific repair period, and such owner, occupant, operator or agent of any dwelling, dwelling unit, rooming house or rooming unit who has received an infraction summons shall be subject to a fine of not less than twenty five dollars (\$25.00) nor more than seventy five dollars (\$75.00) for each such summons; provided that no such penalty shall be applicable while a reconsideration hearing or appeal to a court of competent jurisdiction is pending in the matter
- 31.** Section 13.12 is hereby repealed and the following is substituted in lieu thereof:
- 13.12** The Building Inspector may order a dwelling, dwelling unit, or rooming, house to be adequately secured for safety purposes or demolished if it has been designated as unfit for human habitation, has been placarded as such, has been vacated, has not been put into proper repair so as to rescind the designation as unfit for human habitation and to cause the placard to be removed.
- 32.** Section 14.1 is hereby repealed and the following is substituted in lieu thereof:
- 14.1** There is hereby created a Code Enforcement Committee which shall consist of the members of the Building Board of Appeals. The Health Officer, Police Chief, Fire Chief, Housing Authority Director and other Town of Vernon professional staff may provide technical assistance at the request of the Committee.
- 33.** Section 14.2 is hereby repealed and the following is substituted in lieu thereof:
- 14.2** Any person requesting an inspection or complaining of an alleged housing code

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violation where no notice has been issued and any person affected by a notice which has been issued in connection with the enforcement of any provision of this ordinance may request and shall be granted a hearing on the matter before the Code Enforcement Committee created in Section 14.1; provided that such person shall file in the office of the Housing Code Inspector a written petition requesting such hearing and setting forth a brief statement of the grounds thereof within fifteen (15) days after the day the notice was served, posted, or published or after a request for an inspection or complaint of alleged housing code violations has been made where no notice has been issued. Upon receipt of such petition, the Housing Code Inspector shall set a time and place for such hearing and shall give the petitioner and other affected persons including the owner, operator, agent, or occupant written notice thereof.

34. Section 14.2.1 is hereby repealed and the following is substituted in lieu thereof:

14.2.1 At such hearing, the petitioner shall be given an opportunity to be heard and to show why any notice of violation should be issued, modified, extended or withdrawn or a variance granted, or why any other appropriate action should be taken, including the ordering of appropriate inspection.

35. Section 14.4 is hereby repealed and the following is substituted in lieu thereof:

14.3 If a notice is ordered issued, or a notice is sustained, modified or extended, it shall become an order as so sustained, modified or extended. Any notice served pursuant to Sub-Section, 11.1 of this ordinance shall automatically become an order if written petition for a hearing is not filed in the office of the Housing Code Inspector within 15 days after such notice is served.

36. Section 14.6 is hereby repealed and the following is substituted in lieu thereof:

14.6 The proceedings at such hearings, including the findings and decision of the Code Enforcement Committee, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Housing Code Inspector and open to reasonable public inspection. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by a decision of the Housing Code Inspector may seek relief therefrom in any court of competent jurisdiction in accordance with the general provisions of the Statutes relating to the taking of appeals from municipal commissions, boards and committees.

37. Section 15.1 is hereby repealed and the following is substituted in lieu thereof:

15.1 In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, health, or other ordinance or code of the State of Connecticut or the Town of Vernon, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

All other provisions of Ordinance #105 are reaffirmed as previously adopted.

Introduced	August 3, 1982 and September 21, 1982
Advertised	September 15, 1982 in Journal Inquirer
Public Hearing	September 21, 1982
Council Action	September 21, 1982
Advertised	September 25, 1982 in Journal Inquirer
Effective Date	October 10, 1982

ORDINANCE #140

ROAD AND SIDEWALK OBSTRUCTION ORDINANCE

BE IT ORDAINED:

By the Town of Vernon that an Ordinance entitled “ROAD AND SIDEWALK OBSTRUCTION ORDINANCE” be enacted as follows:

Section 1 Title

This ordinance shall be cited and may be referred to hereinafter as the “Road and Sidewalk Obstruction Ordinance”.

Section 2 Legislative Interest

The Town of Vernon hereby finds that road and sidewalk obstructions, such as shrubbery, hedges, trees, vegetation, rock walls and fences, or other obstructions, create hazards and inconvenience by:

- A. Interfering with vision and proper sight distance at corners and intersections;
- B. Making public travel on roads and sidewalks inconvenient and annoying;
- C. Obstructing the free passage of light maintained by the Town.

Section 3 Application

This local law shall apply to the whole Town of Vernon.

Section 4 Visual Obstructions at Intersections Prohibited

- A. No shrubbery, hedge or other natural growth or fence, (Except a transparent fence, such as chicken wire, in which the solid area is not more than five percent (5%) of the total area of the fence) or wall over three (3) feet higher than the apex at the center line of the street shall be located within the triangular area shown shaded in Sketch A, at the intersection of two (2) streets.
- B. No limbs or foliage on any tree shall obstruct vision or be permitted to grow nearer to the ground than eight (8) feet where such limbs or foliage overhang or arc over or upon land within the triangular area as shown in Sketch A.

Section 5 Trees Overhanging Streets~ or Sidewalks Prohibited

Every owner and occupier of land abutting upon any street or public way shall, whenever requested so to do by the Director of Public Works, in writing, remove any tree, shrub or vine or any limb or branch thereof, standing upon such land and overhanging any street, sidewalk or other public way in such manner as to endanger public travel, or make the same inconvenient or annoying or to obstruct the free passage of light from the public lamps maintained by the town.

Section 6 Hedges and Plants with Thorns.

No person shall plant or maintain a hedge or plant having thorns thereon in such a manner as to infringe upon any public street, sidewalk or other public way.

Section 7 Planting Within Sidewalk Lines.

No person shall set out any tree, shrub or vine within the lines of any sidewalk in the Town, without a permit from the Director of Public Works.

Section 8 Enforcement

This local law shall be administered and enforced by the Department of Public Works of the Town of Vernon with the assistance of the Police Department of the Town of Vernon as set forth below:

- A. Upon the determination of the Public Works Department that a violation exists, pursuant to the provisions of Section 4, 5, 6 and 7 hereof, it shall send a written notice specifying the violations and requiring compliance within Ten (10) days thereafter. Such notice shall be served upon a person of suitable discretion in charge of the subject premises and by mailing a copy thereof addressed to the owner of record of such land if he or she is other than the person served at the address shown on the last preceding assessment roll. If said land is vacant and there is no one available to be served on said property, then a certified mailing of such violation notice to the owner of record shall be sufficient.
- B. In the event the notice specified in subsection A of this section is not complied with after a period of Ten (10) days from date of service, then the Police Department shall issue a summons upon the filing of an information alleging the

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ROAD AND SIDEWALK OBSTRUCTION ORDINANCE

violation herein.

- C. In addition to any other penalty provided under the law for noncompliance, the Town Council may, in its legislative discretion, authorize the Director of Public Works to remove the visual obstruction.
- D. The expenses incurred by the Director of Public Works, pursuant to subsection C of this section, shall be paid by the owner or occupant of the premises or by the person who caused or maintained such obstruction. The Director of Public Works shall file among his records an affidavit stating with fairness and accuracy the items of expense incurred in removing said obstruction. The Town Council may institute a suit to recover such expenses against any person liable for such expenses or may cause such expenses to be charged against the property as a lien.
- E. To effectuate the purpose and objectives of this local law, the Police Department shall cooperate with and assist the Public Works Department as above set forth and otherwise as may seem proper or required in the circumstances.

Section 9 Penalties for Offenses

Any violation by a person, firm or corporation of this local law shall be deemed an offense punishable by a fine not to exceed Twenty-Five (\$25.00) Dollars.

Introduced:	November 3, 1982
Advertised:	November 9, 1982 in Journal Inquirer
Public Hearing:	November 16, 1982
Council Action:	November 16, 1982
Advertised:	November 20, 1982 in Journal Inquirer
Effective Date:	December 5, 1982

ORDINANCE #141

AN ORDINANCE CONCERNING BURGLAR, HOLD-UP AND FIRE ALARM SYSTEMS AND PENALTIES FOR VIOLATIONS

BE IT ORDAINED by the Town Council of the Town of Vernon that:

Section 1. Purpose and Definitions

- a. The purpose of this ordinance is to provide minimum standards and regulations applicable to burglar, hold-up alarm and fire alarm systems and alarm users as defined in this ordinance, and to encourage the installation of protective alarm systems in all dwellings, commercial, industrial and agricultural structures.
- b. For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.
 - (1) The term “Alarm Agent” means any person employed by an alarm business whose duties include the altering, installing, maintaining, moving, repairing, replacing, selling, servicing, responding to, or causing others to respond to an alarm device.
 - (2) The term “Alarm Business” means any business operated by a person for a profit which engages in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, servicing or responding to a burglar, hold-up alarm system or fire alarm system, or which causes any of these activities to take place.
 - (3) The term “Alarm System” means an assembly of equipment and devices (or a single device, such as a solid state unit, which plugs directly into a 110 volt AC line) arranged to signal the presence of a hazard requiring urgent attention and to which police or fire are expected to respond. In this ordinance, the term “alarm system” shall include the terms “Automatic Hold-up Alarm Systems”, “Burglar Alarm Systems”, “Hold-up Alarm Systems” and “Manual Hold-up Alarm Systems”, and “Fire Alarm Systems” as those terms are hereinafter defined. Alarm systems which monitor temperature, humidity or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery or a fire or smoke condition at a premises are specifically excluded from the provision of this ordinance.
 - (4) The term “Alarm User” means any person on whose premises an alarm system is maintained within the Town of Vernon except for alarm systems on motor vehicles or proprietary systems. If, however, an alarm system on a motor vehicle is connected with an alarm system at a premises (other than a proprietary system), the person using such a system shall be an alarm “user”.

Also excluded from this definition and from the coverage of this ordinance are persons who use alarm systems to alert or signal persons within the premises in which the alarm system is located, of an attempted unauthorized intrusion or hold-up attempt. If such a system, however, employs an audible signal-emitting sounds or a flashing light or beacon designed to signal persons outside the premises, such system shall be within the definition of alarm system and shall be subject to this ordinance.
 - (5) The term “Annunciator” means the instrumentation on an alarm console at the receiving terminal of a signal line which through both visual and audible signals shows when an alarm device at a particular location has been activated or it may also indicate line trouble.
 - (6) The term “Answering Service” refers to a telephone answering service providing among its services the service of receiving on a continuous basis through trained employees, emergency signals from alarm systems and thereafter immediately relaying the message by live voice to the communication center of the Vernon Police Department.
 - (7) The term “Automatic Hold-up Alarm System” means an alarm system in which the signal transmission is initiated by the action of the robber.
 - (8) The term “Burglar Alarm System” refers to an alarm system signaling an entry or attempted entry into the area protected by the system.
 - (9) The term “Fire Alarm System” refers to a signal or message from a person or device indicating the existence of a fire or other emergency which requires Fire Department action.

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- (10) The term “Central Station” means an office to which remote alarm and supervisory signaling devices are connected, where operators supervise the circuits, and where guards are maintained continuously to investigate signals.
- (11) The term “Central Station Equipment” refers to the signal receiving, recording, or retransmitting equipment installed in the central station.
- (12) The term “Central Station System” means a system in which the operation of electrical protection circuits and devices are signaled automatically to, recorded in, maintained, and supervised from a central station having trained operators and guards in attendance at all times.
- (13) The word “(Town)” means the Town of Vernon, Connecticut.
- (14) The term “Direct Connect” means an alarm system which has the capability of transmitting system signals to and receiving them at an agency maintained by the local government: for example, a police communication center.
- (15) The term “Direct Line” means a telephone line leading directly from a central station to the communication center of the Vernon Police Department that is for use only to report emergency signals on a person-to-person basis.
- (16) The term “False Alarm” means the activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system or of his employees or agents. Such terminology does not include, for example, alarms caused by hurricanes, tornadoes, earthquakes, or other violent conditions. False fire alarms shall not mean alarms transmitted because of a water main break or similar causes that occur outside of the protected property. False alarms, as defined in this ordinance, also do not include those alarms that are transmitted with a criminal, malicious or mischievous intent.
- (17) The term “Hold-up Alarm System” refers to an alarm system signaling a robbery or attempted robbery.
- (18) The term “Local Alarm System” refers to a signaling system which when activated causes an audible and/or visual signaling device to be activated in or on the premises within which the system is installed.
- (19) The term “Manual Hold-up Alarm System” refers to an alarm system in which the signal transmission is initiated by the direct action of the person attacked or by an observer of the attack.
- (20) The term “Modified Central Station” means an office to which remote alarm and supervisory signaling devices are connected, where operators supervise the circuits. Such modified central station is not listed by Underwriters Laboratories.
- (21) The term “Person” means any person, firm, partnership, association, corporation, company or organization of any kind.
- (22) The term “Police Chief” means the chief of the police department of the Town of Vernon, or his designated representative.
- (23) The term “Police” or “Police Department” means the publicly supported police department of the Town of Vernon, or any authorized agent thereof.
- (24) The term “Fire Chief” means the certified person designated as Fire Chief by the Town of Vernon, or his designated representative.
- (25) The term “(Fire Department)” means those publicly supported companies authorized by the Town of Vernon to provide fire protection services.
- (26) The term “Primary Trunkline” means a telephone line leading directly into the communication center of the Vernon Police Department that is for the purpose of handling emergency calls on a person-to-person basis, and which is identified as such by a specific number included among the emergency numbers listed in the telephone directory issued by the telephone company and covering the service area within the Vernon Police Department’s jurisdiction.
- (27) The term “Remote Signaling System” means an alarm signaling system which when activated by an alarm device transmits a signal from an alarm signaling device to a

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central location, other than the Vernon Police Department, where appropriate action is taken to investigate and respond to the signal.

- (28) The term “Signal Line” refers to the transmission line through which the signal passes from one of the elements of the signal transmission to another.
- (29) The term “Subscriber” means a person who buys and/or leases, or otherwise obtains an alarm signaling system and thereafter contracts with or hires an alarm business to monitor and/or service the alarm device.
- (30) The term “Telephone Company” means the utility that furnishes telephone services to the Town of Vernon.
- (31) The abbreviation “ANSI” stands for the American National Standards Institute.
- (32) The abbreviation “UL” stands for Underwriters Laboratories.
- (33) “Automatic Protective Device” is any emergency reporting device which utilizes mechanical or electrical means to automatically place a telephone call and which plays a prerecorded message to another location upon activation. (A dialer alarm).

Section 2. Requirement for Registration.

It shall be unlawful for any person, firm or corporation to own or to occupy any building or structure where there is installed an alarm system, which is used or so installed that it can be used by such owner or occupant without registering the same with the Chief of Police as herein provided. Applications for registration shall be made within thirty (30) days of any installation of an alarm system on forms provided by the Chief of Police and shall include the following information:

- (1) Name, residence address and telephone number of owner or occupant.
- (2) Address of place where device is installed and telephone number at that location.
- (3) Name and telephone number of any other person at a different location who is authorized to respond to any emergency and open the place where the device is installed.
- (4) Name, address and telephone number of company responsible for servicing the alarm.

A form will be available from the Vernon Police Department.

Section 3. Direct Connections to the Vernon Police Headquarters.

- (a) Upon the favorable recommendation of the Police Chief, alarms from business premises and financial institutions may be terminated in the Vernon Police Headquarters.
- (b) The alarm subscriber approved for a direct connection to the Vernon Police Headquarters or the alarm business contracting for servicing the subscriber’s alarm system, shall be responsible for obtaining the leased telephone line between subscriber’s premises and the alarm receiving equipment at the Vernon Police Headquarters and for furnishing the appropriate interface equipment, if required, in order to provide an input signal which is compatible with the receiving equipment used to operate the standard annunciator panel.

Section 4. Equipment Maintenance.

Each owner or lessee, at his expense, is required to maintain all components of his alarm system in good working order at all times to insure that the sensory mechanism used in connection with such device be adjusted to suppress false indications of holdups or intrusions or fire or smoke conditions so that the device will not be activated by impulses due to short flashes of light, wind, noises, vehicular noise or other forces unrelated to genuine alarms.

Section 5. Testing of Equipment.

No alarm system designed to transmit emergency messages directly to the Vernon Police Headquarters shall be tested or demonstrated without first obtaining permission from the Chief of Police or Fire Chief. Permission is not required to test or demonstrate alarm devices not transmitting emergency messages directly to the Vernon Police Headquarters unless the messages are to be relayed to the Vernon Police Headquarters.

Section 6. Notice of Disruption in Service.

When an alarm business service to its subscribers is disrupted for any reason by the alarm business, or the alarm business becomes aware of such disruption, it shall promptly notify its

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subscriber by telephone that protection is no longer being provided. If, however, the alarm business has written instructions from its subscriber not to make such notification by telephone during certain hours, the alarm business may comply with such instruction.

Section 7. Indicator Panel.

- (a) There shall be only one indicator panel, which shall meet the specifications established by Underwriters' Laboratories, Inc. and the requirements of the Chief of Police, installed in the communications control center. Such panel shall be installed and maintained by the alarm equipment supplier(s) at no cost to the Town of Vernon.
- (b) The number of indicators mounted in such panel shall be limited as the Chief of Police may deem practical and within the capacity of the police communications center to monitor adequately.

Section 8. Enforcement.

- (a) Enforcement and administration of this ordinance shall be the function, of the Chief of Police except that the Fire Chief shall have jurisdiction over fire alarm systems and shall be accomplished as is provided in either or both of the following two sections.
- (b) The Town of Vernon shall set the following standards for alarm performance:
 - (1) No automatic protecting device installed after the effective date hereof in the Town shall be keyed either to Primary or Secondary Trunklines of the police department.
 - (2) Within sixty (60) days after the effective date hereof, all automatic protective devices in the Town that are keyed on that date to a Primary or Secondary Trunkline of the Police Department shall be disconnected therefrom. The owner or lessee of such a device, at his own expense, shall be responsible for such disconnection.
 - (3) Automatic dialer devices shall not be responded to on an emergency basis. They will be handled as a routine call only.
 - (4) A maximum of six (6) false alarms from any one protected property per calendar year shall be acceptable.
 - (5) After the sixth false alarm, the subscriber shall be notified in writing. Such notification shall require that their alarm system be inspected by the installing alarm company and the subscriber shall review alarm procedures with all employees. Also, written notification shall be made to the Police Chief or Fire Chief, as appropriate, indicating that the alarm problem has been corrected.
 - (6) Upon receipt of the seventh (7th) and eighth (8th) false alarm, the Town of Vernon shall charge a penalty of \$15.00; for any subsequent false alarm, the Town of Vernon shall charge a penalty of \$25.00.
 - (7) After that, if the alarm has not been repaired it will be disconnected and will not be reconnected until the problem has been solved with a written notice of such repair from the alarm company which did the installation, (or other qualified installer).
- (c) If the owner of, or lessee and/or alarm equipment supplier(s) fails to comply with any requirement of this ordinance, the Chief of Police may terminate, in writing the privilege of having equipment and indicators in the Communications Center in the Vernon Police Department and may require removal of the same within three (3) days from the receipt of said written notice, exclusive of Saturday, Sunday and Holidays, at the expense of such owner or lessee and/or alarm equipment supplier(s). Failure to remove said equipment and indicators, as specified above, shall result in the Town's doing so at the expense of the person(s) so notified.
- (d) Failure of any owner or, or lessee, and/or alarm equipment supplier to comply with the requirements of a written notice of a violation of any provision hereof within three (3) days of receipt of such notice exclusive of Saturday, Sunday and Holidays, shall also constitute an offense punishable by a fine not to exceed \$25.00. Such notice shall continue in force and effect until full compliance with such notice within twenty-four (24) hours after the three (3) days allowed for compliance shall constitute a separate offense.
- (e) All monies received from the above mentioned fines shall be used by the Vernon Police

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Department for the Internal Security Equipment Fund.

Section 9. Liability of Town.

The Town of Vernon shall not be liable for any defects in operation of any signal line system, for any failure or neglect to respond appropriately upon receipt of an alarm from such a source, for any failure or neglect of any person in connection with the installation, operation, disconnection or removal of equipment, the transmission of alarm signals, or the relaying of such signals or messages.

Section 10. Severability.

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

Section 11. Effective Date. This ordinance shall become effective fifteen (15) days after publication, in accordance with the Town Charter.

Introduced:	November 16, 1982
Advertised:	December 14, 1982 in Journal Inquirer
Public Hearing:	December 21, 1982
Council Action:	December 21, 1982
Advertised:	December 28, 1982 in Journal Inquirer
Effective Date:	January 12, 1983

ORDINANCE #142

ORDINANCE REQUIRING PERMITS FOR DRIVEWAYS AND CURB CUTS

BE IT ORDAINED:

By the Council of the Town of Vernon Ordinance #77 of the General Ordinances of the Town of Vernon, entitled "Ordinance Requiring Permits for Driveways" is hereby repealed and the following is substituted in lieu thereof:

No person, firm, or corporation, in the Town of Vernon, shall construct a new driveway, relocate or expand an existing driveway leading onto a Town Highway or Road, without first obtaining a permit from the Town Engineer. In determining the advisability of issuing such permits, the Town Engineer shall consider the location of the proposed driveway, its effect on highway drainage, highway safety, the width and character of the highway affected, the density of traffic thereon and the character of such traffic. The person to whom the permit is issued shall comply with the provisions and restrictions contained therein at his own expense.

The Town Engineer shall publish regulations, specifications and requirements for the conduct of the work provided for by this ordinance as he may deem for the best interest of the Town.

When possible traffic hazards exist, the approval of the Traffic Authority of the Town of Vernon shall be obtained prior to issuance of a permit.

The violation of this ordinance or any rule or regulation shall be unlawful and the fine for such offense shall be not more than One Hundred dollars. Each day any such violation shall continue shall constitute a separate offense.

Introduced:	December 7, 1982
Advertised:	December 14, 1982 in Journal Inquirer
Public Hearing:	December 21, 1982
Council Action:	December 21, 1982
Advertised:	December 28, 1982 in Journal Inquirer
Effective Date:	January 12, 1983

ORDINANCE #143

**ORDINANCE ESTABLISHING CHARGES FOR INSPECTIONS OF SUB-SURFACE
SEWAGE DISPOSAL SYSTEMS AND WELLS**

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF VERNON:

By the Council of the Town of Vernon, Ordinance #125 of the General Ordinances of the Town of Vernon is hereby repealed and the following is substituted in lieu thereof:

1. The fee for the services of the Town Environmental Health Officer to inspect the installation of any new sub surface sewage disposal system shall be \$25.00.
2. The fee for the services of the Town Environmental Health Officer to inspect the repair of any existing sub surface sewage disposal system shall be \$15.00.
3. The fee for the services of the Town Environmental Health Officer to inspect the installation of a new well is \$15.00.
4. The fee for witnessing soil tests (deep test holes) and percolation tests with respect to any proposed subdivision or single lot sub surface sewage disposal investigations is \$25.00 for the first hour, or any part thereof, and \$15.00 for each hour thereafter.
5. The fee for the services of the Town Environmental Health Officer to issue a permit to discharge to a sub surface sewage disposal system shall be \$2.00.
6. All funds shall be paid to the Town of Vernon and shall be deposited in its general fund.

Introduced: December 21, 1982
Advertised: December 28, 1982 in Journal Inquirer
Public Hearing: January 4, 1983
Council Action: January 4, 1983
Advertised: January 10, 1983 in Journal Inquirer
Effective Date: January 25, 1983

**Repealed - See Ordinance #174

ORDINANCE #144

**ORDINANCE GRANTING AUTHORITY TO THE WATER POLLUTION CONTROL
AUTHORITY TO SUPERVISE AND OPERATE THE VERNON WATER COMPANY**

BE IT ORDAINED: That the Water Pollution Control Authority of the Town of Vernon shall be the Authority responsible for the supervision and operation of the Vernon Water Company.

RESERVING however to the Town Council of the Town of Vernon the revenue raising and rate setting authority as set forth in Chapter 102 of the Connecticut General Statutes and Town of Vernon Ordinance Number 88.

Introduced:	January 4, 1983
Advertised:	January 10, 1983
Public Hearing:	January 18, 1983
Council Action:	February 15, 1983
Advertised:	February 19, 1983
Effective Date:	March 6, 1983

ORDINANCE #145

**ORDINANCE TO ALLOW PROPERTY TAX EXEMPTION TO VETERANS
RECEIVING FINANCIAL AID FOR SPECIALLY ADAPTED HOUSING UNDER THE
PROVISIONS OF SECTION 801 OF TITLE 38 OF THE UNITED STATES CODE**

BE IT ORDAINED:

PURSUANT to the provisions of Public Act 82-318 Section 2 (c) of the Connecticut General Statutes:

The dwelling house and the lot whereupon the same is erected belonging to or held in trust for any citizen and resident of this state, occupied as his domicile shall be fully exempt from local property taxation, if he is a veteran who served in the Army, Navy, Marine Corps, Coast Guard or Air Force of the United States and has received financial assistance for specially adapted housing under the provisions of Section 801 of Title 38 of the United States Code and has applied such assistance toward the acquisition of such dwelling house. The same exemption may also be allowed on such housing units owned by the unremarried surviving spouse of such veteran, or by such veteran and spouse while occupying such premises as a residence.

Introduced: February 15, 1983
Advertised: February 19, 1983
Public Hearing: March 1, 1983
Council Action: March 1, 1983
Advertised: March 5, 1983
Effective Date: March 20, 1983

ORDINANCE #146

ORDINANCE REQUIRING PROOF OF FINANCIAL RESPONSIBILITY PRIOR TO THE USE OF EXPLOSIVES

BE IT ORDAINED:

Section PURPOSE

THAT it shall be unlawful for any person, firm or corporation to engage in the use of explosives within the Town of Vernon until such person, firm or corporation has furnished to the Vernon Fire Marshal proof of financial responsibility sufficient to satisfy claims for damages resulting from physical injury or property damage which may be incurred as a result of any act or omission in the use of said explosives.

Section 2 PROOF OF FINANCIAL RESPONSIBILITY

The proof of financial responsibility required herein shall be in such amount, character and form as the Fire Marshal deems necessary for the protection of the public, but in no event shall it be less than sufficient to satisfy claims for damages resulting from physical injury in the amount of \$250,000.00 per person and \$500,000.00 per occurrence, and claims for damages resulting from property damage in the amount of \$200,000.00 per occurrence.

Proof of financial responsibility may be satisfied by a liability insurance policy evidenced by a certificate of insurance filed with, and acceptable to, the Fire Marshal. Such policy shall cover public liability arising out of the use of explosives and have limits of coverage not less than those described above. The insurer issuing such policy shall agree in writing to deliver to the Fire Marshal written notice of the cancellation of such insurance not less than 10 days prior to the effective date thereof, if such cancellation is to become effective prior to the termination of blasting operations.

Section 3 DEFINITIONS

“Explosives” as that term is used in this ordinance shall mean those compounds and mixtures defined as explosives in Section 29-83 of the 1958 Revision of the Connecticut General Statutes, as the same may be amended. No provision of this ordinance shall apply to small arms ammunition or components thereof, or to gun powder in quantities of not more than fifty pounds in any one place, or to any materials for hand loading, reloading or custom loading small arms ammunition for hunting or other sporting purpose.

Section 4 PENALTY

Any person, firm or corporation violating any of the provisions of this ordinance shall be fined no more than \$100.00 for each offense. Each time explosives are used in violation of any of the provisions of this ordinance shall be a separate offense.

Introduced: April 5, 1983
Advertised: April 8, 1983
Public Hearing: April 19, 1983
Council Action: April 19, 1983
Advertised: April 22, 1983
Effective Date: May 7, 1983

ORDINANCE #147

ORDINANCE REVISING THE RATES AND CHARGES FOR THE VERNON WATER COMPANY

BE IT ORDAINED:

The Town Council of the Town of Vernon, in accordance with Connecticut General Statute Section 7-239, hereby establishes the following rate schedule, connection charges, inspection fees and renewal fees for the Vernon Water Company:

A. Rate Schedule

<u>Meter Size</u>	<u>Minimum Rate per Quarter</u>	<u>Commodity Charge</u>
5/8" or 3/4"	\$20.00	1st 4,000 gals. - minimum charge, excess @ \$1.20 per 1,000 gals.
1"	\$51.25	1st 10,250 gals. - minimum charge, excess @ \$1.20 per 1,000 gals.
1½"	\$109.50	1st 21,900 gals. - minimum charge, excess @ \$1.20 per 1,000 gals.
2"	\$160.00	1st 32,000 gals. - minimum charge, excess @ \$1.20 per 1,000 gals.
Hydrants	\$50.00	interconnect and usage charge billed direct by Conn. Water to Town of Vernon

B. Connection Charges

Existing Main

\$500.00 per one family dwelling including condominiums
\$500.00 for each of the first two dwellings and \$300.00 for each additional dwelling in a multifamily apartment complex
\$1000 per connection for nonresidential customers

Extension of Main

Town of Vernon Installed:

same as connection charges shown above for existing main service plus front footage assessment of main service based on actual cost.

Developer Installed

\$250.00 per one family dwelling including condominiums
\$250.00 for each of the first two dwellings and \$150.00 for each additional dwelling in a multifamily apartment complex
\$500.00 per connection for non-residential customer

Tap to the main and installation of service lateral with connection to the dwelling to be by developer under a properly executed developers permit. No frontage assessment to the owner of the property served.

C. General

1. Connections to the Vernon Water Co. shall not be made by any person without a permit issued and applicable charges having been paid at the time of application.
2. Connection charge includes a tap into the service main and installation of a service lateral to the property line by Vernon Water Co. except for developer installed extension of main service under developer permit.
3. In addition to the connection charge, there will be an inspection fee of \$30.00 per lateral.
4. Permits shall expire 30 days subsequent to issuance and an expired permit may be renewed by paying a renewal fee of \$15.00 for an extension of each additional 30 day period.
5. Connection and inspection fees are payable upon issue of a permit and are not deferrable.
6. All costs and expense incident to the installation and connection of the service from the building line to the building shall be borne by the owner with the exception of the metering device which shall be provided by the Vernon Water Co.

Introduced: April 19, 1983
Advertised: April 22, 1983 in Journal Inquirer
Public Hearing: May 3, 1983
Council Action: May 3, 1983
Advertised: May 6, 1983 in Journal Inquirer
Effective Date: May 21, 1983

ORDINANCE #148

ORDINANCE TO ESTABLISH OFFICES IN THE TOWN HALL FOR THE ZONING COMMISSION, PLANNING COMMISSION AND ZONING BOARD OF APPEALS AND THE DESIGNATION OF AGENTS FOR RECEIPT OF APPLICATIONS, PETITIONS, REQUESTS OR APPEALS

WHEREAS the Connecticut General Statutes Sections 8-7d and 8-26d, as amended by Public Act 82-81 require applications, petitions, requests or appeals to the Zoning Commission, Planning Commission or Zoning Board Of Appeals be received by the office of the clerk of the Municipality if said commissions or boards do not maintain an office with regular office hours; and

WHEREAS the Town Council of the Town of Vernon desires to have the said applications, petitions, requests or appeals received by the Planning and Building Departments as is current practice.

IT IS THEREFORE ORDAINED:

That the Zoning Commission and Planning Commission of the Town of Vernon shall have office space in the Town Planning Department office area which shall be maintained during the regular business hours of the Town of Vernon Town Hall and that the Town Planner and his designees shall act as the agent for said Commissions for the purpose of receipt of applications, petitions, requests or appeals to said Commissions.

That the Zoning Board of Appeals of the Town of Vernon shall have office space in the offices of the Town Building Inspector which shall be maintained during the regular business hours of the Town of Vernon Town Hall and that the Building Inspector and his designees shall act as the agent for said Board for the purpose of receipt of applications, petitions, requests or appeals to said Board.

Introduced:	May 26, 1983
Advertised	June 1, 1983 in Journal Inquirer
Public Hearing:	June 7, 1983
Council Action:	June 7, 1983
Advertised:	June 11, 1983 in Journal Inquirer
Effective Date:	June 26, 1983

ORDINANCE #149

ORDINANCE AMENDING ORDINANCE #135 ENTITLED "ORDINANCE PROHIBITING CERTAIN USES OF WATER FROM THE VERNON WATER COMPANY"

WHEREAS, ORDINANCE #135 entitled "ORDINANCE PROHIBITING CERTAIN USES OF WATER FROM THE VERNON WATER COMPANY" was enacted July 6, 1982 with an effective duration of one year;

WHEREAS, the impending water shortage emergency which necessitated said Ordinance continues to exist and seems likely to exist through August of 1984;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF VERNON:

THAT ORDINANCE #135 entitled "ORDINANCE PROHIBITING CERTAIN USES OF WATER FROM THE VERNON WATER COMPANY" is reaffirmed and continued in effect until September 1, 1984 and more specifically Section I is amended as follows:

SECTION I. Finding of Emergency.

This Ordinance is passed as an emergency measure, and the Council does, by the vote by which this Ordinance is passed, hereby declare that an emergency exists for a period to terminate September 1, 1984, and which makes it imperative that this Ordinance should continue in effect from its date of inception to September 1, 1984 in order that the public health, welfare and safety might most effectively be provided for.

Introduced:	June 21, 1983
Advertised:	June 29, 1983 in Journal Inquirer
Public Hearing:	July 5, 1983
Council Action:	July 5, 1983
Advertised:	July 8, 1983 in Journal Inquirer
Effective Date:	July 5, 1983

ORDINANCE #150

ORDINANCE REGARDING THE REMOVAL OF ABANDONED, OR INOPERABLE MOTOR VEHICLES

BE IT ORDAINED: BY THE COUNCIL OF THE TOWN OF VERNON, that Ordinance #3 of the General Ordinances of the Town of Vernon, entitled "Abandonment of Vehicles" is hereby repealed and the following is substituted in lieu thereof:

Section 1. Definitions:

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

- (1) "Person" shall mean any person, firm, partnership, associations, corporation, company, or organization of any kind.
- (2) "Motor Vehicle" shall mean a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy, and wagon.
- (3) "Street or highway" shall mean the entire width between the boundary lines of every way publicly maintained when any part hereof is open to the use of the public for purposes of vehicular travel.
- (4) "Property" shall mean any real property within the Town which is not a street or highway.
- (5) "Abandon" shall mean having the appearance that the owner has relinquished possession without the intention of reclaiming it.
- (6) "Town" shall mean the Town of Vernon, Connecticut.

Section 2. Abandonment of Vehicles:

No person shall abandon any vehicle within the Town and no person shall leave any vehicle at any place within the Town for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

Section 3. Disposition of Wrecked or Discarded Vehicles.

No person in charge or control of any property within the Town, whether as owner, tenant, occupant, lessee, or otherwise shall allow apparently abandoned, or inoperable motor vehicle to remain on such property; and no person shall leave any such vehicle on any property within the Town; except that this Ordinance shall not apply with regard to a vehicle in an enclosed building: a vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Town.

Further excepting from the application of this Ordinance any vehicle which is in the active process of being restored to operable condition, as determined by the Building Inspector or any member of his Department designated by him based upon his observations and information, if any, supplied by the Owner of the vehicle or property, subject to the following criteria:

- a. only one such vehicle shall be permitted at any one time on the property in question;
- b. automobile parts used in the restoration must be stored in the vehicle or in a structure;
- c. such restoration work is not to take place in the required yard areas as set forth in the zoning regulations;
- d. one vehicle, in addition to the vehicle being restored, which is being used for parts may be maintained on the property for no more than 30 days; and
- e. such vehicles are to be covered with a tarpaulin whenever work is not being done upon them.

Section 4. Removal

The Town Building Inspector or any member of his Department designated by him is hereby authorized to remove or have removed any motor vehicle which is abandoned, or inoperable within the limits of the Town which remains unmoved for thirty (30) days after (1) Notice, by personal service or by registered mail return receipt requested, to the owner of the property on which such motor vehicle so remains, requesting the removal of such motor vehicle and (2) notice in a newspaper having a substantial circulation in the Town.

ORDINANCE #150

**ORDINANCE REGARDING THE REMOVAL OF ABANDONED, OR INOPERABLE
MOTOR VEHICLES**

Section 5. Penalties.

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding One Hundred (100) dollars. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

After giving the hereinbefore required notice and after waiting the required 30 days the said Building Inspector or any member of his department designated by him may so remove such vehicle or vehicles by a town truck or by a commercial tow truck, to a commercial garage or an automobile wrecking yard or any suitable place for the disposal of rubbish and he may thereafter file an action in the name of the Town of Vernon in the appropriate court upon any person or persons upon whom he served the aforesaid demand, for the purpose of recovering the cost of removing and storing said vehicle or vehicles in the event the proceeds of any sale thereof shall be insufficient to recover said costs.

Nothing herein shall be construed to require the Building Inspector or any member of his department to hold a sale of said vehicle or vehicles.

Introduced: September 6, 1983
Advertised: September 23, 1983 in Journal Inquirer
Public Hearing: October 4, 1983
Council Action: October 4, 1983
Advertised: October 8, 1983 in Journal Inquirer
Effective Date: October 23, 1983

***Amended October 21, 2003 - See Ordinance #246

ORDINANCE #151

ORDINANCE AMENDING ORDINANCE #6 ENTITLED: "NIGHT TIME PARKING"

BE IT ORDAINED:

By the Council of the Town of Vernon ORDINANCE #6 entitled, "NIGHT TIME PARKING" is hereby repealed and the following is substituted in its place:

ANY PERSON leaving a vehicle parked upon a public highway or street in the Town of Vernon/Rockville between November 15th and April 30th between 3:30 A.M. and 5:00 A.M., shall be fined \$5.00 for the violation of this ordinance. Exceptions may be granted during these months through the Vernon Police Department in the event of fire, sickness, or emergency.

Introduced: March 6, 1984
Advertised: March 13, 1984 in Journal Inquirer
Public Hearing: March 20, 1984
Council Action: March 20, 1984
Advertised: March 24, 1984 in Journal Inquirer
Effective Date: April 8, 1984

* TO WHOM IT MAY CONCERN:

I, HENRY F. BUTLER, Town Clerk of the Town of Vernon, do certify that there is an error in the text of the within and foregoing Ordinance listed as Number 151 entitled ORDINANCE AMENDING ORDINANCE #6 ENTITLED: "NIGHT TIME PARKING"; I further certify that said text represents the Ordinance as originally proposed, but not as finally adopted; and I further certify that the following is, in fact, the Ordinance as adopted by the Town Council on March 20, 1984 and published in the Journal Inquirer on March 24, 1984:

ORDINANCE AMENDING ORDINANCE #6 ENTITLED: "NIGHT TIME PARKING"
BE IT ORDAINED:

By the Council of the Town of Vernon ORDINANCE #6 entitled "NIGHT TIME PARKING" is hereby repealed and the following is substituted in its place:

ANY PERSON leaving a vehicle parked upon a public highway or street in the Town of Vernon/Rockville between 3:30 A.M. and 5:00 A.M. shall be fined \$5.00 for the violation of this ordinance. Exceptions may be granted through the Vernon Police Department in the event of fire, sickness, or emergency.

Attest : *Henry F. Butler*
Henry F. Butler, CMC
Town Clerk, Town of Vernon

Dated at Vernon, Connecticut this 28th day of March, 1988.

** Repealed September 19, 1989 - See Ordinance #182

ORDINANCE #152

ORDINANCE AMENDING ORDINANCE #115 ENTITLED "THE TOWN OF VERNON MASSAGE ESTABLISHMENT ORDINANCE."

BE IT ORDAINED:

By the Council of the Town of Vernon, that Ordinance #115 entitled "THE TOWN OF VERNON MASSAGE ESTABLISHMENT ORDINANCE" is hereby amended by adding the following provisions thereto:

Section 12. (s) Upon the termination of employment, for any reason, of the holder of a valid restricted massagist permit, such permit shall be the property of said terminated employee.

Section 19. REISSUANCE OF A VALID PERMIT
Upon request for a reissuance of a massagist permit there shall be a fee of \$20.00 required.

All other provisions of said Ordinance #115 are hereby reaffirmed.

Introduced: March 20, 1984
Advertised: March 24, 1984 in Journal Inquirer
Public Hearing: April 3, 1984
Council Action: April 3, 1984
Advertised: April 7, 1984 in Journal Inquirer
Effective Date: April 22, 1984

Repealed by Ordinance #202, Page 360

ORDINANCE #153

ORDINANCE ESTABLISHING CHARGES FOR INSPECTION OF SUB-SURFACE SEWAGE DISPOSAL SYSTEMS AND WELLS

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF VERNON:

Ordinance #125 of the General Ordinances of the Town of Vernon is hereby repealed and the following is substituted in lieu thereof:

1. The fee for the services of the Town Environmental Health Officer to inspect the installation of any new sub surface sewage disposal system shall be \$25.00.
2. The fee for the services of the Town Environmental Health Officer to inspect the repair of any existing sub surface sewage disposal system shall be \$15.00.
3. The fee for the services of the Town Environmental Health Officer to inspect the installation of a new well is \$15.00.
4. The fee for witnessing soil tests (deep test holes) and percolation tests with respect to any proposed subdivision or single lot sub surface sewage disposal investigations is \$25.00 for the first hour, or any part thereof, and \$15.00 for each hour thereafter.
5. The fee for the service of the Town Environmental Health Officer to perform a sanitary survey shall be \$25.00.
6. All such fees shall be paid to the Town of Vernon and shall be deposited in its general fund.

Introduced: July 2, 1984

Advertised: July 16, 1984 in Journal Inquirer

Public Hearing: August 7, 1984

Council Action: August 7, 1984

Advertised: August 11, 1984 in Journal Inquirer

Effective Date: August 26, 1984

*Repealed - See Ordinance No. 174

ORDINANCE #154

ORDINANCE APPROPRIATING \$1,990,000 FOR VARIOUS PUBLIC IMPROVEMENT PROJECTS AND THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT

BE IT ORDAINED:

(a) That the Town of Vernon appropriate ONE MILLION NINE HUNDRED NINETY THOUSAND DOLLARS (\$1,990,000) for various public improvement projects to the extent of available funds, as follows:

Dobson Road Bridge reconstruction (estimated cost: \$450,000); bridge repairs to bridges on Main Street, Talcottville, Spring Street bridge, Phoenix Street bridge, Vernon Avenue bridge (estimated cost: \$103,000); repairs, replacements and construction of sidewalks (estimated cost: \$125,000); drainage repairs and improvements on Main Street, Talcottville (estimated cost: \$153,000); repairs to Fox Hill Tower Monument (estimated cost: \$40,000); drainage improvements in the Elm Street area (estimated cost: \$307,000); drainage improvements in the Warren Avenue area (estimated cost: \$80,000); satellite fire station in the area of Town south of Interstate 86 (estimated cost: \$60,000); maintenance garage (estimated cost: \$157,500); purchase of aerial platform fire truck and related equipment (estimated cost: \$250,000); repairs and improvements to the dog pound (estimated cost: \$10,000); engineering costs, legal fees, net temporary interest and other financing costs (estimated at \$254,500).

The appropriation maybe spent for design and construction costs, equipment, furnishings, materials, architects' fees, engineering fees, land acquisition, legal fees, net temporary interest and other financing costs, and other expenses related to the project. Except for legal fees, net temporary interest and other financing costs, no portion of the appropriation may be spent on a particular project until (1) the project has been referred to the Planning Commission for a report pursuant to Section 8-24 of the General Statutes, and until (2) the Council has allocated a portion of the total appropriation to such project.

(b) The Council hereby determines that all of the projects are of a general benefit to the Town and are payable from general property taxes. The Council shall determine the scope of each item included above, may expand, reduce or delete any item, may include repairs to additional bridges not listed above and determine the location of sidewalks to be repaired, replaced or constructed.

(c) That the Town finance said appropriation by the issue of its serial bonds or notes, in an amount not to exceed ONE MILLION NINE HUNDRED NINETY THOUSAND DOLLARS (\$1,990,000) or such lesser amount as together with the proceeds of State or other grants will be sufficient to defray the appropriation for the projects. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Vernon. The bonds or notes may be issued in one or more series, and any series may be sold as a single issue or consolidated with any other bonds or notes of the Town. The Treasurer shall keep a record of the bonds or notes. The Mayor, Town Administrator and the Treasurer of the Town, or any two of them, shall sign the bonds or notes by their manual or facsimile signatures. The bonds or notes shall bear the seal of the Town or a facsimile of the seal. The law firm of Day, Berry & Howard is designated as bond counsel to approve the legality of the bonds or notes. The Mayor, Town Administrator and Treasurer, or any two of them shall determine the amount, date, interest rates, maturities, form and other details of the bonds or notes; and designate a bank or trust company to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes. The Mayor, Town Administrator and Treasurer, or any two of them, are authorized to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

(d) That the Town issue and renew its temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes and the receipt of State or other grants for the projects. The amount of the notes outstanding at any time shall not exceed ONE MILLION NINE HUNDRED NINETY THOUSAND DOLLARS (\$1,990,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended, and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes if the notes do not mature within the time permitted by said Section 7-378. The Mayor, Town Administrator and the Treasurer, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, form, and other details of the temporary notes; to sell the notes at public or

ORDINANCE #154

ORDINANCE APPROPRIATING \$1,990,000 FOR VARIOUS PUBLIC IMPROVEMENT PROJECTS AND THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT

private sale; to execute and deliver the notes; and to perform all other acts which are necessary or appropriate to issue the temporary notes.

(e) All grants received for the projects shall be applied to pay the costs of the projects or to reduce the amount of bonds or notes issued to finance the projects, unless the Town increases the appropriation for the projects and provides that such increased appropriation is to be financed by such grants. In the event of any such increased appropriation, temporary notes may be issued pursuant to this ordinance pending the receipt of such grants.

(f) The Town Council may reduce or modify the scope of any project and may cancel any project if the Council deems such reduction or modification or cancellation to be in the best interests of the Town.

(g) The Council is authorized to allocate up to \$1,795,500 of said appropriation to carry out said projects, with the remaining amount of said appropriation to be spent on net interest on temporary borrowing and other legal and financing costs unless the Mayor, Town Administrator and Treasurer, or any two of them, authorize the expenditure of said remaining amount by the Council.

(h) This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon and after approval at referendum vote as provided in Chapter XII, Section 12 of the Town's Charter.

Introduced: August 21, 1984
Advertised: August 25, 1984 in Journal Inquirer
Public Hearing: September 4, 1984
Council Action: September 4, 1984 (Subject to Referendum Vote)
Advertised: September 8, 1984
Effective Date: November 6, 1984
Approved By: Referendum - November 6, 1984

ORDINANCE #155

ORDINANCE AMENDING ORDINANCE NO. 154 TO DELETE THE WORDS ELM STREET AND INSERT ELM HILL ROAD THEREIN

BE IT ORDAINED BY THE TOWN OF VERNON:

That Ordinance No. 154 adopted September 4, 1984 by the Town Council entitled “Ordinance appropriating \$1,990,000 for various public improvement projects and the issue of bonds and notes in the same amount” is amended as follows:

1. Section (a) of Ordinance No. 154 is amended to change the phrase “drainage improvements in the Elm Street area (estimated cost: \$307,000)” to read “drainage improvements in the Elm Hill Road area (estimated cost: \$307,000)”.
2. This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon and after approval at referendum vote as provided in Chapter XII, Section 12 of the Town’s Charter.

Introduced: September 18, 1984
Advertised: September 22, 1984
Public Hearing: October 2, 1984
Council Action: October 2, 1984 (Subject to Referendum Vote)
Advertised: October 4, 1984
Effective Date: November 6, 1984
Approved By: Referendum - November 6, 1984

ORDINANCE #156

ORDINANCE APPROPRIATING \$1,925,000 FOR ADDITIONAL COSTS OF THE WATER POLLUTION CONTROL FACILITY AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT

BE IT ORDAINED:

(a) That the Town of Vernon appropriate ONE MILLION NINE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$1,925,000) for additional costs of the Water Pollution Control Facility and related facilities, including costs related to an arbitration award against the Town of Vernon in favor of Titan Northeast Construction Corporation, and costs and expenses related to the award. The appropriation may be spent for design and construction costs, equipment, furnishings, materials, architects' fees, engineering fees, land acquisition, legal fees, net temporary interest and other financing costs, and other expenses related to the project.

(b) The Council hereby determines that the project is of a general benefit to the Town and the project and debt service on bonds and notes issued to finance the project are payable from general property taxes.

(c) That the Town finance said appropriation by the issue of its serial bonds or notes, in an amount not to exceed ONE MILLION NINE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$1,925,000), or such lesser amount as together with the proceeds of State or Federal grants will be sufficient to defray the appropriation for the project. The bonds or notes shall be issued pursuant to Section 7-259 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Vernon. The bonds or notes may be issued in one or more series, and any series may be sold as a single issue or consolidated with any other bonds or notes of the Town. The Treasurer shall keep a record of the bonds or notes. The Mayor, Town Administrator and the Treasurer of the Town, or any two of them, shall sign the bonds or notes by their manual or facsimile signatures. The bonds or notes shall bear the seal of the Town or a facsimile of the seal. The law firm of Day, Berry & Howard is designated as bond counsel to approve the legality of the bonds or notes, The Mayor, Town Administrator and Treasurer, or any two of them, are authorized to determine the amount, date, interest rates, maturities, form and other details of the bonds or notes, to designate a bank or trust company to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes, to sell the bonds or notes at public or private sale, to deliver the bonds or notes, and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

(d) That the Town issue and renew its temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes and the receipt of State or Federal grants for the project. The amount of the notes outstanding at any time shall not exceed ONE MILLION NINE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$1,925,000). The notes shall be issue pursuant to Sections 7-264 and 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended, and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes if the notes do not mature within the time permitted by said Sections 7-264 and 7-378. The Mayor, Town Administrator and the Treasurer, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, form, and other details of the temporary notes; to sell the notes at public or private sale; to execute and deliver the notes; and to perform all other acts which are necessary or appropriate to issue the temporary notes.

(e) All grants received for the project shall be applied to pay the costs of the project or to reduce the amount of bonds or notes issued to finance the project, unless the Town increases the appropriation for the project and provides that such increased appropriation is to be financed by such grants. In the event of any such increased appropriation, temporary notes may be issued pursuant to this ordinance pending the receipt of such grants.

(f) The Town Administrator is authorized to expend up to \$1,775,000 of said appropriation to carry out the project, with the remaining amount of said appropriation to be spent on net interest on temporary borrowing and other legal and financing costs unless the Mayor, Town Administrator and Treasurer, or any two of them, authorize the expenditure of said remaining amount for the project.

(g) This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon and after approval at referendum vote as provided in Chapter XII, Section 12 of the Town's Charter.

Introduced: January 14, 1985
Advertised: January 17, 1985 in Journal Inquirer
Public Hearing: January 29, 1985
Council Action: January 29, 1985 (Subject to Referendum Vote)
Advertised: January 31, 1985
Effective Date: March 5, 1985
APPROVED BY: Referendum - March 5, 1985

ORDINANCE #157

AN ORDINANCE TO ALLOW VETERANS AN ADDITIONAL EXEMPTION FROM PROPERTY TAX IF QUALIFIED UNDER CERTAIN INCOME REQUIREMENTS

BE IT ORDAINED:

PURSUANT to the provisions of Section 12-81f of the Connecticut General Statutes,

(a) Any veteran entitled to an exemption from property tax in accordance with subdivision (19) of Section 12-81 of the general statutes shall be entitled to an additional exemption applicable to the assessed value of property up to the amount of One Thousand Dollars, provided the total of such veteran's adjusted gross income as determined for purpose 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 Fourteen Thousand Dollars if such veteran is married or not more than Twelve Thousand Dollars if such veteran is not married.

(b) 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 up to the amount of One Thousand Dollars, provided the total of such spouse's adjusted gross income as determined for purposes of the federal income tax plus any other income of such spouse not included in such 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 Twelve Thousand Dollars.

(c) 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 with respect to which such additional exemption is claimed. Each such application shall include a copy of such veteran'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 ending immediately prior to the assessment date with respect to which such additional exemption is claimed.

Introduced: June 18, 1985
Advertised: June 25, 1985 in Journal Inquirer
Public Hearing: July 2, 1985
Council Action: July 2, 1985
Advertised: July 6, 1985 in Journal Inquirer
Effective Date: July 21, 1985

*Amended by Ordinance #205

ORDINANCE #158

ORDINANCE APPROPRIATING \$550,000 FOR REPAIRS TO AND RECONSTRUCTION OF THE SEWER SYSTEM ON WINDSOR AVENUE AND WEST ROAD IN THE ROCKVILLE SECTION OF VERNON AND THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT

BE IT ORDAINED:

(a) That the Town of Vernon appropriate FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$550,000) for repairs to and reconstruction of the sewer system on portions of Windsor Avenue and West Road in the Rockville section of Vernon. The appropriation may be spent for design and construction costs, equipment, materials, engineering fees, land acquisition, legal fees, net temporary interest and other financing costs, and other expenses related to the project.

(b) The Council hereby determines that due to the specific nature of the project, i.e. that it involves trunk lines serving significant portions of the Town and affects infiltration from the Hockanum River, that this project is of a general benefit to the Town and the project and debt service on bonds and notes issued to finance the project are payable from general property taxes.

(c) That the Town finance said appropriation by the issue of its serial bonds or notes, in an amount not to exceed FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$550,000), or such lesser amount as together with the proceeds of State or Federal grants will be sufficient to defray the appropriation for the project. The bonds or notes shall be issued pursuant to Section 7-259 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Vernon. The bonds or notes may be issued in one or more series, and any series may be sold as a single issue or consolidated with any other bonds or notes of the Town. The Treasurer shall keep a record of the bonds or notes. The Mayor, Town Administrator and the Treasurer of the Town, or any two of them, shall sign the bonds or notes by their manual or facsimile signatures. The bonds or notes shall bear the seal of the Town or a facsimile of the seal. The law firm of Day, Berry & Howard is designated as bond counsel to approve the legality of the bonds or notes. The Mayor, Town Administrator and Treasurer, or any two of them, are authorized to determine the amount, date, interest rates, maturities, form and other details of the bonds or notes; to designate a bank or trust company to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

(d) That the Town issue and renew its temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes and the receipt of State or Federal grants for the project. The amount of the notes outstanding at any time shall not exceed FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$550,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended, and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes if the notes do not mature within the time permitted by said Section 7-378. The Mayor, Town Administrator and the Treasurer, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, form, and other details of the temporary notes; to sell the notes at public or private sale; to execute and deliver the notes; and to perform all other acts which are necessary or appropriate to issue the temporary notes.

(e) All grants received for the project shall be applied to pay the costs of the project or to reduce the amount of bonds or notes issued to finance the project, unless the Town increases the appropriation for the project and provides that such increased appropriation is to be financed by such grants. In the event of any such increased appropriation, temporary notes may be issued pursuant to this ordinance pending the receipt of such grants.

(f) The Town Council may reduce or modify the scope of the project and may cancel the project if the Council deems such reduction or modification or cancellation to be in the best interests of the Town.

(g) The Town Administrator is authorized to expend up to \$483,000 of said appropriation to carry out the project, with the remaining amount of said appropriation to be spent on net interest on temporary borrowing and other legal and financing costs unless the Mayor, Town Administrator and Treasurer, or any two of them, authorize the expenditure of said remaining amount for the project.

(h) This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon and after approval at referendum vote as provided in Chapter XII, Section 12 of the Town's Charter.

Introduced: August 20, 1985
Advertised: August 23, 1985 in Journal Inquirer
Public Hearing: September 4, 1985
Council Action: September 4, 1985 (Subject to Referendum Vote)
Advertised: September 9, 1985 in Journal Inquirer
Effective Date: November 5, 1985
Approved By: Referendum - November 5, 1985

ORDINANCE #159

**AN ORDINANCE TO ALLOW AN ADDITIONAL AMOUNT OF EXEMPTION FROM
PROPERTY TAX FOR PERSONS WHO ARE BLIND**

BE IT ORDAINED:

PURSUANT TO THE PROVISIONS OF THE PUBLIC ACT 85-165 OF THE 1985 SESSION
OF THE CONNECTICUT GENERAL ASSEMBLY,

- (a) any person entitled to the exemption from property tax applicable to the assessed value of property up to the amount of three thousand dollars, as provided under subdivision (17) of the section 12-81 of the General Statutes, shall be entitled to an additional exemption from such tax in an amount up to two thousand dollars of such assessed value, provided the total of such person's adjusted gross income as determined for purposes of the federal income tax plus any other income of such person 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 fourteen thousand dollars if such person is married or not more than twelve thousand dollars if such person is not married.
- (b) any person submitting a claim, for the additional exemption as provided under subsection (a) of this section shall be required to file an application, on a form prepared for such purpose by the assessor, not later than the date of the assessment list with respect to which such additional exemption is claimed. Each such application shall include a copy of such person's federal income tax return, or in the event a return is not filed, such evidence related to income as may be required by the assessor for the tax year of such person ending immediately prior to the approval of a claim for such additional exemption.

Introduced: August 20, 1985
Advertised: September 6, 1985 in Journal Inquirer
Public Hearing: September 17, 1985
Council Action: September 17, 1985
Advertised: September 20, 1985 in Journal Inquirer
Effective Date: October 5, 1985

*Amended by Ordinance #206

ORDINANCE #160

AN ORDINANCE REPEALING ORDINANCE #123 ENTITLED “AN ORDINANCE ESTABLISHING AN EMERGENCY FUEL LOAN REVOLVING FUND”

BE IT ORDAINED by the Town Council of the Town of Vernon that Ordinance #123 entitled “An Ordinance Establishing an Emergency Fuel Loan Revolving Fund” is hereby repealed.

Introduced: May 6, 1986
Advertised: May 13, 1986
Public Hearing: May 20, 1986
Council Action: May 20, 1986
Advertised: May 24, 1986
Effective Date: June 8, 1986

ORDINANCE #161

ORDINANCE REVISING THE RATES AND CHARGES FOR THE VERNON WATER COMPANY

BE IT ORDAINED:

The Town Council of the Town of Vernon, in accordance with Connecticut General Statute Section 7-239, hereby establishes the following rate schedule, connection charges, inspection fees and renewal fees for the Vernon Water Company effective July 1, 1986:

A. Rate Schedule

<u>Meter Size</u>	<u>Minimum Rate Per Quarter</u>	<u>Commodity Charge</u>
5/8" or 3/4"	\$26.00	1st 4,000 gals. - min. charge, excess @ \$1.56 per 1,000 gals.
1"	\$66.63	1st 10,250 gals. - min. charge, excess @ \$1.56 per 1,000 gals.
1½"	\$142.35	1st 21,900 gals. - min. charge, excess @ \$1.56 per 1,000 gals.
2"	\$208.00	1st 32,000 gals. - min. charge, excess @ \$1.56 per 1,000 gals.
Hydrants	\$65.00	Interconnect and useage charge billed direct by Conn. Water to Town of Vernon

B. Connection Charges

<u>Existing Main</u>	\$500.00 per one family dwelling including condominiums \$500.00 for each of the first two dwellings and \$300.00 for each additional dwelling in a multi-family apartment complex \$1000 per connection for non-residential customers
<u>Extension of Main</u>	
Town of Vernon Installed	same as connection charges shown above for existing main service plus front footage assessment of main service based on actual cost
Developer Installed	\$250.00 per one family dwelling including condominiums \$250.00 for each of the first two dwellings and \$150.00 for each additional dwelling in a multi-family apartment complex \$500.00 per connection for non-residential customer

Tap to the main and installation of service lateral with connection to the dwelling to be by developer under a properly executed developers permit. No frontage assessment to the owner of the property served.

C. General

1. Connections to the Vernon Water Co. shall not be made by any person without a permit issued and applicable charges having been paid at the time of application.
2. Connection charge includes a tap into the service main and installation of a service lateral to the property line by Vernon Water Co. except for developer installed extension of main service under developer permit.
3. In addition to the connection charge, there will be an inspection fee of \$30.00 per lateral.
4. Permits shall expire 30 days subsequent to issuance and an expired permit may be renewed by paying a renewal fee of \$15.00 for an extension of each additional 30 day period.
5. Connection and inspection fees are payable upon issue of a permit and are not deferrable.
6. All costs and expense incident to the installation and connection of the service from the building line to the building shall be borne by the owner with the exception of the metering device which shall be provided by the Vernon Water Co.

Introduced:	May 20, 1986
Advertised:	May 22, 1986 in Journal Inquirer
Public Hearing:	June 3, 1986
Council Action:	June 3, 1986
Advertised:	June 7, 1986 in Journal Inquirer
Effective Date:	June 22, 1986

ORDINANCE #162

AN ORDINANCE RECOGNIZING THE VERNON AMBULANCE CORPS AS THE PROVIDER OF THE TOWN'S EMERGENCY MEDICAL SERVICES DELIVERY SYSTEM

WHEREAS, the Town of Vernon, pursuant to Connecticut General Statutes Section 7-148 (c) (4) (D), may provide for ambulance service for its citizens.

WHEREAS, said ambulance service and accompanying emergency medical services have been supplied in the past and at present time by the Vernon Ambulance Corps, which is a volunteer corps.

WHEREAS, the Town Council of the Town of Vernon is desirous of recognizing the Vernon Ambulance Corps as the provider of the Town's Emergency Medical Services Delivery System.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF VERNON:

1. That the Vernon Ambulance Corps shall be the provider of the Town of Vernon's Emergency Medical Services Delivery System.
2. That said Corps shall prepare and submit its governing by-laws and any future amendments thereto to the Vernon Town Council for its approval, which shall not be unreasonably withheld.
3. The said Corps shall remain a volunteer organization.
4. The Town of Vernon shall provide workers compensation coverage and liability insurance for said Corps.
5. The Corps' annual budget shall be approved by the Town Council and the revenues generated by the Corps shall be deposited in the Town's General Fund.
6. Said Corps' purchases shall be subject to the procedures set forth in the Town Charter which govern purchases by Town Agencies.

Introduced: May 20, 1986
Advertised: May 24, 1986 in Journal Inquirer
Public Hearing: June 3, 1986
Council Action: June 3, 1986
Advertised: June 7, 1986 in Journal Inquirer
Effective Date: June 22, 1986

ORDINANCE #163

**ORDINANCE REGARDING THE ASSIGNMENT OF STREET NUMBERS AND
REQUIRING THE AFFIXING THEREOF TO BUILDINGS**

BE IT ORDAINED by the Town Council of the Town of Vernon: That the Town of Vernon hereby provides for the assignment of street numbers and requiring the affixing thereof to buildings.

a. The purpose of this ordinance shall be to promote public safety and convenience by providing a rational street numbering system whereby addresses may be identified with the ease and speed which is essential to the quick response of emergency services, including police, fire fighting and emergency medical care.

b. Under the supervision of the Town Engineer and Town Assessor, the Town, without notice, may assign to each building, or part of a building other than an accessory building, a street identification number by which such building shall be known, and may change such number of such building or part of such building. Whenever a new street or highway is laid out, the Town shall assign to the land abutting such street or highway, numbers at such measured intervals or distances as, the public interest shall require. The Town Engineer shall assign such identification numbers to any subdivisions approved after the effective date of this ordinance. The Town Assessor shall assign such identification numbers to all other buildings or lots.

c. The owners of buildings existing on the effective date of this ordinance shall affix numerals indicating the street identification number which has been assigned to such building. Any owner who refuses or neglects to comply with this section, shall be notified by the Town, in writing, of the provisions of this Ordinance and shall comply with such provisions within thirty (30) days of the mailing of such notice. Address identification using words rather than numerals shall not satisfy this requirement.

d. The owners of buildings completed after the effective date of this ordinance shall affix numerals indicating the street identification numbers assigned to such building prior to the occupancy of such buildings.

e. 1) The numerals used to indicate the street identification number of buildings shall be located on the exterior front of the building which they identify or on a post, sign, mailbox or other device located between the building and the street. Such numerals shall be at least three (3) inches in height and shall be of a color contrasting to the color of the background material to which they are affixed. When affixed, they shall be positioned not less than four (4) feet nor more than twelve (12) feet from the surface of the ground directly below them, except when they are affixed to a mailbox, in which case the minimum height for such numerals shall be 42 inches from street level. The location and size of such numerals shall be sufficient to assure their legibility when the building which they occupy is viewed for one or more points along the center line of the street on which it fronts between projections of the sides of such building intersecting perpendicularly with said center line.

2) If such building is set back more than 100 feet from the center line of the street on which it fronts, or if the numerals cannot be made legible from the center line because of construction, the numerals shall be affixed to a post, sign, mailbox or other device which shall be located within ten (10) feet of the driveway entrance to the premises and which shall otherwise conform to the specifications herein.

3) For buildings containing more than three (3) dwelling units which have entrances from interior passageways, numerals shall be affixed within five (5) feet of every door by which the building may be entered. Otherwise the specifications and locations for such numerals shall be as for other buildings.

f. Whoever shall violate any of the provisions of the foregoing sections, or refuses or neglects to comply with the same, shall be deemed guilty of an infraction and shall be fined Two (\$2.00) Dollars for each day after notice in accordance with paragraph c hereof during which such violation continues.

g. The enforcing agency for the provisions of this ordinance shall be the Vernon Police Department and/or the Building Official.

Introduced: June 3, 1986
Advertised: June 11, 1986 in Journal Inquirer
Public Hearing: June 17, 1986
Council Action: July 1, 1986
Advertised: July 5, 1986 in Journal Inquirer
July 9, 1986 (Correction Notice) in Journal Inquirer
Effective Date: July 20, 1986

ORDINANCE #164

ORDINANCE APPROPRIATING \$7,330,000 FOR ASBESTOS REMOVAL, SAFETY AND OTHER CODE COMPLIANCE IMPROVEMENTS, ENERGY CONSERVATION AND OTHER RENOVATIONS TO VARIOUS SCHOOLS AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT

BE IT ORDAINED:

(a) That the Town of Vernon appropriate SEVEN MILLION THREE HUNDRED THIRTY THOUSAND DOLLARS (\$7,330,000) for various school renovation projects, to the extent of available funds, as follows: asbestos removal, safety and other code compliance improvements, energy conservation improvements and other renovations to the Adult Education Center, Center Road School, Board of Education Central Office, Lake Street School, Maple Street School, Middle School, Northeast School, Rockville High School, and Skinner Road School. The appropriation may be spent for design and construction costs, equipment, furnishings, materials, architects' fees, engineering fees, land acquisition, legal fees, net temporary interest and other financing costs, and other expenses related to the project.

(b) That the Council hereby determines that the projects are of a general benefit to the Town and are payable from general property taxes.

(c) That the Permanent Municipal Building Committee shall act as agent for the Town pursuant to Chapter VIII, Section 9 of the Town Charter in carrying out the project, provided that all contracts and/or other obligations in connection with the project shall first be approved by the Mayor, Town Administrator and the Treasurer, or any two of them, and further provided that no construction contract shall be entered into until the Town Council approves the contract.

(d) That the Town finance said appropriation by the issue of its serial bonds or notes, in an amount not to exceed SEVEN MILLION THREE HUNDRED THIRTY THOUSAND DOLLARS (\$7,330,000). The bonds or notes shall be issued pursuant to Sections 7-369 and 10-289 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Vernon. The bonds or notes may be issued in one or more series, and any series may be sold as a single issue or consolidated with any other bonds or notes of the Town. The Treasurer shall keep a record of the bonds or notes. The Mayor, Town Administrator and the Treasurer of the Town, or any two of them, shall sign the bonds or notes by their manual or facsimile signatures. The bonds or notes shall bear the seal of the Town or a facsimile of the seal. The law firm of Day, Berry & Howard is designated as bond counsel to approve the legality of the bonds or notes. The Mayor, Town Administrator and Treasurer, or any two of them, are authorized to determine the amount, date, interest rates, maturities, form and other details of the bonds or notes; to designate a bank or trust company to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

(e) That the Town issue and renew its temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes. The amount of the notes outstanding at any time shall not exceed SEVEN MILLION THREE HUNDRED THIRTY THOUSAND DOLLARS (\$7,330,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended, and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes if the notes do not mature within the time permitted by said Section 7-378. The Mayor, Town Administrator and the Treasurer, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, form, and other details of the temporary notes; to sell the notes at public or private sale; to execute and deliver the notes; and to perform all other acts which are necessary or appropriate to issue the temporary notes.

(f) That, if the bonds or notes authorized by this ordinance are issued on a tax-exempt basis, the Mayor, Town Administrator and the Treasurer, or any two of them, are authorized to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes, including covenants to pay rebates of investment earnings to the United States in future years.

(g) The Permanent Municipal Building Committee shall determine the scope of each item included in the project and may expand, reduce or delete any item or delete any building from the project.

(h) The Permanent Municipal Building Committee is authorized to expend up to \$6,623,610

ORDINANCE #164

ORDINANCE APPROPRIATING \$7,330,000 FOR ASBESTOS REMOVAL, SAFETY AND OTHER CODE COMPLIANCE IMPROVEMENTS, ENERGY CONSERVATION AND OTHER RENOVATIONS TO VARIOUS SCHOOLS AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT

of said appropriation to carry out the project, with the remaining amount of said appropriation to be spent on net interest on temporary borrowing and other legal and financing costs unless the Mayor, Town Administrator and Treasurer, or any two of them, authorize the expenditure of said remaining amount for the project.

(i) That the Board of Education is authorized to apply for and accept state grants for the project. The Board of Education is authorized to file applications with the State Board of Education, to execute grant agreements for the project, and to file such documents as may be required by the State Board of Education to obtain grants for the costs of financing the project.

(j) This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon and after approval at referendum vote as provided in Chapter XII, Section 12 of the Town's Charter.

Introduced: August 5, 1986
Advertised: August 9, 1986 in Journal Inquirer
Public Hearing: August 19, 1986
Council Action: August 19, 1986
Advertised: August 23, 1986 in Journal Inquirer
Effective Date: Approved by Referendum Vote, November 4, 1986

ORDINANCE #165
SKATEBOARD ORDINANCE

WHEREAS, it is necessary to the safety, health, life and general welfare of the inhabitants of the Town of Vernon that the use of certain wheeled devices upon the sidewalks and streets within the Town of Vernon be regulated.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Vernon that:

1. The reckless use of sidewalk surfboards or skateboards is forbidden upon the sidewalks and streets of Vernon, Connecticut.
2. Sidewalk surfboards or skateboards are any wheeled device consisting of a platform or seat of metal, wood, plastic, or any other material designed to carry its user in an erect, kneeling, sitting or prone position in a manner similar to that of a true surfboard.
3. The erection of any skateboard device such as ramps, or other auxiliary devices on any public road or sidewalk, is prohibited.
4. The parent or guardian of any child shall not authorize nor knowingly permit any such child to violate this ordinance.
5. Violations of this ordinance shall be dealt with in the following manner:
 - (a) First Offense
A warning letter will be sent to the parent or guardian of a child who violates this ordinance by the Chief of Police.

The warning letter will state that the parents may set up a meeting with the Chief of Police or his designee to discuss the alleged violation.
 - (b) Subsequent Offenses
Shall be punishable by a fine of \$35.00 with a \$5.00 surcharge fee as regulated by the State of Connecticut Infraction Schedule.
6. The Chief of Police and sworn officers of the Vernon Police Department shall be authorized and empowered to impound any such sidewalk surfboard or skateboard used upon the sidewalks and streets of Vernon in cases where there has been continued non-compliance with the ordinance by the child and/or parents or guardians.
7. This Ordinance shall take effect fifteen (15) days after publication following its passage by the Vernon Town Council.
8. The present ordinance adopted April 5, 1965 dealing with the use of skateboards within the City of Rockville is hereby repealed.

Introduced: July 1, 1986
Advertised: July 5, 1986 in Journal Inquirer
Public Hearing: July 15, 1986
Council Action: August 19, 1986
Advertised: August 23, 1986
Effective Date: September 7, 1986

ORDINANCE #166*

ORDINANCE AMENDING ORDINANCE #20 ENTITLED "ORDINANCE RELATING TO REMOVAL OF SNOW AND ICE FROM SIDEWALKS"

BE IT ORDAINED:

That Ordinance No. 20 adopted September 18, 1967 entitled "Ordinance Relating to Removal of Snow and Ice from Sidewalks" is amended and supplemented as follows:

The owner or owners, occupant or occupants, corporate or otherwise of any building, or lot of land bordering on any street, square or public place within the Town of Vernon, where there is a sidewalk graded, or graded and paved, shall cause to be removed therefrom any and all snow, sleet and ice, and shall cause such sidewalk to be made safe for travel and use by covering the same with sand or other suitable substance within eight (8) hours after said snow or sleet shall have fallen, or said sidewalk shall have become slippery by reason of ice forming thereon, or within eight (8) hours after sunrise when said snow or sleet shall have fallen after 8:00 p.m., in the night season, or said sidewalk shall have become slippery by reason of ice forming thereon after 8:00 p.m., in the night season.

The Town Council may issue exceptions to the above provisions only in such case where the Town of Vernon or the State of Connecticut has erected a physical barrier at least three feet in height preventing a landowner from directly accessing the sidewalk from his property.

Any person who shall violate any provision of this section shall be fined not more than fifty (50) dollars.

Introduced:	March 17, 1987
Advertised:	March 20, 1987 in Journal Inquirer
Public Hearing:	April 7, 1987
Council Action:	April 7, 1987
Advertised:	April 11, 1987 in Journal Inquirer
Effective Date:	April 26, 1987

*This Ordinance repealed March 10, 1991 by Ordinance #190.

ORDINANCE #167

ORDINANCE APPROPRIATING \$6,500,000 FOR REPAIRS TO AND RECONSTRUCTION OF PORTIONS OF THE SEWER SYSTEM IN THE ROCKVILLE SECTION OF VERNON AND THE EXTENSION OF SEWERS ALONG THE HOCKANUM RIVER AND THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT

BE IT ORDAINED:

(a) That the Town of Vernon appropriate SIX MILLION FIVE HUNDRED THOUSAND DOLLARS (\$6,500,000) for repairs to and reconstruction of portions of the sewer system in the Rockville section of Vernon, including repairs to reduce infiltration and inflow, replacement of the East Street and East Main Street sewer, replacement of the Brooklyn Street to West Main Street sewer, replacement of the Bancroft Street sewer and storm drain, replacement of the Dailey Circle and Snipsic Street sewer, and the extension of sewers northerly along the Hockanum River from Pleasant View Drive to the southerly limit of the Shane Industrial Park. The appropriation may be spent for design and construction costs, equipment, furnishings, materials, architects' fees, engineering fees, land acquisition, legal fees, net temporary interest and other financing costs, and other expenses related to the project.

(b) The Council hereby determines that the sewer extension along the Hockanum River in the estimated amount of \$2,095,000 is of special benefit and debt service on bonds and notes issued to finance the costs of such extension shall be reimbursed to the Town from special assessments against benefitted properties; and that the remaining portions of the project are of a general benefit to the Town and the remaining portions of the project and debt service on bonds and notes issued to finance the remaining portions of the project are payable from general property taxes.

(c) That the Town finance said appropriation by the issue of its serial bonds or notes, in an amount not to exceed SIX MILLION FIVE HUNDRED THOUSAND DOLLARS (\$6,500,000) or such lesser amount as together with proceeds of State or Federal grants will be sufficient to defray the appropriation for the project. The bonds or notes shall be issued pursuant to Section 7-259 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Vernon. The bonds or notes may be issued in one or more series, and any series may be sold as a single issue or consolidated with any other bonds or notes of the Town. The Treasurer shall keep a record of the bonds or notes. The Mayor, Town Administrator and the Treasurer of the Town, or any two of them, shall sign the bonds or notes by their manual or facsimile signatures. The bonds or notes shall bear the seal of the Town or a facsimile of the seal. The law firm of Day, Berry & Howard is designated as bond counsel to approve the legality of the bonds or notes. The Mayor, Town Administrator and Treasurer, or any two of them, are authorized to determine the amount, date, interest rates, maturities, form and other details of the bonds or notes; to designate a bank or trust company to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

(d) That the Town issue and renew its temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes and the receipt of State or Federal grants for the project. The amount of the notes outstanding at any time shall not exceed SIX MILLION FIVE HUNDRED THOUSAND DOLLARS (\$6,500,000). The notes shall be issued pursuant to Sections 7-264 and 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended, and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a and Section 7-378b of the General Statutes if the notes do not mature within the time permitted by said Sections 7-264 and 7-378. The Mayor, Town Administrator and the Treasurer, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, form, and other details of the temporary notes; to sell the notes at public or private sale; to execute and deliver the notes; and to perform all other acts which are necessary or appropriate to issue the temporary notes.

(e) That the Town issue and renew its sewer assessment notes from time to time in an amount which does not exceed the amount of sewer assessments levied against owners of property benefited by the sewer project. The total amount of sewer assessment notes, serial bonds or notes, and temporary bond anticipation notes issued pursuant to this resolution and outstanding at any time shall not exceed SIX MILLION FIVE HUNDRED THOUSAND DOLLARS (\$6,500,000). The sewer assessment notes shall be issued pursuant to Sections 7-259 and 7-269a of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The sewer assessment notes shall be secured by the irrevocable pledge of the full

ORDINANCE #167

ORDINANCE APPROPRIATING \$6,500,000 FOR REPAIRS TO AND RECONSTRUCTION OF PORTIONS OF THE SEWER SYSTEM IN THE ROCKVILLE SECTION OF VERNON AND THE EXTENSION OF SEWERS ALONG THE HOCKANUM RIVER AND THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT

faith and credit of the Town and of the benefit assessments levied or to be levied in connection with the sewer project. The Mayor, Town Administrator and the Treasurer, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, form and other details of the sewer assessment notes; to sell the notes at public or private sale; to execute and deliver the notes; and to perform all other acts which are necessary or appropriate to issue the notes and deliver them. If receipts from sewer assessments are not sufficient to pay principal and interest due on the sewer assessment notes at the end of the period permitted by said Section 7-269a, as amended, or if the Mayor, Town Administrator and the Treasurer, or any two of them, consider it advisable to pay such notes prior to the end of such period, they are authorized to issue serial bonds or notes in accordance with paragraph (c) of this ordinance and apply the proceeds to pay the sewer assessment notes.

(f) That, if the bonds or notes authorized by this ordinance are issued on a tax-exempt basis, the Mayor, Town Administrator and the Treasurer, or any two of them, are authorized to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes, including covenants to pay rebates of investment earnings to the United States in future years.

(g) All grants received for the project shall be applied to pay the costs of the project or to reduce the amount of bonds or notes issued to finance the project, unless the Town increases the appropriation for the project and provides that such increased appropriation is to be financed by such grants. In the event of any such increased appropriation, temporary notes may be issued pursuant to this ordinance pending the receipt of such grants.

(h) The Water Pollution Control Authority may reduce or modify the scope of the project and may delete any portion of the project if the Water Pollution Control Authority deems such reduction or modification or deletion to be in the best interests of the Town.

(i) The Water Pollution Control Authority is authorized to expend up to \$5,696,000 of said appropriation to carry out the project, with the remaining amount of said appropriation to be spent on net interest on temporary borrowing and other legal and financing costs unless the Mayor, Town Administrator and Treasurer, or any two of them, authorize the expenditure of said remaining amount for the project.

(j) This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon and after approval at referendum vote as provided in Chapter XII, Section 12 of the Town's Charter.

Introduced: March 24, 1987
Advertised: March 27, 1987 in Journal Inquirer
Public Hearing: April 7, 1987
Council Action: April 7, 1987
Advertised: April 13, 1987 in Journal Inquirer
Effective Date: Approved by Referendum Vote on June 9, 1987

ORDINANCE #168

**ORDINANCE APPROPRIATING \$2,967,000 FOR A TOWN INDOOR SWIMMING POOL
ADJACENT TO THE ROCKVILLE HIGH SCHOOL AND THE ISSUE OF BONDS AND NOTES
IN THE SAME AMOUNT**

BE IT ORDAINED:

(a) That the Town of Vernon appropriate TWO MILLION NINE HUNDRED SIXTY-SEVEN THOUSAND DOLLARS (\$2,967,000) for the design and construction of a Town indoor swimming pool to be located on town-owned land at a site adjacent to the Rockville High School building. The appropriation may be spent for design and construction costs, site improvements, equipment, furnishings, materials, architects' fees, engineering fees, engineering fees, legal fees, net temporary interest and other financing costs, and other expenses related to the project.

(b) The council hereby determines that the project is of a general benefit to the Town and is payable from general property taxes.

(c) That the Permanent Municipal Building Committee shall act as agent for the Town pursuant to Chapter VIII, Section 9 of the Town Charter in carrying out the project, provided that all contracts and or other obligations in connection with the project shall first be approved by the Mayor, Town Administrator and the Treasurer, or any two of them, and further provided that no construction contract shall be entered into until the Town Council approves the contract.

(d) That the Town finance said appropriation by the issue its serial bonds or notes, in an amount not to exceed TWO MILLION NINE HUNDRED SIXTY-SEVEN THOUSAND DOLLARS (\$2,967,000) to finance the appropriation for the project. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Vernon. The bonds or notes may be issued in one or more series, and any series may be sold as a single issue or consolidated with any other bonds or notes of the Town. The Treasurer shall keep a record of the bonds or notes. The Mayor, Town Administrator and the Treasurer of the Town, or any two of them, shall sign the bonds or notes by their manual or facsimile signatures. The bonds or notes shall bear the seal of the Town or a facsimile of the seal. The law firm of Day, Berry & Howard is designated as bond counsel to approve the legality of the bonds or notes. The Mayor, Town Administrator and Treasurer, or any two of them, are authorized to determine the amount, date, interest rates, maturities, form and other details of the bonds or notes; to designate a bank or trust company to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

(e) That the Town issue and renew its temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes. The amount of the notes outstanding at any time shall not exceed TWO MILLION NINE HUNDRED SIXTY-SEVEN THOUSAND DOLLARS (\$2,967,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended, and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes if the notes do not mature within the time permitted by said Section 7-378. The Mayor, Town Administrator and the Treasurer, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, form, and other details of the temporary notes; to sell the notes at public or private sale; to execute and deliver the notes; and to perform all other acts which are necessary or appropriate to issue the temporary notes.

(f) That, if the bonds or notes authorized by this ordinance are issued on a tax-exempt basis, the Mayor, Town Administrator and the Treasurer, or any two of them, are authorized to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes, including covenants to pay rebates of investment earnings to the United States in future years.

(g) The Permanent Municipal Building Committee shall determine the scope of each item included in the project and may expand, reduce or delete any item from the project.

(h) The Permanent Municipal Building Committee is authorized to expend up to \$2,816,000 of said appropriation to carry out the project, with the remaining amount of said appropriation to be spent on net interest on temporary borrowing and other legal and financing costs unless the Mayor, Town Administrator and Treasurer, or any two of them, authorize the expenditure of said remaining amount for the project.

(i) This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon and after approval at referendum vote as provided in Chapter XII, Section 12 of the Town's Charter.

Introduced: March 24, 1987

Advertised: March 27, 1987 in Journal Inquirer

Public Hearing: April 7, 1987

Council Action: April 7, 1987

Advertised: April 13, 1987 in Journal Inquirer

Effective Date: Disapproved by Referendum Vote on June 9, 1987

ORDINANCE #169

AN ORDINANCE REGULATING THE STORAGE, COLLECTION AND DISPOSAL OF SOLID WASTE AND PROVIDING FOR A SYSTEM OF REFUSE COLLECTION AND DISPOSAL AND THE ADMINISTRATION THEREOF

BE IT ORDAINED by the Town Council of the Town of Vernon that Ordinance Number 42 entitled “An Ordinance Concerning the Licensing of Refuse and Garbage Collectors in the Town of Vernon” is hereby repealed and that an Ordinance entitled “An Ordinance Regulating the Storage, Collection and Disposal of Solid Waste and Providing for a System of Refuse Collection and Disposal and the Administration Thereof” be adopted as follows:

ARTICLE 1

Solid Waste Collection and Disposal

Sec. 1. Declaration of Policy.

The accumulation, collection, removal and disposal of Solid Waste must be controlled by this Municipality for the protection of the public health, safety, and welfare. It is consequently found and declared that:

(a) this Municipality is authorized by law to regulate the disposition of Solid Waste generated within its boundaries and to collect a charge therefor and to license Refuse Collectors; and

(b) this Municipality is also authorized by Connecticut General Statutes Section 22a-220a to designate the area where Solid Waste generated within its boundaries shall be disposed; and

(c) this Municipality has executed the Municipal Service Agreement requiring it to cause all Solid Waste generated within its boundaries and which meets the Contractual Standards to be delivered to the Mid-Connecticut System; and

(d) the public health, safety and welfare of this Municipality will be best served by requiring the delivery of such Solid Waste to the Transfer Station for processing by the Mid-Connecticut System and the generation of electricity; and

(e) the enactment of this ordinance is in furtherance of this Municipality’s regional Solid Waste Management Plan.

Sec. 2. Definitions.

The following terms shall have the following meanings:

(a) “Authority” shall mean the Connecticut Resources Recovery Authority established pursuant to Chapter 446e of the Connecticut General Statutes, as amended.

(b) “Contractual Standards” for Solid Waste delivered to the Mid-Connecticut System are as follows:

(1) It must be Solid Waste emanating from within the corporate boundaries of this Municipality;

(2) It must not be of such a quantity, quality or other nature as to materially impair the operation or capacity of the Mid-Connecticut System or any portion thereof, normal and reasonable wear and usage excepted;

(3) It must not be of such a quantity, quality or other nature as to materially impair the strength or the durability of the structures, equipment, or works which are a part of the Mid-Connecticut System or any portion thereof;

(4) It must not be of such a quantity, quality or other nature as to create flammable or explosive conditions in the Mid-Connecticut System or any portion thereof;

(5) It must not contain chemical or other properties which are deleterious, as determined by the Authority or capable of causing material damage to any part of the system or to personnel; and

(6) It must not include any Hazardous Waste.

(c) “Director” shall mean the Director of Public Works of this Municipality.

(d) “Disposal Charge” means that amount of money to be charged for each ton of Solid Waste delivered to the Mid-Connecticut System as established by the procedures authorized in the Municipal Service Agreement.

(e) “Hazardous Waste” means pathological, biological, cesspool or other human wastes, human and animal remains, radioactive, toxic, and other hazardous wastes which according to

ORDINANCE #169

AN ORDINANCE REGULATING THE STORAGE, COLLECTION AND DISPOSAL OF SOLID WASTE AND PROVIDING FOR A SYSTEM OF REFUSE COLLECTION AND DISPOSAL AND THE ADMINISTRATION THEREOF

federal, state or local rules or regulations from time to time in effect require special handling in their collection, treatment or disposal, including those regulated under 42 U.S.C. Subsection 6921-6925 and regulations thereunder adopted by the United States Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806, 42 U.S.C. Section 6901, such as cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, drugs, fine powdery earth used to filter cleaning fluid and refuse of similar nature.

(f) "Mid -Connecticut System" shall mean the system for the processing of Solid Waste and the recovery of energy therefrom constructed by the Authority pursuant to the Municipal Service Agreement.

(g) "Municipal Service Agreement" shall mean the Municipal Solid Waste Management Services Contract between this Municipality and the Authority dated as of May 5, 1984.

(h) "Municipality" shall mean the Town of Vernon.

(i) "Refuse Collectors" shall include any person, firm or corporation engaged in the business of collecting and transporting commercial, household or industrial Solid Waste for hire within this Municipality.

(j) "Solid Waste" means unwanted or discarded materials consistent with the meaning of that term pursuant to Section 22a-260(7) of the Connecticut General Statutes, excluding semi-solid or liquid materials collected and treated in a sewerage system.

(k) "Transfer Station" shall mean that facility constructed by the Authority as part of the Mid-Connecticut System and located at Ellington, Connecticut.

Sec. 3. License Required for Refuse Collections.

All Solid Waste accumulated in this Municipality shall be collected, conveyed and disposed of by this Municipality or by persons licensed by this Municipality to perform such work and in accordance with the provisions of this ordinance. No other person shall collect, convey over any street or dispose of any Solid Waste in this Municipality; except that the actual producers of Solid Waste or the owners of premises in this Municipality upon which Solid Waste has accumulated may personally collect, convey and dispose of such Solid Waste upon complying with the other provisions of this Article and with any other applicable ordinances and regulations. No Solid Waste collected from outside this Municipality shall be disposed of under a license or registration issued pursuant to this Article.

Sec. 4. Refuse Containers.

(a) Provision for containers. The owner of each premises in which Solid Waste is created or generated shall provide, at a suitable place upon such premises, sufficient receptacles for receiving and holding such Solid Waste during the intervals between collections. Solid Waste containers shall be maintained in good condition free of holes and fissures and shall be equipped with securely-fitting covers.

(b) Containers for commercial Solid Waste. The standard container for commercial Solid Waste shall be a watertight, vermin proof galvanized or plastic receptacle, with a tight lid, of not less than twenty (20) or more than thirty (30) gallon capacity; except that commercial establishments may provide for a large covered container designed to be emptied into a refuse truck.

(c) Containers for household Solid Waste; number of collections. The standard container for household Solid Waste shall be a watertight, vermin proof galvanized or plastic receptacle, with a tight lid, of not less than twenty (20) or more than thirty (30) gallon capacity. Curbside collections shall be made at least once each week. Grass cuttings and leaves from lawns shall be collected if they are placed in waterproof plastic bags of not over thirty (30) gallon capacity, and said bag is tied off. If the homeowner shall require other than curbside pickup or desire to dispose of dry leaves, grass clippings or cut brush, in other than approved plastic bags, or twigs tied in bundles, the Refuse Collector shall be required to meet this need, if the collector and the customer agree on a rate and the customer ensures a safe and clear passage to the containers.

Sec. 5. Storing of Solid Waste.

(a) Public places. No person shall place any Solid Waste in any street, alley or other public place or upon any private property, whether owned by such person or not, within this

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Municipality except in proper containers or otherwise properly prepared for collection or under express approval granted by the Director. Nor shall any person throw or deposit any Solid Waste in any stream or other body of water.

(b) Accumulation of Solid Waste. Any uncontainerized accumulation of Solid Waste on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any accumulation of Solid Waste within ten (10) days after written notice by registered mail to remove same shall be deemed a violation of this ordinance.

(c) Scattering of Solid Waste. No person shall cast, place, sweep or deposit anywhere within this Municipality any Solid Waste in such a manner that it may be carried or deposited by the elements upon or in any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises.

(d) Hazardous Wastes. It shall be unlawful for any person, firm or corporation to place Hazardous Wastes or similarly dangerous substances into any Solid Waste container or to transport any such substance to the Transfer Station.

Sec. 6. Licensing of Refuse Collectors; Registration of Vehicles, etc.

(a) Licensing and registration authority designated. The Director shall be the licensing and registration authority for Refuse Collectors and vehicles and containers. The Director shall grant a license within a reasonable time following the filing of a proper application and payment of the prescribed fee unless he finds one or more of the following conditions to prevail:

- (i) The applicant has been irresponsible in the conduct of Solid Waste collection and hauling operations based upon previous suspensions and/or revocations of licenses; or
- (ii) The applicant lacks suitable equipment with which to collect Solid Waste in a safe and nuisance-free manner and in compliance with this Article.

(b) License required. Each Refuse Collector shall annually on or before July first apply for a license from the Director on such form as he shall prescribe to engage in the business of Solid Waste collection in this Municipality.

(c) Registration of vehicles, containers. Each licensed Refuse Collector shall obtain a separate registration for each vehicle he operates to transport Solid Waste within this Municipality. When a vehicle is employed to transport more than one container, each container to be transported instead of the vehicle shall require a registration. Registrations shall not be transferable from vehicle to vehicle nor from container to container, provided, however, the Director may allow such temporary transfer of registrations in hardship situations, such as a temporary breakdown of an individually licensed vehicle.

(d) Registration term, fee; renewal. All registrations shall be issued for a term not to exceed one year and shall be renewable on or before the first day of July of each year. The registration fee shall be One Hundred (\$100.00) Dollars for each vehicle and/or container with a capacity of ten (10) or more cubic yards and Fifty (\$50.00) Dollars for each vehicle and/or container of a capacity of less than ten (10) cubic yards.

(e) Reinspection upon sale, transfer of vehicle during registration year. Whenever a duly registered vehicle is sold or transferred to another Refuse Collector licensed in this Municipality during the registration year, said vehicle shall be reinspected within seven (7) days of such transfer date but no additional fee shall be required.

(f) Display of registration. The registration issued shall be conspicuously displayed on the left front of the body of each vehicle or container so licensed, or as may be directed.

(g) Identification of vehicles and containers. Each licensee shall prominently display at all times on each registered vehicle or container in letters at least four (4) inches in height his name, registration number and telephone number.

(h) Notification required upon sale, transfer of route. When any licensee shall sell or transfer all or part of his route to another Refuse Collector presently licensed to collect Solid Waste in this Municipality, he shall forthwith give written notice to the Director at least seven (7) days before the date of the sale or transfer stating the name of the buyer or transferee and the intended date of sale.

(i) Licenses nontransferable, Licenses are not transferable. When any licensee shall sell or

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transfer, all or part of his route to any Refuse Collector not licensed in this Municipality, he shall first notify the Director, in writing, of his intent to sell and the transferee shall, at the same time, make application for a license to operate in this Municipality.

Sec. 7. Revocation or Suspension of License or Registration.

(a) Generally. A license to engage in Solid Waste collection in this Municipality and to use the Transfer Station or other refuse facilities provided by this Municipality is a privilege, not a right. Failure to comply with the provisions of this ordinance shall be grounds for revocation or suspension of any license or registration issued under the provisions of this Ordinance in addition to any other penalty imposed by law.

(b) Notice required. Revocation or suspensions shall only become effective five (5) calendar days after receipt of written notice from the Director.

(c) Request for review - filing; effect of failure to file. If a Refuse Collector objects to the Director's action described in paragraph (b) above to revoke or suspend his license or registration, he may, within the five (5) calendar days of receipt of said notice, file a written request for review with the Town Administrator. Failure to timely file such request for review shall make the Director's action final and binding upon the Refuse Collector.

(d) Same - Effect of timely filing. Timely filing of such request for review shall operate as an automatic stay of the Director's action.

(e) Special appeals board; hearing. The Mayor shall appoint forthwith a special appeals board consisting of two (2) electors of this Municipality and two (2) licensed Refuse Collectors and a member of the Town Council, and said board shall then within fifteen (15) days hear and decide the matter. Such hearing may be public if so requested, in writing, by the Refuse Collector. The decision of said board shall be final and binding upon the Refuse Collector.

Sec. 8. Administration; promulgation of rules and regulations.

(a) The Director shall administer the licensing of any Refuse Collector engaged in the collecting and transporting of Solid Waste in this Municipality.

(b) The Director shall, when considering an application for a Solid Waste collection license, including renewal, ascertain that the applicant has adequate liability insurance.

(c) The Director may promulgate additional rules on all collection and disposal procedures from time to time as he deems proper, but such rules shall not be inconsistent with this Article.

Sec. 9. Refuse Collector's Responsibilities and Obligations.

(a) Place of delivery; payment. Each Refuse Collector shall deliver all Solid Waste meeting the Contractual Standards collected within the territorial limits of this Municipality to the Transfer Station and pay the Disposal Charge to this Municipality. All other Solid Waste shall be delivered to such place as the Director may from time to time designate and any applicable charge shall be paid by the Refuse Collector.

(b) Failure to pay. Any Refuse Collector failing to pay this Municipality any Disposal Charge within thirty (30) days after the date of a bill therefor, shall pay, in addition to the Disposal Charge shown on such bill, interest on such Disposal Charge at the rate of one (1%) percent per month or fraction thereof commencing on the date of such bill, plus all costs of collection, including an attorney's reasonable bill, incurred by this Municipality. A failure to pay shall also be grounds for revocation or suspension of a license and registration.

(c) Prohibition on delivery. No Licensee shall deliver any Solid Waste meeting the Contractual Standards to any place other than the Transfer Station unless the Transfer Station is incapable of accepting such Solid Waste at the time of delivery, in which event such Solid Waste shall be delivered to the place designated by the Director.

(d) Construction and maintenance of vehicles and Containers. All vehicles registered to collect and transport Solid Waste shall be automatic unloading vehicles of a watertight construction and shall be maintained free of obnoxious odors and accumulated Solid Waste. Any such vehicle with a capacity in excess of ten (10) cubic yards shall be of a closed construction. A container utilized primarily for non-liquid Solid Waste need not be of watertight construction, but shall be completely enclosed. If any such vehicle shall have a capacity of less than ten (10) cubic yards, it may have an open top, provided that it be covered when it is in motion, to prevent

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the escape of Solid Waste.

(e) Spilled Solid Waste. Refuse Collectors shall clean up Solid Waste that may spill when being carried or transferred.

Sec. 10. Violations and Penalty.

Any person violating the terms of this Article shall be fined not more than Ninety-Nine (\$99.00) Dollars for each offense, in addition to any other penalty imposable hereunder.

Introduced: May 5, 1987
Advertised: May 13, 1987 in Journal Inquirer
Public Hearing: May 19, 1987
Council Action: May 19, 1987
Advertised: May 27, 1987 in Journal Inquirer
Effective Date: June 11, 1987
Amended by Ordinance #179
Repealed by Ordinance #186

ORDINANCE #170

ORDINANCE REVISING THE RATES AND CHARGES FOR THE VERNON WATER COMPANY

BE IT ORDAINED:

The Town Council of the Town of Vernon, in accordance with Connecticut General Statutes Section 7-239, hereby establishes the following rate schedule, connection charges, inspection fees and renewal fees for the Vernon Water Company effective July 1, 1987:

A. RATE SCHEDULE

<u>METER SIZE</u>	<u>MINIMUM RATE PER QUARTER</u>	<u>COMMODITY CHARGE</u>
5/8 or 3/4"	\$ 39.00	1st 4,000 gals. - min. charge; excess @ \$2.34 per 1,000 gals.
1"	100.00	1st 10,250 gals. - min. charge; excess @ \$2.34 per 1000 gals.
1½"	214.00	1st 21,900 gals. - min. charge; excess @ \$2.34 per 1,000 gals.
2"	312.00	1st 32,000 gals. - min. charge; excess @ \$2.34 per 1,000 gals.
Hydrants	98.00	Interconnect and useage charge billed direct by Conn. Water Co. to Town of Vernon

B. CONNECTION CHARGES

<u>Existing Main:</u>	\$500.00 per one family dwelling including condominiums \$500.00 for each of the first two dwellings and \$300.00 for each additional dwelling in a multi-family apartment complex \$1000.00 per connection for non-residential customers
<u>Extension of Main:</u>	
Town of Vernon Installed:	Same as connection charges shown above for existing main service plus front footage assessment of main service based on actual cost.
Developer Installed:	\$250.00 per one family dwelling including condominiums \$250.00 for each of the first two dwellings and \$150.00 for each additional dwelling in a multi-family apartment complex \$500.00 per connection for non-residential customers

Tap to the main and installation of service lateral with connection to the dwelling to be by developer under a properly executed Developers Permit. No frontage assessment to the owner of the property served.

1. Connections to the Vernon Water Co. shall not be made by any person without a permit issued and applicable charges having been paid at the time of application.
2. Connection charge includes a tap into the service main and installation of a service lateral to the property line by Vernon Water Co. except for developer-installed extension of main service under Developer Permit.
3. In addition to the connection charge, there will be an inspection fee of \$30.00 per lateral.
4. Permits shall expire 30 days subsequent to issuance and an expired permit may be renewed by paying a renewal fee of \$15.00 for an extension of each additional 30-day period.
5. Connection and inspection fees are payable upon issue of a permit and are not deferrable.
6. All costs and expense incident to the installation and connection of the service from the building line to the building shall be borne by the owner with the exception of the metering device which shall be provided by the Vernon Water Co.

Introduced:	May 19, 1987
Advertised:	May 22, 1987 in Journal Inquirer
Public Hearing:	June 16, 1987
Council Action:	June 16, 1987
Advertised:	June 20, 1987 in Journal Inquirer
Effective Date:	July 5, 1987

ORDINANCE #171

ORDINANCE REPEALING ORDINANCE #70 ENTITLED “ORDINANCE PROVIDING FOR PENALTIES TO SECTIONS 122.3 and 123.2 OF THE BUILDING CODE OF THE TOWN OF VERNON”

BE IT ORDAINED by the Town Council of the Town of Vernon, That Ordinance No. 70 entitled “Ordinance Providing for Penalties to Sections 122.3 and 123.2 of the Building Code of the Town of Vernon” is hereby repealed.

Introduced: July 7, 1987
Advertised: July 11, 1987 in Journal Inquirer
Public Hearing: July 21, 1987
Council Action: July 21, 1987
Advertised: July 25, 1987 in Journal Inquirer
Effective Date: August 9, 1987

ORDINANCE #172

ORDINANCE AMENDING ORDINANCE #120 ENTITLED “AN ORDINANCE ESTABLISHING BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY FEES”

BE IT ORDAINED by the Town of Vernon, That Ordinance #120 be amended to read that the following be established as fees for certificates of occupancy and building permits in the Town of Vernon to be paid to the Building Inspector’s Office, after which a building permit and/or certificate of occupancy may be issued:

Certificate of Occupancy \$5.00

Building Permits:

\$8.00 per \$1,000.00 or any fraction thereof
of estimated cost.

Introduced: July 7, 1987
Advertised: July 11, 1987 in Journal Inquirer
Public Hearing: July 21, 1987
Council Action: July 21, 1987
Advertised: July 25, 1987 in Journal Inquirer
Effective Date: August 9, 1987

Amended by Ord. #184 March 25, 1990

Amended by Ord. #229 May 16, 2000

ORDINANCE #173

AN ORDINANCE ESTABLISHING A CODE OF ETHICS FOR THE TOWN OF VERNON

The Council of the Town of Vernon hereby repeals Ordinance #55 entitled "Ordinance Concerning Conflict of Interest in the Town of Vernon" and pursuant to the provisions of Section 7-148h of the Connecticut General Statutes hereby adopts the following CODE OF ETHICS:

Section 1. DECLARATION OF POLICY

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a code of ethics for all town officials, employees, individual (s), partnership (s), corporation or other entities as defined hereinafter is adopted. The purpose of this code is to establish guidelines for ethical standards of conduct for all such officials, employees, individuals), partnerships), corporations) or other entities by setting forth those acts or actions that are incompatible with the best interests of the town and by directing disclosure by such officials, employees, individuals), partnership(s), corporations or other entities of private financial or other interests in matters affecting the town.

Section 2. BOARD OF ETHICS--CREATED; PURPOSE

There is hereby created a Board of Ethics (hereinafter referred to as "Board") for the purpose of rendering advisory opinions and making recommendations with respect to the drafting and adoption of amendments to this article.

Section 3.

a. APPOINTMENTS

The Board shall consist of five (5) regular members and two (2) alternate members, all of whom shall be electors of the Town. No more than three (3) regular members and, no more than one (1) alternate member shall be from one political party. The initial regular and all alternate members shall be appointed by the Council upon recommendation by the Mayor, from a list compiled and submitted by any member of the public or Town organization. The term shall be five (5) years except that of the initially appointed regular members, one (1) shall serve for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years and one (1) for five (5) years. The two (2) alternate members shall be appointed in the same manner for terms of five (5) years. The duties of such alternate members shall be to sit upon such Board whenever a regular member is unavailable to do so; such sitting alternate member shall have all of the obligations and duties of a regular member. A member may resign at any time by written notice to the Mayor and the Town Clerk. Any such resignation shall become effective upon date specified therein or, if no date is so specified therein, upon date of its submission. No Regular or Alternate member who serves a five (5) year full term shall be reappointed sooner than one (1) year following the completion of that term.

b. VACANCIES

Vacancies on the Board among its regular members shall be filled by the Mayor from alternate members of the Board. Vacancies on the Board among its alternate members shall be filled by -the Council upon recommendation by the Mayor from a list compiled and submitted by any member of the public or any Town organization.

c. REMOVAL

Any regular or alternate member. of the Board may be removed by the Mayor subject to approval by nine (9) members of the Town Council.

d. CONFLICTS

No regular or alternate member of the Board shall render or agree to render any service to any person-or entity other than the Town in connection with any cause, proceeding, application or other matter which is before any agency, board, department, panel, commission or other official entity of the Town, nor shall such member serve as a member of any such agency, board, department, panel, commission or entity.

Section 4. ORGANIZATION AND PROCEDURE

The Board shall annually elect a chairperson and secretary from among its members. Pursuant to the provisions of the State Freedom of Information Act, the Board shall keep records of its meetings and shall hold meetings after proper notice at the call of the chairperson and at

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such other times as the Board may determine. For the purpose of conducting a meeting or hearing five (5) members shall constitute a quorum. Any action taken by the Board shall be by a majority vote of the members present and voting. At least once a year, the Board shall meet for the purpose of reviewing this ordinance and making any recommendations with respect to the drafting and adoption of amendments to this ordinance.

Section 5. DUTIES AND POWERS

- a. The Board may make recommendations for amendments to this Code of Ethics for adoption by the Town Council.
- b. The following may submit written requests directly to the Board of Ethics regarding appropriate situations pursuant to this document: Mayor, Town Administrator, Town Council, Superintendent of Schools, Board of Education, or the public at large. The Ethics Board must respond to the submittal per Section 13 and any opinions shall be directed to the agency or person requesting them.
- c. Promulgate Rules and Regulations.
- d. Hear complaints and render decisions.

Section 6. EXPENSES AND COMPENSATION

The members of the Board shall serve without compensation for their services. In the performance of its duties and in the exercise of its powers, the Board shall not incur any expense in excess of the funds appropriated by the Council for such purpose.

Section 7. APPLICABILITY

The provisions of this Code shall apply to all town officials and employees, whether elected or appointed, paid or unpaid, including individuals, partnerships, corporations or other entities which have been or will be compensated by the Town for acting as an agent or consultant for the Town or any of its Boards. The term "town officials", as used in this code, shall include members of the Town Council, members of the Board of Education, and all Officials appointed by the Town Council, Board of Education, Mayor or the Town Administrator. The term "town employees", as used in this code, shall include all employees of the Town and Board of Education.

Section 8. CONFLICT OF INTEREST

A person who is subject to this Code has an interest which is in substantial conflict with proper discharge of his duties or employment in the public interest and of his responsibilities as prescribed in the laws of the State of Connecticut and the Town of Vernon if he has reason to believe or expect that he will derive a direct monetary gain or other benefit, or suffer a direct monetary loss or other detriment, as the case may be, by reason of his official activity. He does not have an interest which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed by the laws of the State of Connecticut and the Town of Vernon if any benefit or detriment accrues to him as a member of a business, profession, occupation or group to no greater extent than any other member of such business, profession, occupation or group. For the purpose of this Code a public officer or employee shall be deemed to have an interest in the affairs of his or her spouse.

Section 9. STANDARDS OF CONDUCT

- a. Any official, employee, individual (s), partnership (s), corporation (s) or other entities, who has or may have a substantial or controlling financial or significant personal interest in any property or matter which is the subject of any pending or proposed proceeding before any town agency on which such person sits or by whom such person is employed, shall make known promptly such interest in any matter on which he may be called to act in his official capacity. He shall refrain from voting upon such transaction, contract or sale.
- b. No official, employee, individual (s), partnership (s), corporation (s) or other entities, shall accept, during the course of any twelve (12) month period, any individual gift over the sum of fifty (50) dollars or any gifts which in the aggregate costs one hundred (100) dollars. The limits on gifts may be changed from time to time by resolution of the Town Council. Gifts, as used above, may take the form of service, loan, thing or promise from any person, firm or corporation which, to his knowledge, is interested in-directly or indirectly, in any manner whatsoever, in business dealings with the town having any relationship or connection with such

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official or employees in the discharge of his duties.

c. No official, employee, individual (s), partnership(s), corporation (s) or other entities, without proper legal authorization, shall disclose confidential information except as required under the Freedom of Information laws of the State of Connecticut, concerning the property, government or affairs of the town. No official, employee, individual (s), partnership (s), corporation (s) or other entities, shall use information acquired in the course of his public duties, to advance the financial or other private interest of himself or any other.

d. No official, employee, individuals, partnerships corporation (s) or other entities, shall request or permit the use of town-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official, employee, individuals, partnerships, corporations or other entities, in the conduct of official business or such use as in connection with exchange of private equipment for use by the town. No official, employee, individual (s), partnership (s), corporation (s) or other entities, shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

e. No official, employee, individual (s), partnership (s), corporation (s) or other entities, shall for the period of one (1) year after the termination of service or employment with such municipality, appear before any board or agency of the Town or in any matter in litigation in which the Town is a party in interest, except on behalf of the Town for compensation by any private interest to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

f. To the extent that he knows thereof, all officials, employees, individual (s), partnership (s), corporation (s) or other entities of the town, whether paid or unpaid, who participate in the discussion or give official opinions to boards and commissions or to a town meeting on pending legislation, shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.

g. No official, employee, individual (s), partnership (s), corporation(s) or other entities shall render or agree to render for compensation any service to any person or party other than the Town, in connection with any cause, proceeding, application or other matter which is before any town agency over which he has direct control or involvement. This does not prohibit any town official, employee, individual (s), partnership (s), corporation (s) or other entities from appearing before any board or commission on such person's own behalf or as official spokesman for an organization of which he is a member, provided such appearance does not violate Sections 8-11 and 8-21 and 22a-42 of the Connecticut General Statutes and Public Act 83-540 or any other provision of the Code.

h. No town official, employee, individual (s), partnership (s), corporation (s) or other entities who in their capacity as such officer or employee participates in the making of a contract or accepts a purchase order in which they have a private pecuniary interest, direct or indirect, shall enter into any contract or accept any purchase order from the Town of Board of education unless:

1. The contract or purchase is awarded through the process of public notice and competitive bidding as required by the Town Charter and Board of Education Policy.

2. The Town Administrator for the Town, or Superintendent of Schools for the Board of Education waives the requirements of this Section after determining that is in the best interest of the Town to do so.

i. No employee shall engage in or accept private employment or render service, for private interest, when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties, unless otherwise permitted by law and unless disclosure is made as provided in this Code.

Section 10. EXCEPTIONS TO CODE

a. Nothing stated herein shall bar members of the Town Council who are employed as teachers in the Town of Vernon, or whose spouses or other family members are so employed from taking part in deliberations and voting regarding the Board of Education budget if at such time teacher compensation for the forthcoming year has been established and is not directly affected by such votes.

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b. Nothing stated herein shall bar members of the Board of Education or their employees from discharging its responsibilities according to applicable state education mandates, statutes, and regulations. Where conflicts exist between state law and this Code, state law shall prevail.

c. A commercially reasonable loan made in the ordinary course of business, by an institution authorized by the laws of this state to engage in the making of such loans shall not be deemed to create an interest in violation of this code.

d. The ownership of less than five (5%) percent of the outstanding stock in a publicly held corporation shall not be considered a substantial financial or personal interest.

Section 11. ADVISORY OPINIONS

a. Where any public officer or employee, individual (s), partnership (s), corporation (s) or other entities has a doubt as to the applicability of any provision of this code to a particular situation, or as to the definition of terms used herein, he may apply to the Board for an advisory opinion. The officer, employee, individual (s), partnership (s), corporation (s) or other entities shall have the opportunity to present his interpretation of the facts at issue and of the applicability of provisions of the code before such advisory opinion is made.

b. Such opinion until amended or revoked shall be binding on the town, the Town Council, and the Board of Education in any subsequent actions concerning the public officer, employee, individual (s), partnerships, corporation(s) or other entities who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion.

c. Any advisory opinion prepared by the Board shall be made public. However, the name of the person requesting the opinion and the names of all persons or business entities mentioned in the opinion shall be deemed confidential information and shall not be disclosed by the Board unless the public officer, employee, individual (s), partnership (s), corporation (s) or other entities waives such confidentiality or where the Board deems the public official to have failed to act in good faith in requesting the opinion or in conforming with the opinion or to have failed to act in conformance with the opinion.

Section 12. SEPARABILITY

If any provision of this ordinance is found by a court of competent jurisdiction to be invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this code which can be given effect without the invalid or unconstitutional provision or application.

Section 13. SANCTIONS

Violations of any provisions of this Code should raise conscientious questions for the official concerned as to whether voluntary resignation or other action is indicated to promote the best interest of the Town. Violation may, upon determination by the Council or the Board of Education, constitute a cause for censure, suspension, removal from office or other appropriate legal proceedings. In the case of suspension or removal from office the Town Charter Provisions will be in force. If a commission member's status is to be changed, then it would be up to the Mayor to proceed.

Section 14. PROCEDURE FOR HANDLING COMPLAINTS

a. The Board of Ethics will conduct its investigations as a fact-finding body, adhering to strict confidentiality in all matters concerned, and will render advisory opinions containing its findings and conclusions.

b. Requests concerning complaints shall be received by the Board of Ethics only in compliance with Section 5 of the Code.

c. Upon receipt of a complaint, the Board shall determine whether said complaint falls within its jurisdiction within ten (10) working days.

1. If said complaint does not fall within the jurisdiction of the Board, the case will be dismissed and the complainant and the accused will be so notified in writing.

2a. If the Board has any questions concerning jurisdiction, the complainant will be notified in writing to meet with the Board to clarify the allegation in detail, with said

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meeting to take place within thirty (30) days of notification to the complainant.

2b. After meeting with the complainant, the Board shall make a final determination as to jurisdiction.

3. If the Board determines it has jurisdiction, then within five (5) working days after such determination the accused shall be notified in writing of the alleged violation of the Code of Ethics and that he/she may elect to have all proceedings open according to the Freedom of information Act. Upon receipt of said notice, the party so notified shall have the right to file a response within ten (10) working days and may, within said time period, demand a hearing by the Board. If a hearing is so requested, it shall be convened within twenty (20) working days after such request. If no request for a hearing is made, the Board by a vote of at least three (3) members, shall determine within thirty (30) working days after the mailing of the notice of such complaint whether a hearing is required. In the event a hearing is held, the person against whom such complaint is filed, shall be notified in writing of the date, time and place of the hearing, within five (5) working days, as will the person who filed the complaint. In such hearing, the person against whom such complaint is filed shall have the right to counsel, to confrontation of all witnesses, to cross-examination and to present evidence on his or her behalf. All notices to the person about whom such complaint was made shall be mailed by certified mail.

d. All hearings and investigatory meetings are subject to the provisions of the Freedom of Information Act (CGS 1-18a through 1-21k as may be amended).

e. All affected parties to be interviewed shall be notified that the meeting is being held in open or executive session, sworn in, and cautioned to observe confidentiality in the event of an executive session.

f. The Board, pursuant to Connecticut General Statutes Section 7-148h, may issue subpoenas or subpoenas duces tecum, enforceable upon application to the Superior Court, to compel the attendance of persons at hearings and the production of books, documents, records and papers.

g. If hearings or investigatory meetings are held in executive sessions, the accused shall be afforded the opportunity to be present during said executive sessions.

h. The Board shall issue a written decision with respect to violations of this Code on each case within ten (10) working days in which it shall give facts and the rationale for the decision.

i. Copies of the decisions shall be forwarded to the initiator of the request (Town Council or Town Administrator or Mayor; Board of Education or Superintendent of Schools or complainant), and the subject of the complaint.

j. The Board of Ethics shall maintain a record of all complaints filed. If, in the Board's opinion, it perceives abuse in filing of baseless or frivolous complaints by an individual or organization, the Board shall be empowered to apply sanctions against said complainants according to policies it adopts as enacted by Town Council.

Section 15. REPORT TO COUNCIL OR BOARD OF EDUCATION

The Board shall report to the Council or Board of Education, as jurisdictionally appropriate, its findings as to a violation of the Code of Ethics, together with recommendations as to disposition to be made. If there was a defined violation of this Code, the Council or Board of Education shall consider such findings and shall determine what disposition shall be made. If the Council or Board of Education wishes to proceed on the recommendation of the Board of Ethics, it shall take the appropriate action as may be indicated in Section 13 of this ordinance. Upon written request of the accused, the Council or Board of Education may elect to follow the general outline of Section 14, however, the process shall take no longer than twenty (20) working days. A special exception may be granted to the time period at the discretion of the Council or Board of Education.

Section 16. GENERAL GUIDELINES FOR TOWN OFFICIALS

The requirements herein set forth shall constitute a Code of Ethics establishing reasonable standards and guidelines for the ethical conduct of town officers of the Town of Vernon. The purpose of these guidelines is to encourage town officials to actively participate and vote on as many issues as their conscience allows but still act in a consistent manner. If a town official finds that he or she is abstaining from voting frequently they should obtain an advisory

ORDINANCE #173

AN ORDINANCE ESTABLISHING A CODE OF ETHICS FOR THE TOWN OF VERNON

recommendation from the Ethics Commission or consider resigning.

Town officials of any commission or board who are officers, or directors of a non-governmental civic group, social, charitable or a religious organization which is seeking financial or other legislative action from that body shall not vote on such matters. Regular members of any organization who are not actively involved in seeking that specific legislative aid may vote on any legislation and need not disclose they are members of that organization.

Town officials of any commission or board who are officers, directors, or active in negotiations of a union that is affiliated with any union of town employees shall disclose that relationship and shall not vote in any matters that affect that union or conditions of employment of any union of town employees.

Town officials of any commission or board who are employed in a profession or by a company which may be affected by legislation shall disclose that fact, but may vote on such legislation as long as they receive no direct compensation or benefit or will be affected in any way different from all individuals employed by that company or in that profession.

Town officials who are members of any commission or board who are state legislators, or are active in promoting, lobbying for or drafting related legislation at the state level shall disclose that interest and may vote on such legislation at the town level.

Section 17. DISTRIBUTION OF CODE OF ETHICS

The Town Clerk shall cause a copy of this Code of Ethics to be distributed to every Town officer and employee of the Town within thirty (30) days after enactment of this code. This code shall be made known and available to individual (s) If partnership (s), corporation (s), or other entities doing business with the town. Each public officer and employee elected, appointed or engaged thereafter shall be furnished a copy before entering upon the duties of this office or employment.

Introduced: August 18, 1987
Advertised: August 25, 1987
Public Hearing: September 1, 1987
Council Action: September 1, 1987
Advertised: September 5, 1987
Effective Date: September 20, 1987
Amended by Ordinance #175 (page 304)

ORDINANCE #174

**ORDINANCE ESTABLISHING CHARGES FOR INSPECTIONS OF DEEP TEST PITS,
PLAN REVIEW, INSTALLATION OF ON SITE SEWAGE DISPOSAL SYSTEM,
SANITARY SURVEYS AND WELLS.**

Ordinances 143 and 153 of the General Ordinances of the Town of Vernon are hereby repealed and the following is substituted in lieu thereof.

1) The fee for witnessing soil tests (deep test holes) and percolation tests with respect to any proposed subdivision or single lot sub surface sewage disposal investigations is \$25.00 for the first hour, or any part thereof, and \$15.00 for each hour thereafter.

2) The prepayment fee for Plan review with on site sewage disposal system which have flows of less than 2000 gals. per day shall be: \$25.00

3) The prepayment fee for Plan review with on site sewage disposal system which have flows greater than 2000 gals. per day shall be: \$50.00

4) The fee for inspection of an on site sewage disposal system with flows of less than 2000 gals. per day shall be: New \$40.00 Repair \$25.00

5) The fee for inspection of an on site sewage disposal system with flows of greater than 2000 gals. per day shall be: New \$100 Repair \$75.00

6) The fee for the services of the Town Environmental Health Officer to issue a permit to discharge to a sub-surface sewage disposal system shall be: \$5.00

7) The fee for the services of the Town Environmental Health Officer to inspect the installation of a new well shall be \$15.00

8) The fee for the service of the Town Environmental Health Officer to perform a sanitary survey shall be \$40.00

9) All such fees shall be paid to the Town of Vernon and shall be deposited in its general fund.

Introduced: June 7, 1988
Advertised: June 11, 1988 in Journal Inquirer
Public Hearing: June 21, 1988
Council Action: July 5, 1988
Advertised: July 9, 1988
Effective Date: July 24, 1988

ORDINANCE #175

ORDINANCE AMENDING ORDINANCE #173 ENTITLED "ORDINANCE ESTABLISHING A CODE OF ETHICS FOR THE TOWN OF VERNON"

BE IT ORDAINED:

By the Council of the Town of Vernon that Subsection h. of Section 9. of Ordinance #173 entitled "Ordinance Establishing a Code of Ethics for the Town of Vernon" is hereby repealed and the following is substituted in its place:

h. No town official, employee, individual (s), partnership (s), corporation (s) or other entities who in their capacity as such officer or employee participates in the making of a contract or accepts a purchase order in which they have a private pecuniary interest, direct or indirect, shall bid upon nor enter into any contract or bid upon nor accept any purchase order from the Town or Board of Education unless the Town Administrator for the Town, or Superintendent of Schools for the Board of Education waives the requirements of this Section after determining that it is in the best interest of the Town to do so.

Introduced:	August 2, 1988
Advertised:	August 24, 1988
Public Hearing:	September 6, 1988
Council Action:	November 1, 1988
Advertised:	November 5, 1988
Effective Date:	November 20, 1988

ORDINANCE #176

AN ORDINANCE PROVIDING FOR REGULATION OF THE SALE OR DISTRIBUTION OF DRUG PARAPHERNALIA

WHEREAS, certain items designed or marketed for use with illegal controlled substances are being retailed within the Town of Vernon; and

WHEREAS, there is evidence that these items are designed or marketed for use with illegal controlled substances and it is in the best interest of the health, safety and welfare of the citizens of the Town of Vernon to regulate within the Town the sale of items designed or marketed for use with illegal controlled substances.

NOW THEREFORE, the Town Council of the Town of Vernon hereby ordains:

1. LICENSE REQUIREMENT:

- a. It shall be unlawful for any person or persons or corporations as principal, clerk, agent or servant to sell any drug paraphernalia, as hereinafter defined without obtaining a license therefor. Such license shall be in addition to any or all other licenses held by applicant.
- b. Such license shall be renewable annually.

2. APPLICATION:

- a. Application for a license or renewal thereof to sell drug paraphernalia shall be made to the Chief of Police of the Town of Vernon on forms available from said Chief of Police.
- b. The application shall be accompanied by affidavits by the applicant and each and every employee authorized to sell such drug paraphernalia that such person has never been convicted of a drug-related offense.
- c. The application shall be accompanied by a licensing fee of \$150.00 which shall be the annual licensing fee and shall be payable each year upon renewal.
- d. The applicant or license holder shall notify the Chief of Police whenever a principal, clerk, agent or servant who filed an affidavit pursuant to subsection b. hereof is no longer engaged in such activity and upon a new principal, clerk, agent or servant engaging in such activity shall file an affidavit for such person in conformance of subsection b. hereof.

3. MINORS:

It shall be unlawful to sell or give drug paraphernalia as hereinafter defined, in any form to any person under eighteen years of age.

4. RECORDS:

Every licensee must keep a duplicate set of records of all sales of drug paraphernalia and one such set shall be sent to the Vernon Police Department weekly and the other set shall be open to inspection of any police officer at any time during the hours of business. Such record shall contain the name and address of the purchaser, the name and quantity of the product, the date and the time of the sale and the licensee's signature. Such records shall be retained for no less than two (2) years.

5. DRUG PARAPHERNALIA:

"Drug Paraphernalia" refers to equipment, products and materials of any kind which are marketed for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing into the human body, any controlled substance contrary to the provisions of Chapter 420b of the Connecticut General Statutes including, but not limited to: (1) Kits marketed for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived; (2) kits marketed for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances; (3) isomerization devices marketed for use in increasing the potency of any species of plant which is a controlled substance; (4) testing equipment marketed for use or designed for use in identifying or analyzing the strength, effectiveness or purity of controlled substances; (5) dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose

ORDINANCE #176

AN ORDINANCE PROVIDING FOR REGULATION OF THE SALE OR DISTRIBUTION OF DRUG PARAPHERNALIA

marketed for use or designed for use in cutting controlled substances; (6) separation gins and sifters marketed for use or designed for use in removing twigs and seeds from or in otherwise cleaning or refining, marihuana; (7) capsules and other containers marketed for use or designed for use in packaging small quantities of controlled substances; (8) containers and other objects marketed for use or designed for use in storing or concealing controlled substances; (9) hypodermic syringes, needles and other objects marketed for use or designed for use in parenterally injecting controlled substances into the human body; (10) objects marketed for use or designed for use in ingesting, inhaling, or otherwise introducing marihuana, cocaine, hashish, or hashish oil into the human body, such as: Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with screens, permanent screens, hashish heads or punctured metal bowls; water pipes; carburetion tubes and devices; smoking and carburetion masks, roach clips: Meaning objects used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoons, and cocaine vials; chamber pipes; carburetor pipes; electric pipes, airdriven pipes; chillums; bongos or ice pipes or chillers.

6. GUIDELINES:

The Town Council of the Town of Vernon shall promulgate guidelines to be used in the interpretation and enforcement of this ordinance. Said guidelines may be modified from time to time as said council deems appropriate.

7. SEVERABILITY:

If any section, part, clause or phrase in this ordinance is for any reason held to be invalid or unconstitutional, sections, parts, clauses and phrases in said Ordinance not held to be invalid or unconstitutional shall not be affected and shall remain in full force and effect.

8. PENALTY:

- a.** Any person violating any provision of this ordinance shall be fined not more than \$99.00 for each offense. Each day that such violation shall continue shall be deemed a separate and distinct offense.
- b.** In addition to the penalty imposed under subparagraph a. hereof if any person, corporation, or other business having a license hereunder violates any provision of this ordinance via conduct of its owner, clerk, agent or servant, then said license shall be revoked.

Introduced: November 15, 1988
Advertised: November 28, 1988
Public Hearing: December 6, 1988
Council Action: December 6, 1988
Advertised: December 10, 1988
Effective Date: December 25, 1988

ORDINANCE #177

ORDINANCE AUTHORIZING THE FORMATION OF THE VERNON HOUSING PARTNERSHIP

WHEREAS, the Town Council of the Town of Vernon hereby declares that a local housing partnership should be formed, in accordance with P.A. 88-305, in order to develop ways to increase the supply and availability of affordable housing in Vernon.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF VERNON:

Section 1. Housing Partnership Created: There is hereby created the Vernon Housing Partnership (Hereinafter referred to as the "Partnership"), the members of which shall be appointed by the Mayor. The partnership shall consist of the following members:

- (a) The Mayor of the Town of Vernon;
- (b) Representatives of the Planning and Zoning Commission, Inland Wetlands Commission, Housing Authority and any local community development agency, not to exceed 5 in number;
- (c) Representatives of the local business community, such as local bankers, realtors and developers, not to exceed 3 in number;
- (d) Representatives of public interest groups, such as housing advocates, members of the clergy, members of local civic groups and representatives of local nonprofit corporations, not to exceed 3 in number; and
- (e) Local urban planning, land use and housing professionals, not to exceed 4 in number.

Section 2. Municipal Responsibilities: The responsibilities of the Town of Vernon, in order to receive initial designation under the Connecticut Housing Partnership program, shall include the following:

- (a) Submit evidence to the Commissioner of Housing that the Partnership has been formed in accordance with P.A. 88-305; and
- (b) Submit evidence to the Commissioner of Housing that sufficient local resources have been committed to the Partnership.

Section 3. Partnership Duties: The duties of the Partnership, in order to receive development designation under the Connecticut Housing Partnership Program, shall include the following:

- (a) To examine and identify housing needs and opportunities in the community;
- (b) To explore the availability of any state, municipal or other land that is suitable for the development of affordable housing;
- (c) To review applicable zoning regulations to determine whether such regulations restrict the development of affordable housing in the community;
- (d) To identify any necessary changes to such regulations;
- (e) To establish priorities and develop a long-range plan to meet identified housing needs in the community consistent with regional housing needs;
- (f) To establish procedures for the development of a written proposal to achieve such priorities in accordance with said plan; and
- (g) To start an activity, development or project designed to create additional affordable housing in Vernon.

Section 4. Conflicting Resolutions, Order, Rules and Regulations Suspended: At all times when any orders, rules and regulations made and promulgated pursuant to this resolution shall be in effect, they shall supersede all existing resolutions, orders, rules and regulations insofar as the latter may be inconsistent therewith.

Section 5. No Conflict with State or Federal Statutes: This resolution shall not be construed so as to conflict with any State or Federal Statute, rule or regulation.

Section 6. Expenses of the Vernon Housing Partnership: No person shall have the right to expend any public funds of the Municipality in carrying out any Partnership activities authorized by this resolution without prior approval by the Town Council nor shall any person have any right to bind the municipality by contract, agreement, or otherwise without prior and specific approval of the Town Council.

Introduced: November 15, 1988
Advertised: November 28, 1988
Public Hearing: December 6, 1988
Council Action: December 6, 1988
Advertised: December 10, 1988
Effective Date: December 25, 1988

ORDINANCE # 178

ORDINANCE INCREASING THE \$7,330,000 APPROPRIATION AND BOND AND NOTE AUTHORIZATION FOR ASBESTOS REMOVAL, SAFETY AND OTHER CODE COMPLIANCE IMPROVEMENTS, ENERGY CONSERVATION AND OTHER RENOVATIONS TO VARIOUS SCHOOLS BY \$10,500,000 FOR AN AGGREGATE APPROPRIATION AND BOND AND NOTE AUTHORIZATION OF \$17,830,000

BE IT ORDAINED: That Ordinance #164 which appropriated \$7,330,000 for asbestos removal, safety and other code compliance improvements, energy conservation and other renovations to various schools and which was adopted at Town Council meeting held August 19, 1986 and approved at referendum held November 4, 1986 be amended as follows:

(a) That the Town of Vernon increase by TEN MILLION FIVE HUNDRED THOUSAND DOLLARS (\$10,500,000) the SEVEN MILLION THREE HUNDRED THIRTY THOUSAND DOLLAR (\$7,330,000) appropriation for the project, for an aggregate appropriation of SEVENTEEN MILLION EIGHT HUNDRED THIRTY THOUSAND DOLLARS (\$17,830,000).

(b) That the SEVEN MILLION THREE HUNDRED THIRTY THOUSAND DOLLAR (\$7,330,000) serial bonds or notes and temporary notes authorized for the project be increased by TEN MILLION FIVE HUNDRED THOUSAND DOLLARS (\$10,500,000), for a total aggregate serial bond or note and temporary note authorization of SEVENTEEN MILLION EIGHT HUNDRED THIRTY THOUSAND DOLLARS (\$17,830,000), including the \$510,000 bonds issued in 1987 and the \$5,000,000 bonds issued in 1988 for the project.

(c) That the Permanent Municipal Building Committee is authorized to expend up to \$17,123,610 of said appropriation to carry out the project, with the remaining amount of said appropriation to be spent on net interest on temporary borrowing and other legal and financing costs unless the Mayor, Town Administrator and Treasurer, or any two of them, authorize the expenditure of said remaining amount for the project.

(d) This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon and after approval at referendum vote as provided in Chapter XII, Section 12 of the Town's Charter.

Introduced: December 20, 1988
Advertised: December 22, 1988 - Journal Inquirer
Public Hearing: December .24, 1988
Council Action: January 17, 1989 - subject to Referendum Vote
Advertised: January 24, 1989
Effective Date: Approved by Referendum Vote March 7, 1989

ORDINANCE #179

ORDINANCE AMENDING ORDINANCE #169 ENTITLED “AN ORDINANCE REGULATING THE STORAGE, COLLECTION AND DISPOSAL OF SOLID WASTE AND PROVIDING FOR A SYSTEM OF REFUSE COLLECTION AND DISPOSAL AND THE ADMINISTRATION THEREOF”

BE IT ORDAINED by the Town Council of the Town of Vernon that Ordinance #169 entitled “An Ordinance Regulating the Storage, Collection and Disposal of Solid Waste and Providing for a System of Refuse Collection and Disposal and the Administration thereof” is hereby amended by adding the following subsection:

Sec. 9 (f) Designation of Agent. The Director may designate the Connecticut Resource Recovery Authority and/or its subsidiaries as agent for the Municipality for purposes of billing, receipt of payment and collection of the Disposal Charges for each Refuse Collector.

Introduced: February 7, 1989
Advertised: February 11, 1989 in Journal Inquirer
Public Hearing: February 21, 1989
Council Action: February 21, 1989
Advertised: February 25, 1989 in Journal Inquirer
Effective Date: March 12, 1989
Amending Ordinance #169

ORDINANCE #180

ORDINANCE AMENDING ORDINANCE #14 ENTITLED "MAYORAL POWER TO APPOINT TRAFFIC AUTHORITY"

BE IT ORDAINED by the Town Council that Ordinance #14 be amended to read as follows:
The Town Council of the Town of Vernon under authority granted to it by the General Statutes of the State of Connecticut hereby empowers the Mayor of said Town to appoint a Traffic Authority as defined by Chapter 249, Part I of the General Statutes, said Authority to have those powers conferred on it by said Statute. Such Traffic Authority shall consist of seven (7) members all of whom shall be appointed by the Mayor with the approval of the Town Council. The members shall be appointed for terms of three (3) years.

Introduced: February 7, 1989
Advertised: February 11, 1989 in Journal Inquirer
Public Hearing: February 21, 1989
Council Action: February 21, 1989
Advertised: February 25, 1989 in Journal Inquirer
Effective Date: March 12, 1989
Amending Ordinance #14

ORDINANCE #181

AN ORDINANCE CONCERNING FINES FOR PARKING VIOLATIONS

BE IT ORDAINED BY THE TOWN OF VERNON that Ordinance #126 is hereby repealed and there is substituted the following:

FINES FOR PARKING VIOLATIONS

The Traffic Authority of the Town of Vernon, pursuant to Connecticut General Statutes Section 14-307, shall cause to be marked any area designated for limitations on parking and shall cause to be promulgated all necessary rules and regulations in order to implement this ordinance.

The Traffic Authority shall periodically review and recommend to the Town Council for adoption by resolution a schedule of fines, not to exceed \$99.00, for the following offenses:

- a) overtime parking;
- b) parking within 10 feet of a fire hydrant;
- c) parking within 25 feet of a corner or a stop sign;
- d) parking within a bus stop area;
- e) parking within a loading or unloading zone;
- f) parking so as to obstruct a driveway;
- g) parking on the wrong side of a street;
- h) parking on a sidewalk;
- i) parking more than 12 inches from the curb;
- j) parking in a designated no parking area;
- k) double parking;
- l) parking in an intersection;
- m) parking in a handicapped area;
- n) overnight parking;
- o) failure to remove snow from sidewalks; and,
- p) violation of the temporary no parking ordinance #117 in effect during snow removal and capital improvement projects.

Adoption of such fines in excess of \$20.00 by the Town Council shall be done after a public hearing, except as to parking in handicapped area any fine for which may be adopted without such public hearing.

The fine for violation of this ordinance shall be payable until the fourteenth (14th) day after the date of issuance of a ticket or summons showing a violation and fine. If the required fine is not paid during that period, the fine due and payable from the fifteenth (15th) day through the thirtieth (30th) day after issue shall be double the amount indicated. If payment is not received within thirty (30) days after issue, a warrant shall be issued for the arrest of the person named on the ticket or summons and said person shall be subject to the maximum penalties provided by law. The ticket or summons issued to the violator shall indicate the offense charged, and a warning showing the consequences of late payment as set forth herein.

Introduced:	September 5, 1989
Advertised:	September 8, 1989 in Journal Inquirer
Public Hearing:	September 19, 1989
Council Action:	September 19, 1989
Advertised:	September 26, 1989 in Journal Inquirer
Effective Date:	October 11, 1989

ORDINANCE #182

AN ORDINANCE AMENDING ORDINANCE #151 ENTITLED “NIGHT TIME PARKING”

BE IT ORDAINED by the Town Council of the Town of Vernon that Ordinance #151 entitled “Night Time Parking” is hereby repealed and the following is substituted in its place:

Any person leaving a vehicle parked upon a public highway or street in the Town of Vernon between 3:30 a.m. and 5:00 a.m. shall be fined an amount not to exceed \$99.00, said fine to be established by resolution of the Town Council. Exemptions may be granted by the Vernon Police Department in the event of fire, sickness, or emergency.

Introduced: September 5, 1989
Advertised: September 8, 1989 in Journal Inquirer
Public Hearing: September 19, 1989
Council Action: September 19, 1989
Advertised: September 26, 1989 in Journal Inquirer
Effective Date: October 11, 1989
Amended Ordinance #238

ORDINANCE #183

ORDINANCE CONCERNING COMPETITIVE BIDDING REQUIREMENTS OF THE TOWN OF VERNON

BE IT ORDAINED by the Town Council of the Town of Vernon, That in accordance with Public Act 89-136 of the Connecticut General Assembly which authorizes the establishment of requirements for competitive bidding, the following rules and regulations are adopted:

1. Except as required by any provision of the General Statutes of the State of Connecticut, sealed bidding shall not be required for contracts or purchases having a value less than Seven Thousand Five Hundred Dollars (\$7,500.00); for contracts or purchases having a value between Five Thousand Dollars (\$5,000.00) and Seven Thousand Five Hundred Dollars (\$7,500.00), three (3) quotations shall be obtained; and for contracts and purchases having a value less than Five Thousand Dollars (\$5,000.00) , direct negotiations with prospective suppliers shall be done.
2. These regulations shall apply to the awarding of any contract or the purchase of any real or personal property by the Town of Vernon.
3. This Ordinance shall terminate on the effective date of the next revision to the Town Charter.

Introduced: February 6, 1990
Advertised: February 13, 1990
Public Hearing: February 20, 1990
Council Action: February 20, 1990
Advertised: February 24, 1990
Effective Date: March 11, 1990
Town Charter Revised November 6, 1990

ORDINANCE #184

ORDINANCE AMENDING ORDINANCE #172 ENTITLED “AN ORDINANCE ESTABLISHING BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY FEES”

BE IT ORDAINED by the Town Council of the Town of Vernon, That Ordinance #172 be amended to read that the following be established as fees for certificates of occupancy and building permits in the Town of Vernon to be paid to the Building Official’s Office, after which a building permit and/or certificate of occupancy may be issued:

Certificate of Occupancy\$5.00

Building Permits:

\$10.00 per \$1,000.00 or any fraction thereof
of estimated cost.

Introduced: February 20, 1990

Advertised: February 24, 1990

Public Hearing: March 6, 1990

Council Action: March 6, 1990

Advertised: March 10, 1990

Effective Date: March 25, 1990

*AMENDED BY ORDINANCE #229 - 5-16-2000

ORDINANCE #185

**AN ORDINANCE ESTABLISHING A LOCAL HISTORIC PROPERTIES
COMMISSION AND DESIGNATING A HISTORIC PROPERTY**

BE IT ORDAINED AS FOLLOWS:

SECTION 1 - INTENT

It is the intent of this ordinance to promote the educational, cultural, economic and general welfare of the Town of Vernon through the preservation and protection of Historic Properties within the Town; and to preserve and protect its architectural and historical integrity.

SECTION 2 - PURPOSE

The purpose of this ordinance is to carry out the provisions of Sections 7-147p through 7-1⁴⁷y of the Connecticut General Statutes concerning historic properties as amended, herein referred to as the Act.

SECTION 3 - COMMISSION

a. Establishment

A Historic Properties Commission is hereby established which shall have such powers and limitations and perform such functions as shall be prescribed under the General Statutes of Connecticut and as provided in this Ordinance.

b. Composition

The commission shall consist of five regular members and at least three alternate members, all of whom shall be electors of the town holding no salaried town office. All shall serve without compensation.

c. Terms

The terms of the original members of the Commission shall be such that the term of at least one regular member and one alternate member shall expire each year. Their successors shall be appointed for terms respectively of five years for regular members and three years for alternate members, except that an appointment to fill a vacancy shall be for the duration of the unexpired term.

d. Officers

Within thirty (30) days after appointment of the original members of the Commission, and annually thereafter, the regular members shall meet and elect officers as specified in the Act. Alternate members shall not participate in the vote for election of officers of the Commission.

e. Appointment

Members shall be appointed within 30 days of the passage of this Ordinance. Appointments shall be made by the Mayor with approval by the majority of the Town Council.

f. Quorums

Three members of the commission shall constitute a quorum for the transaction of its business or the performance of its functions and the concurring vote of a majority of those constituting a quorum shall be necessary for the adoption of any recommendation, motions, or other acts of the Commission; except that the affirmative vote of at least three members shall be necessary for the approval of a certificate of appropriateness.

g. Designation of Alternates

When a member of the Commission is unavailable to act at a particular time due to absence, sickness, conflict of interest or other good reason, the Chairman shall designate an alternate member to act in place of such member, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible.

h. Notice, Hearings, and Approvals

- i) The Historic Properties Commission shall hold a public hearing upon each application for the certificate of appropriateness unless the Commission determines that such application involves items not subject to approval by the Commission. The Commission shall fix a reasonable time and place for such hearing. Notice of the time and place of such hearing shall be given by publication in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the Town of Vernon not more than fifteen days and not less than five days before such hearing.
- ii) Within not more than sixty-five days after the filing of an application, the Commission

ORDINANCE #185

AN ORDINANCE ESTABLISHING A LOCAL HISTORIC PROPERTIES COMMISSION AND DESIGNATING A HISTORIC PROPERTY

shall pass upon such application and shall give written notice of its decision to the applicant. Failure of the Commission to act within said sixty-five days shall constitute approval and no other evidence of approval shall be needed.

- iii) Evidence of approval shall be by certificate of appropriateness issued by the Commission.
- iv) When a certificate of appropriateness has been denied, the Commission shall place upon its records and in the notice to the applicant the reasons for its determination.
- v) All hearings and meetings of the Commission at which decisions are made shall be open to the public. The Commission shall keep a permanent record of its resolutions, transactions and determinations and of the vote of each member participating thereon.

i. Commission Action

In its deliberations, the Commission shall act only for the purpose of controlling the erection, demolition or alternation of buildings, structures or parking, visible from the public right of way, which are incongruous with the historical or architectural aspects of the properties.

j. Adoption of Rules

The Commission shall adopt rules of procedure which it deems necessary to carry out the intent of section 7-147p through 7-147y of the General Statutes and the intent expressed in Section 1 above. The Commission shall adopt guidelines not inconsistent with the provisions of sections 7-147p through 7-147y, inclusive, to provide guidance to property owners as to factors to be considered in preparing an application for a certificate of appropriateness. Such guidelines shall not be such as to bind the Historic Properties Commission to any uniform or necessarily traditional style throughout the properties, but shall look both to the protection of the old and to the interest and distinctiveness of this community.

SECTION 4 - COMMISSION DUTIES

a. Relationship to Other Commissions

The Commission and other Town Commissions and offices whose areas of concern may overlap or affect each other shall maintain liaison for information and coordination in matter with which the Commission may be dealing.

b. Annual Report

The Commission shall make an annual report of its activities to the Town Council.

c. Cooperation and Coordination

The Commission may:

- i) provide information to the property owners and others involving the preservation of the property;
- ii) initiate planning and zoning proposals;
- iii) cooperate with other regulatory agencies and civic organizations and groups interested in historic preservation;
- iv) comment on applications for zoning variances and special exceptions where they affect Historic Property;
- v) render advice on sidewalk construction and repair, tree planting, street improvements and the erection or alteration of public buildings not otherwise under its control where they affect the Historic Property, and
- vi) furnish information and assistance in connection with any capital improvement program involving the Historic Property.

SECTION 5 - CITIZEN INVOLVEMENT

For the purpose of encouraging the responsiveness, securing the support, and drawing on the resources of the owners of historic properties and other interested residents of the area who are not members of the Historic Properties Commission, and apart from the provision in the Act for formal appeals from the Commission decisions by aggrieved parties and other than the required public hearings by the Commission upon applications for certificates of appropriateness, the Commission shall hold meetings with said owners and other interested residents when such

ORDINANCE #185

**AN ORDINANCE ESTABLISHING A LOCAL HISTORIC PROPERTIES
COMMISSION AND DESIGNATING A HISTORIC PROPERTY**

person makes a written request to the Commission for such meeting to discuss matters of policy or other matters that may be an issue between property owners and the Commission. The Commission shall call meetings so requested within 65 days, shall not be bound by the meetings, but in formulating policy shall be responsive to the sentiments of the Community insofar as its best judgement suggests and the powers and limitations derived from the General Statutes permit.

SECTION 6 - ENFORCEMENT

Regulations and orders of the Commission issued pursuant to the Act or to this Ordinance shall be enforced by the Zoning Enforcement Official.

SECTION 7 - DESIGNATION OF HISTORIC PROPERTIES

a. Properties that are designated Historic Properties are to be described by recording in land records of Town of Vernon that gives a description of the property and the fact that it has been declared a Historic Property pursuant to the provisions of the Connecticut General Statutes Section 7-147p through 7-147y and the provisions of this Ordinance.

b. The following property owned by the Town of Vernon known as Skinner-Hammond House is designated a Historic Property as follows:

Beginning at an iron pin on the Northerly side of Dart Road, so-called, which iron pin is at the Southwest corner of the premises here-in described and is 266.42 feet Easterly from a Connecticut Highway Department monument at the intersection of the Northerly side of Dart Road and the Easterly side of West Street, so-called; thence from said point of beginning N.5 12' 30" E., a distance of 116.63 feet to an iron pin; thence S. 88 22' 40" E., a distance of 165.69 feet to a Connecticut Highway Department bound on the Northerly side of Connecticut Highway Route #30; thence S. 55 36' 55" W., a distance of 194.0 feet along the Northerly side of Connecticut Highway Route #30 to an iron pin; thence N. 84 47' 30" W., a distance of 130.0 feet along the Northerly side of Dart Road; so-called, to the point and place of beginning.

SECTION 8 - EFFECTIVE DATE

This Ordinance shall take effect 30 days from its passage.

SECTION 9 - TERMINATION OF HISTORIC PROPERTY STUDY COMMITTEE

Upon this ordinance becoming effective, the Historic Property Study Committee established March 21, 1989 is terminated.

- Introduced: March 6, 1990
- Advertised: March 12, 1990 in Journal Inquirer
- Public Hearing: March 20, 1990
- Council Action: March 20, 1990
- Advertised: March 24, 1990 in Journal Inquirer
- Effective Date: April 19, 1990
- Amended by Ordinance #236 – April 17, 2001

ORDINANCE #186

AN ORDINANCE REGULATING THE STORAGE, COLLECTION AND DISPOSAL OF SOLID WASTE AND PROVIDING FOR A SYSTEM OF REFUSE COLLECTION AND DISPOSAL AND THE ADMINISTRATION THEREOF.

BE IT ORDAINED by the Town Council of the Town of Vernon that Ordinance Number 169 entitled “An Ordinance Concerning the Licensing of Refuse and Garbage Collectors in the Town of Vernon” is hereby repealed and that an Ordinance entitled “An Ordinance Regulating the Storage, Collection and Disposal of solid waste and Providing for a system of Refuse Collection and Disposal and the Administration Thereof” be adopted as follows:

Solid Waste Collection and Disposal

Sec. 1. Declaration of Policy

The accumulation, collection, removal and disposal of Solid Waste must be controlled by this Municipality for the protection of the public health, safety, and welfare. It is consequently found and declared that:

- (a) this Municipality is also authorized by law to regulate the disposition of solid waste generated within it’s boundaries and to collect a charge therefor and to license Refuse Collectors; and
- (b) this Municipality is authorized by Connecticut General Statutes Section 22a-220a to designate the area where Solid Waste generated within its boundaries shall be disposed; and
- (c) this Municipality has executed the Municipal Service Agreement requiring it to cause all Solid Waste generated within its boundaries and which meets the Contractual Standards to be delivered to the Mid-Connecticut System; and
- (d) the public health, safety and welfare of this Municipality will be best served by requiring the delivery of such Solid Waste to the Transfer Station for processing by the Mid Connecticut System and the generation of electricity; and
- (e) the enactment of this ordinance is in furtherance of this Municipality’s regional Solid Waste Management Plan.

Therefore, on and after the effective date of this Ordinance and under regulations issued by the Director of Public Works or his agent in accordance with the terms of this Ordinance, there is hereby established a program for the collection and disposal of solid waste from all occupants of residential dwelling units located within this municipality. Said program shall not apply to residential dwelling units of more than six (6) units; condominium complexes or apartments; or business, commercial, and industrial establishments.

Sec. 2. Definitions.

The following terms shall have the following meanings:

- (a) “Authority” shall mean the Connecticut Resources Recovery Authority established pursuant to Chapter 446e of the Connecticut General Statutes, Revision of 1958, as amended.
- (b) “Contractual Standards” for Solid Waste delivered to the Mid-Connecticut System are as follows:
 - (1) It must be Solid Waste emanating from within the corporate boundaries of this Municipality;
 - (2) It must not be of such quantity, quality or other nature as to materially impair the operation or capacity of the Mid-Connecticut System or any portion thereof, normal and reasonable wear and usage excepted;
 - (3) It must not be of such a quantity, quality or other nature as to materially impair the strength or the durability of the structures, equipment, or works which are a part of the Mid-Connecticut System or any portion thereof;
 - (4) It must not be of such a quantity, quality or other nature as to create flammable or explosive conditions in the Mid-Connecticut System or any portion thereof;
 - (5) It must not contain chemical or other properties which are deleterious, as determined by the Authority or capable of causing material damage to any part of the system or to personnel; and
 - (6) It must not include hazardous waste.

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- (c) "Director" shall mean the Director of Public Works of this Municipality.
- (d) "Disposal Charge" means that amount of money to be charged for each ton of Solid Waste delivered to the Mid-Connecticut System as established by the procedures authorized in the Municipal Service Agreement.
- (e) "Hazardous Waste" means pathological, biological, cesspool or other human wastes, human and animal remains, radioactive, toxic and other hazardous wastes which according to Federal, state or local rules or regulations from time to time in effect require special handling in their collection, treatment or disposal, including those regulated under 42 U.S.C. Subsection 6921-6925 and regulations thereunder adopted by the United States Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act of 1976 90 Stat. 2806, 42 U.S.C. Section 6901, such as cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, drugs, fine powdery earth used to filter cleaning fluid and refuse of similar nature.
- (f) "Mid-Connecticut System" shall mean the system for the processing of Solid Waste and the recovery of energy therefrom constructed by the Authority pursuant to the Municipal Service Agreement.
- (g) "Municipal Service Agreement" shall mean the Municipal Solid Waste Management Services Contract between this Municipality and the Authority dated as of May 5, 1984.
- (h) "Municipality" shall mean the Town of Vernon, Connecticut.
- (i) "Refuse Collectors" shall include any person, firm or corporation engaged in the business of collecting and transporting commercial, household or industrial Solid Waste for hire within this Municipality.
- (j) "Solid Waste" means unwanted or discarded materials consistent with the meaning of that term pursuant to Section 22a-260(7) of the Connecticut General Statutes, excluding semi-solid or liquid materials collected and treated in a sewerage system.
- (k) "Transfer Station" shall mean that facility constructed by the Authority as part of the Mid-Connecticut System and located at Ellington, Connecticut.

Sec. 3. License Required for Refuse Collections.

All Solid Waste accumulated in this Municipality shall be collected, conveyed and disposed of by this Municipality or by persons licensed by this Municipality to perform such work and in accordance with the provisions of this ordinance. No other person shall collect, convey or dispose of any Solid Waste in the Municipality; except that the actual producers of Solid Waste or the owners of premises in this Municipality upon which Solid Waste has accumulated may personally collect, convey and dispose of such Solid Waste upon complying with the other provisions of this Ordinance and with any other applicable ordinances and regulations. No Solid Waste collected from outside this Municipality shall be disposed of under a license or registration issued pursuant to this Ordinance.

Sec. 4. Refuse Containers

- (a) Provision for containers. The owner or occupant of each residential dwelling unit in which Solid Waste is created or generated shall provide, at a suitable place upon such premises, sufficient receptacles for receiving and holding such Solid Waste during the intervals between collections. Solid Waste containers shall be maintained in good condition free of holes and fissures and shall be equipped with securely fitting covers.
- (b) Containers for commercial Solid Waste. The standard container for commercial Solid Waste shall be a watertight, vermin proof galvanized metal or non-brittle plastic receptacle, with a tight lid, of not less than twenty (20) or more than thirty (30) gallon capacity; except that commercial establishments may provide for a large covered container designed to be emptied into a refuse truck.
- (c) Containers for household Solid Waste; number of collections. The standard container for household Solid Waste shall be a watertight, vermin proof galvanized metal or non-brittle plastic receptacle, with a tight lid, or plastic bags, of not less than twenty (20) or more than thirty (30) gallon capacity. Curbside collections shall be made at least once each week.

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Sec. 5. Storing of Solid Waste.

- (a) Public places. No person shall place any Solid Waste in any street, alley or other public place or upon any private property, whether owned by such person or not, within this Municipality except in proper containers or otherwise properly prepared for collection or under express approval granted by the Director. Nor shall any person throw or deposit any Solid Waste in any stream or other body of water.
- (b) Accumulation of Solid Waste. Solid waste may not be placed at curbside for collection sooner than twenty-four (24) hours prior to the scheduled day of collection. Any uncontainerized accumulation of Solid Waste on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any accumulation of Solid Waste within ten (10) days after written notice by registered mail to remove same shall be deemed a violation of this ordinance.
- (c) Scattering of Solid Waste. No person shall cast, place, sweep or deposit anywhere within this Municipality any Solid Waste in such a manner that it may be carried or deposited by the elements upon or in street, sidewalk, alley, sewer, parkway or other public place.
- (d) Hazardous Wastes. It shall be unlawful for any person, firm or corporation to place Hazardous Wastes or similarly dangerous substances into any Solid Waste container or to transport any such substance to the Transfer Station.

Sec. 6. Licensing of Refuse Collectors; Registration of Vehicles, etc.

- (a) Licensing and registration authority designated. The Director of Public Works shall be the licensing and registration authority for Refuse Collectors and vehicles and containers. The Director of Public Works shall grant a license within a reasonable time following the filing of a proper application and payment of the prescribed fee unless he finds one or more of the following conditions to prevail:
 - (1) The applicant has had a previous suspension or revocation of licenses; or
 - (2) The applicant lacks suitable equipment with which to collect Solid Waste in a safe and nuisance-free manner and in compliance with this Article.
- (b) License required. Each Refuse Collector shall annually on or before July first apply for a license from the Director on such form as he shall prescribe to engage in business of Solid Waste collection in this Municipality.
- (c) Certificate of Insurance. No such license shall be issued until the contractor files with the Town of Vernon a Certificate of Liability Insurance in the amount of one million (\$1,000,000) dollars, Property Damage - one hundred thousand (\$100,000) dollars, Liability, each person - and three hundred thousand (\$300,000) dollars per accident together with such recommendations for compensation insurance as provided by law.
- (d) Registration of vehicles, containers. Each licensed Refuse Collector shall obtain a separate registration for each vehicle he operates to transport Solid Waste within this Municipality. Registrations shall also be required for all permanent containers in capacity greater than 10 cubic yards. Registrations shall not be transferable from vehicle to vehicle, nor from container to container, provided, however, the Director of Public Works may allow such temporary transfer of registrations in hardship situations, such as a temporary breakdown of an individually licensed vehicle.
- (e) Registration term, fee: renewal. All registrations shall be issued for a term not to exceed one year and shall be renewable on or before the first day of July of each year. The registration fee shall be One Hundred (\$100.00) dollars for each vehicle.
- (f) Reinspection upon sale, transfer of vehicle during registration year. Whenever a duly registered vehicle is sold or transferred to another Refuse Collector licensed in this Municipality during the registration year, said vehicle shall be reinspected within seven (7) days of such transfer date but no additional fee shall be required.
- (g) Display of registration. The registration issued shall be conspicuously displayed on the left front of each vehicle so licensed, and each container, or as may be directed.
- (h) Identification of vehicles and containers. Each licensee shall prominently display at all times on each registered vehicle and/or containers, in letters at least four (4) inches in

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height his name, registration number and telephone number.

- (i) Notification required upon sale, transfer of route. When any licensee shall sell or transfer all or part of his route to another Refuse Collector presently licensed to collect Solid Waste in this Municipality he shall forthwith give written notice to the Director of Public Works at least seven (7) days before the date of the sale or transfer stating the name of the buyer and the intended date of sale.
- (j) Licenses nontransferable. Licenses are not transferable. When any licensee shall sell or transfer, all or part of his route to any Refuse Collector not licensed in this Municipality, he shall first notify the Director of Public Works in writing, of his intent to sell and the transferee shall, at the same time, make application for a license to operate in this Municipality.

Sec. 7. Revocation or Suspension of License or Registration.

- (a) Generally. A license to engage in Solid Waste collection in this Municipality and to use the Transfer Station or other refuse facilities provided by this Municipality is a privilege, not a right. Failure to comply with the provisions of this ordinance shall be grounds for revocation or suspension of any license or registration issued under the Provisions of this Ordinance in addition to any other penalty imposed by law.
- (b) Notice required. Revocation or suspensions shall only become effective five (5) calendar days after receipt of written notice from the Director of Public Works.
- (c) Request for review, filing; effect of failure to file. If a Refuse Collector objects to the Director of Public Works' action described in paragraph (b) above to revoke or suspend his license or registration, he may, within the five (5) calendar days of receipt of said notice, file a written request for review with the Town Administrator. Failure to timely file such request for review shall make the Director of Public Works' action final and binding upon the Refuse Collector.
- (d) Effect of timely filing. Timely filing of such request for review shall operate as an automatic stay of the Director's action.
- (e) Special appeals board; hearing. The Mayor shall appoint forthwith a special appeals board consisting of three (3) electors of this Municipality and one (1) licensed Refuse Collector and one member of the Town Council, and said board shall then within fifteen (15) days hear and decide the matter. Such hearing may be public if so requested, in writing, by the Refuse Collector. The decision of said board shall be final and binding upon the Refuse Collector.

Sec. 8. Administration; promulgation of rules and regulations.

- (a) The Director of Public Works shall administer the licensing of any Refuse Collector engaged in the collecting and transporting of Solid Waste in this Municipality.
- (b) The Director of Public Works may promulgate additional rules on all collection and disposal procedures from time to time as he deems proper, but such rules shall not be inconsistent with this ordinance or applicable state statutes.

Sec. 9. Refuse Collector's Responsibilities and Obligations.

- (a) Place of delivery; payment. Each Refuse Collector shall deliver all Solid Waste meeting the Contractual Standards collected within the territorial limits of this Municipality to the Transfer Station and pay the disposal charge to this Municipality. All other Solid Waste shall be delivered to such place as the Director of Public Works may from time to time designate and any applicable charge shall be paid by the Refuse Collector.
- (b) Failure to pay. Any Refuse Collector failing to pay this Municipality any Disposal Charge within thirty (30) days after the date of bill therefore, shall pay, in addition to the Disposal Charge shown on such bill, interest on such Disposal Charge at the rate of one and one-half (1-1/2) percent per month or fraction thereof commencing on the date of such bill, plus all costs of collection, including an attorney's reasonable bill, incurred by this Municipality. A failure to pay shall also be grounds for revocation or suspension of a license and registration.
- (c) Prohibition on delivery. No Licensee shall deliver any Solid Waste meeting the

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Contractual Standards to any place other than the Transfer Station unless the Transfer Station is incapable of accepting such Solid Waste at the time of delivery, in which event such Solid Waste shall be delivered to the place designated by the Director of Public Works.

- (d) Construction and maintenance of vehicles and Containers. All vehicles registered to collect and transport Solid Waste shall be automatic unloading vehicles of a watertight construction and shall be maintained free of obnoxious odors and accumulated Solid Waste. Any such vehicle with a capacity in excess of ten (10) cubic yards shall be of a closed construction. A container utilized primarily for non-liquid Solid Waste need not be of watertight construction, but shall be completely enclosed. If any such vehicle shall have a capacity of less than ten (10) cubic yards, it may have an open top, provided that it be covered when it is in motion, to prevent the escape of Solid Waste.
- (e) Spilled Solid Waste. Refuse Collectors shall clean up Solid Waste that may spill when being carried or transferred.

Sec. 10. Enforcement of Ordinance

- (a) It shall be the responsibility of the Director of Public Works or his/her agents, and/or the Town of Vernon's Deputy Health Officer or the Vernon Police Department and their designated agents to enforce all provisions of this ordinance.

Sec. 11. Violations and Penalty.

- (a) Any violation of the terms of this ordinance shall be considered an infraction pursuant to the state statutes governing infractions, subjecting the violator to a fine of not more than Ninety (\$90.00) Dollars, unless otherwise specified, in addition to any other penalty imposed hereunder.
- (b) A Resident who fails to comply with this Ordinance shall be subject to a written warning for the first offense; a fine of Forty (\$40.00) dollars for the second offense; and a fine of Ninety (\$90.00) for all subsequent offenses. Each violation shall constitute a separate offense.

Sec. 12. Severability.

If for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder of any portion thereof.

Sec. 13. Repeal of Provision of Ordinance Inconsistent Herewith.

All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Sec. 14. Effective date.

This Ordinance will take effect after publication, as provided by law.

Introduced: August 21, 1990
Advertised: August 28, 1990 in Journal Inquirer
Public Hearing: September 18, 1990
Council Action: October 2, 1990
Advertised: October 11, 1990 in Journal Inquirer
Effective Date: October 26, 1990
Amended by Ordinance #224
Repealed by Ordinance #235

ORDINANCE #187

A SOURCE SEPARATION ORDINANCE REGULATING THE STORAGE, COLLECTION AND DISPOSAL OF DESIGNATED RECYCLABLE MATERIAL AND THE ADMINISTRATION THEREOF FROM WITHIN THE TOWN OF VERNON

Recyclable Material Collection and Disposal

Sec. 1. Declaration of Policy.

The accumulation, collection, removal and disposal of designated recyclable material must be controlled by this Municipality for the protection of the public health, safety, and welfare it is consequently found and declared that:

- (a) this Municipality is authorized by law to regulate the collection and the disposition of designated recyclable material generated within its boundaries and to collect a charge therefor and to license Recycling Collectors; and
- (b) this Municipality is also authorized by Public Act No. 90-220 to provide for the separation, collection, processing and marketing of recyclable material and monitoring progress in recycling; and
- (c) this Municipality is further authorized by Public Act 90-249, to impose a penalty not to exceed Five Hundred (\$500.00) Dollars for each violation by a commercial establishment of the requirements of Connecticut General Statutes Section 22a-241(c), as amended by Section 1 of Public Act 90-220; and
- (d) the enactment of this ordinance is in furtherance of this Municipality's Regional Solid Waste Management Plan.

Sec. 2. Definitions.

As used in this ordinance, the following definitions shall apply:

- (a) Corrugated Cardboard shall mean cardboard which has been processed to have forms or shapes like wrinkles or folds or into alternating ridges and groves and is placed between two flat surfaces for the sake of strength and which is commonly used to form cartons. Corrugated Cardboard products shall have a minimum of contamination by food or other material.
- (b) Dry-Cell Battery shall mean a device used for generating electric current through a chemical reaction, including, but not limited to, nickel-cadmium batteries, carbon batteries and alkaline batteries.
- (c) Glass Food Container shall mean a glass bottle or jar of any size or shape used to package food and beverage products suitable for human or animal consumption.
- (d) HDPE Plastic Container shall mean a high-density polyethylene bottle or jar of any size or shape used to package food, household laundry products, or crankcase oil.
- (e) Metal Food Container shall mean an aluminum, bimetal, steel, tin-plated steel, or other metallic can, plate or tray of any size or shape used to package food and beverage products suitable for human or animal consumption.
- (f) Newspaper shall mean used or discarded newsprint which has a minimum of contamination by food or other material.
- (g) Office Paper shall mean used or discarded high-grade white paper and manila paper including, but not limited to, paper utilized for file folders, tab cards, writing, typing, printing, computer printing, and photocopying, which is suitable for recycling and which has a minimum of contamination. For the purposes of this ordinance, office paper generated by households is excluded.
- (h) PET Plastic Food Container shall mean a polyethylene terephthalate container of any size or shape used to package beverages.
- (i) Scrap Metal shall mean used or discarded items which consist predominantly of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel or alloys thereof, including, but not limited to, white goods and metal food containers.
- (j) Scrap Tires shall mean discarded rubber or synthetic rubber tires used by or manufactured for vehicles including, but not limited to, automobiles, trucks, buses, and trailers.
- (k) Storage Battery shall mean lead acid batteries or other batteries used in motor vehicles such as automobiles, airplanes, boats, recreational vehicles, tractors and like applications.

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- (l) Waste Motor Oil shall mean crankcase oil that has been utilized in internal combustion engines.
- (m) Antifreeze shall mean a substance of low freezing point added to a liquid, especially to the water in a radiator of an automobile, or to gasoline in the tank to prevent freezing.
- (n) Yard Waste and Leaves shall mean brush and the boughs and foliage of trees.
- (o) Grass Clippings shall mean grass and other trimmings from the care of a lawn, with a minimum of contamination by pesticides.
- (p) Curbside Recycling Container shall mean a rigid polyethylene solid-walled rectangular or square container approximately 19" x 16" x 15" with a gross weight not exceeding seventy (70) pounds. The non-brittle plastic containers shall be equipped with handles or bails.

Sec. 3. Program Established.

On and after the effective date of this ordinance and under regulations issued by the Director of Public Works in accordance with the terms of this ordinance, there is hereby established a program for the mandatory separation from municipal solid waste in the Town of Vernon of glass and metal food and drink containers, newspaper, corrugated cardboard, storage batteries, scrap metals, waste motor oil, scrap tires, and major household appliances.

The Town of Vernon or its authorized agents shall provide a program for the separate collection of recyclable materials from all occupants of residential dwelling units and condominiums. Said program shall not apply to residential dwelling units of more than six (6) units; apartment complexes; or business, commercial, industrial or institutional entities. However, all residential dwelling units, including apartment complexes; business, commercial or industrial establishments; and public, private, and non-profit institutions shall also engage in recycling as required by ordinance and applicable state statutes.

This municipality is not required to collect solid waste from any occupant or owner who includes such glass or metal food and drink containers, newspapers and corrugated cardboard with their solid waste or does not place and contain the separated items for collection in accordance with this ordinance or authorized regulations.

Sec. 4. Method of Placing Materials.

The occupant of any residential dwelling unit or condominium whose recyclable material is or will be collected by or on behalf of this municipality shall place the following named items in a curbside recycling container, or other type of container so designated by the Director of Public Works, in strict conformity with the following minimum regulations:

- (a) Newspapers shall be unbundled separately from magazines, telephone books and cardboard. The unbundled newspapers shall not exceed (50) pounds. Newspapers shall not be contained in plastic bags or cardboard boxes.
- (b) Glass and metal food or drink containers shall be clean and all contents shall be removed therefrom prior to the collection, removal or disposal of same. Caps shall be removed from glass food or drink containers and placed in the curbside recycling container.
- (c) Corrugated Cardboard shall be flattened for collection and tied to measure not more than 18" x 24" in length and width.
- (d) Recyclable material shall not be placed in the same refuse container as, or otherwise mixed with other forms of solid waste for collection, removal or disposal.
- (e) Curbside containers with designated recyclable items shall be placed at the curbside in accordance with the day and time as set forth by the Director of Public Works. The cost of each replacement container shall be at the expense of the property owner at a schedule set forth by the Director of Public Works.

Sec. 5. Alternate Means of Recycling.

- (a) The provisions of this ordinance shall not preclude the Director of Public Works or his agent from designating alternative recycling programs for residential dwelling units of more than six (6) units; apartment complexes; business, commercial or industrial establishments; and public, private or non-profit institutions, and promulgating rules and

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regulations pursuant to this ordinance and applicable state statutes.

- (b) The provisions of this ordinance shall not preclude waste generators from receiving permission from the Director of Public Works or his agent, from donating recyclable material and transporting same to any person, partnership or corporation whether operating for profit or not for profit.

Sec. 6. Documentation of Recycling Activities of Residential Dwelling Units of more than six (6) units, Non-Residential Establishments, and Public Institutions or Facilities.

It shall be mandatory for all owners or managers of residential dwelling units of more than six (6) units, non-residential establishments and public institutions or facilities to submit documentation in the form of certified weight slips or a signed business form letter by their recyclable disposition site, which picked or accepted the materials for recycling, no less frequently than quarterly. Reports are to be submitted to the Town's Refuse/Recycling Program Supervisor commencing January 1, 1991. Recycling documentation will be due on or before the 8th of the month following the end of each quarter as follows:

<u>Reporting Period</u>	<u>Due Date</u>
January 1 - March 31	April 8
April 1 - June 30	July 8
July 1 - September 30	October 8
October 1 - December 31	January 8

Failure to comply with reporting requirements will subject individuals to penalties as set forth in Connecticut General Statutes Section 22a-241(c).

Sec. 7. Collection by Unauthorized Person.

It shall be a violation of this ordinance for any person not authorized by the Town of Vernon to collect or pick up or cause to be collected or picked up any designated recyclable items whether at curbside and/or at a designated storage area, including recycling container. Any and each such collection, including the collection of individual recycling containers, in violation hereof from one or more residences shall constitute a separate and distinct violation punishable as herein provided.

Sec. 8. License Required for Recyclables Collection and Disposal.

All designated recyclables accumulated in this Municipality shall be collected, conveyed and disposed of by this Municipality or by persons licensed by this Municipality to perform such work and in accordance with the provisions of this ordinance. No other person shall collect, convey or dispose of any recyclable material in this Municipality except that which comply with the other provisions of this ordinance and with any other applicable ordinances and regulations. No other recyclable material collected from outside this Municipality shall be disposed of under a license or registration issued pursuant to this ordinance.

Sec. 9. Licensing of Recycling Collectors; Registration of Vehicles, etc.

- (a) Licensing and registration authority designated. The Director of Public Works shall be the licensing and registration authority for Recycling Collectors and vehicles. The Director of Public Works shall grant a license within a reasonable time following the filing of a proper application and payment of the prescribed fee unless he finds one or more of the following conditions to prevail.
 - (1) The applicant has had a previous suspension, or revocation of licenses; or
 - (2) The applicant lacks suitable equipment with which to collect recyclables in a safe and nuisance-free manner and in compliance with this ordinance.
- (b) License required. Each Recycling Collector shall annually, on or before July first, apply for a license from the Director of Public Works on such form as he shall prescribe to engage in the business of Recycling Collection in this Municipality.
- (c) Certificate of Insurance. No such license shall be issued until the contractor files with the Town of Vernon a Certificate of Liability Insurance in the amount of One Million (\$1,000,000) Dollars, Property Damage One Hundred Thousand (\$100,000) Dollars;

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Liability, each person Three Hundred Thousand (\$300,000) Dollars per accident, together with such recommended compensation insurance as provided by law.

- (d) Registration of vehicles, containers. Each licensed Recycling Collector shall obtain a separate registration for each vehicle he operates to transport recyclable material within this Municipality. Registrations shall also be required for all permanent containers in capacity greater than three (3) cubic yards. Registrations shall not be transferable from vehicle to vehicle; however, the Director of Public Works may allow such temporary transfer of registrations in hardship situations, such as temporary breakdown of an individually licensed vehicle.
- (e) Registration term, fee; renewal. All registrations shall be issued for a term not to exceed one year and shall be renewable on or before the first day of July of each year. The registration fee shall be One Hundred (\$100.00) Dollars for each vehicle.
- (f) Reinspection upon sale, transfer of vehicle during registration year. Whenever a duly registered vehicle is sold or transferred to another Recycling Collector licensed in this Municipality during the registration year, said vehicle shall be reinspected within seven (7) days of such transfer date but no additional fee shall be required.
- (g) Display of registration. The registration issued shall be conspicuously displayed on the left front of the body of each vehicle so licensed, or as may be directed.
- (h) Identification of vehicles and containers. Each licensee shall prominently display at all times on each registered vehicle in letters at least four (4) inches in height his name, registration number and telephone number.
- (i) Notification required upon sale, transfer of route. When any licensee shall sell or transfer all or part of his route to another Recycling Collector presently licensed to collect Recyclables in this Municipality, he shall forthwith give written notice to the Director of Public Works at least seven (7) days before the date of the sale or transfer stating the name of the buyer or transferee and the intended date of sale.
- (j) Licenses nontransferable. Licenses are not transferable. When any licensee shall sell or transfer, all or part of his route to any Recycling Collector not licensed in this Municipality, he shall first notify the Director of Public Works in writing, of his intent to sell and the transferee shall, at the same time, make application for a license to operate in this Municipality.

Sec. 10. Revocation or Suspension of license or Registration.

- (a) Generally. A license to engage in Recycling Collection in this Municipality is a privilege, not a right. Failure to comply with the provisions of this ordinance shall be grounds for revocation or suspension of any license or registration issued under the provisions of this ordinance in addition to any other penalty imposable by law.
- (b) Notice required. Revocation or suspension shall only become effective five (5) calendar days after receipt of written notice from the Director of Public Works.
- (c) Request for review - filing; effect of failure to file. If a Recycling Collector objects to the Director of Public Works' action described in paragraph (b) above to revoke or suspend his license or registration, he may, within the five (5) calendar days of receipt of said notice, file a written request for review with the Town Administrator. Failure to timely file such request for review shall make the Director of Public Works' action final and binding upon the Recycling Collector.
- (d) Effect of timely filing. Timely filing of such request for review shall operate as an automatic stay of the Director of Public Works' action.
- (e) Special appeals board; hearing. The Mayor shall appoint forthwith, a special appeals board consisting of three (3) electors of this Municipality and one (1) licensed Recycling Collector and one member of the Town Council, and said board shall then within fifteen (15) days hear and decide the matter. Such hearing may be public if so requested, in writing, by the Recycling Collector. The decision of said board shall be final and binding upon the Recycling Collector.

Sec. 11. Administration; Promulgation of Rules and Regulations

ORDINANCE #187

A SOURCE SEPARATION ORDINANCE REGULATING THE STORAGE, COLLECTION AND DISPOSAL OF DESIGNATED RECYCLABLE MATERIAL AND THE ADMINISTRATION THEREOF FROM WITHIN THE TOWN OF VERNON

- (a) The Director of Public Works shall administer the licensing of any Recycling Collector engaged in the collecting and transporting of recyclable materials in this Municipality.
- (b) The Director of Public Works, under authorization of the Town Council, may designate where recyclable items generated within this municipality from residential properties, as defined by state statute, shall be taken for processing or sale.
- (c) The Director of Public Works may promulgate additional rules or may subtract rules on all collection and disposal procedures from time to time as he deems proper, but such rules shall not be inconsistent with this ordinance and applicable state statutes.

Sec. 12. Enforcement of Ordinance.

- (a) It shall be the responsibility of the Director of Public Works or his/her agents, and/or the Town of Vernon's Deputy Health Officer or the Vernon Police Department and their designated agents to enforce all provisions of this ordinance.

Sec. 13. Penalties.

- (a) A violation of any provision of this ordinance shall be considered an infraction pursuant to the state statutes governing infractions, and subject the violator to a fine of Ninety (\$90) Dollars, unless otherwise specified.
- (b) A resident who fails to separate recyclables from other waste; first offense - a written warning; second offense - a fine of Forty (\$40) Dollars; subsequent offenses - a fine of Ninety (\$90) Dollars.
- (c) Commercial establishments that fail to provide for separation of recyclables from waste: first offense - a written warning, subsequent offenses - a fine not to exceed Five Hundred (\$500) Dollars for each violation.
- (d) Recycling Collectors who knowingly mix recyclables with other solid waste are subject to the provisions of this ordinance.

Sec. 14. Severability.

In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not effect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder of any portion thereof.

Sec. 15. Repeal of Provision Of Ordinances Inconsistent Herewith.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Sec. 16. Effective Date

This ordinance will take effect after publication as provided by law.

Introduced: August 21, 1990
Advertised: September 5, 1990 in Journal Inquirer
Public Hearing: September 18, 1990
Council Action: October 16, 1990
Advertised: October 22, 1990 in Journal Inquirer
Effective Date: November 6, 1990

ORDINANCE #188

ORDINANCE REQUIRING REGISTRATION OF PEDDLERS, HAWKERS, SOLICITORS, CANVASSERS AND SALESMEN

BE IT ORDAINED BY THE TOWN OF VERNON THAT Ordinance #46 entitled “Ordinance Requiring Registration of Peddlers, Hawkers, Solicitors, Canvassers and Salesmen” is hereby repealed and the following is substituted in lieu thereof:

Section

1. Credentials Required
2. Definitions
3. Applications
4. Application Fee
5. Investigations
6. Issuance of Credentials
7. Credentials Fee
8. Expiration of Credentials
9. Exhibition of Licenses
10. Revocation of Credentials
11. Conditions
12. Records
13. Exemptions
14. Violations
15. Repeal
16. Separability
17. Effective Date

1. Credentials Required

It shall be unlawful for any peddler, hawker, solicitor, canvasser, or salesman, as defined in Section 2 of this chapter, except as provided in Section 12 of this chapter, to engage in such business within the town limits of the Town of Vernon without first obtaining identifying credentials therefor in compliance with this chapter.

2. Definitions

As used in this chapter the following words shall have the following meanings:

- A. A “canvasser” or “solicitor” is defined as any individual whether resident of the Town of Vernon or not, taking or attempting to take orders from anyone on the premises of a house, apartment, trailer, or other place of residence for sale of goods, wares, merchandise, including articles of food, or personal property of any nature whatsoever for future delivery, or for services to be performed in the future, whether or not such individual shall carry or expose for sale a sample of the subject of such sale, or whether he is collecting advance payments on such sales or not.
- B. A “hawker” or “peddler” means any person whether principal or agent, who goes from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter or exposing there for, any goods, wares, merchandise, including articles of food, either on foot or from any animal or vehicle.
- C. An “itinerant vendor” is defined as any person, whether a principal or agent, who engages in a temporary or transient business in this state either in one locality or in traveling from place to place selling goods, wares, merchandise, or conducting any close—out sale and who for the purpose of carrying out such business or sale hires, leases or occupies any building or structure for the exhibition and sale of such goods, wares, and merchandise, temporary or transient business meaning and including any exhibition and sale of goods, wares, or merchandise which is carried on in any tent, booth, building or other structure, unless such place is open for business during usual business hours at least nine (9) months in each year.
- D. A “salesman” is any person who shall sell or expose for sale, or solicit orders for any articles of food, or any goods, wares, merchandise, materials or services, or solicit for any contracts within the Town of Vernon to or from anyone on the premises of a house, apartment, trailer, or other place of residence, and shall include canvassers, solicitors, hawkers, peddlers, and itinerant vendors, as above defined.

3. Applications

Applications for license under Section 1, of this chapter must file with the Vernon Police Chief a sworn application in writing, in duplicate, on a form to be furnished by the Chief of

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ORDINANCE REQUIRING REGISTRATION OF PEDDLERS, HAWKERS, SOLICITORS, CANVASSERS AND SALESMEN

Police, which shall give the following information:

- (1) Name and description of the applicant.
- (2) Permanent home address, previous home address, full local address and telephone number of applicant.
- (3) A detailed description of the nature of the business and goods to be sold.
- (4) If employed, the name and address of the employer.
- (5) The length of time for which the applicant wishes to engage in business.
- (6) The place where the property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced.
- (7) Where such goods or products are located at the time such application is filed, and the proposed method of delivery.
- (8) Make, model, or registration number of motor vehicle, if any, to be used.
- (9) Whether, when, where and on what charges he has ever been arrested, together with the disposition of such charges.
- (10) Whether, when, where, in what court, and by whom he or any present or former employer, principal or contract associate has ever been sued in a civil action alleging fraud or misrepresentation in connection with or as a result of the registrant's activities in soliciting for any contract or in selling, exposing or offering for sale or soliciting orders for any articles of food or any goods, wares, merchandise, materials or services.
- (11) Business address and telephone number.
- (12) List Towns or Cities where applicant previously held or currently holds a solicitor's or similar license.
- (13) Applicant's Social Security Number.

Each registrant shall, at the time he files any registration form, exhibit identification satisfactory to the Chief of Police and containing a specimen of the registrant's handwriting.

4. Application Fee

At the time of filing the original application, the fee which shall be charged and collected by the Chief of Police shall be \$20.00. At the time of filing a renewal application, the fee which shall be charged and collected by the Chief of Police shall be \$20.00.

5. Investigations

Upon receipt of such application, the Chief of Police shall cause to be undertaken and completed within a period of two weeks such investigation of the applicant's business and moral character, and the statements made in the application, as he deems necessary for the public good, and if as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse his disapproval on the application and his reasons for same, and notify the applicant thereof. In such cases, credentials shall be refused, or, after issuance, revoked by the Chief of Police and immediately returned to him if the registrant has made any patently and indisputably false statement or representation in any registration form filed by him pursuant to this ordinance, has been convicted of any crime or misdemeanor involving moral turpitude or of any violation of this ordinance, or if judgment shall at any time have been entered against him or any present or former employer, principal or contract associate in a civil action alleging fraud or misrepresentation in connection with or as a result of the activities of said registrant. In the event credentials are refused no fee shall be charged. There shall be no refund where credentials, after being issued, are revoked. If for any reason the Chief of Police should fail to carry out and complete such investigation within a two weeks' period, the applicant may demand and be issued temporary credentials, which credentials may be revoked or made permanent depending on the results of the investigation. If the Chief of Police is of the opinion that the Town Building Official or Health Officer should review the application, he shall refer it to them.

6. Issuance of Credentials

If as a result of such investigation, the character and business responsibility of the applicant

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are found to be satisfactory, the Chief of Police shall endorse his approval on the application and deliver to the applicant credentials which shall show the name and address of the licensee, the kind of goods to be sold thereunder, the manner of sale, the date of issuance and the length of time the same shall be operative

7. Credentials Fee

The fee for issuance of credentials charged by the Town of Vernon shall be \$5.00 per year.

8. Expiration of Credentials

Except as provided in Section 12 of this ordinance, no person whose credentials have expired shall engage in any of the activities named in Section 2 of this ordinance until he shall have again registered with the Chief of Police, obtained new credentials and paid the same fee as in the case of original credentials.

9. Exhibition of Licenses

It shall be the duty of any police officer of the Town of Vernon to request any person seen engaging in any of the activities prescribed in Section 2 hereof, and who is not known by such officer to have proper credentials, to produce his credentials and it shall be the duty of any such officer to enforce the provisions of this ordinance against any person found to be violating the same; and peddlers, hawkers, solicitors, canvassers and salesmen are required to exhibit their credentials at the request of any citizen.

10. Revocation of Credentials

(a) Credentials issued under the provisions of this chapter may be revoked by the Chief of Police after notice and hearing, for any of the following causes:

1. Fraud, misrepresentation, or false statement contained in the application for credentials.
2. Fraud, misrepresentation or false statement made in the course of carrying on his business as peddler, hawker, solicitor, canvasser or salesman.
3. Any violation of this chapter.
4. Conviction of any crime or misdemeanor involving moral turpitude.

(b) Notice of hearing for revocation of credentials shall be given in writing setting forth specifically the grounds of complaint. Such notice shall be mailed by certified mail to the last known address of the holder at least five days prior to the date set for the hearing.

11. Conditions

Each person to whom credentials have been issued pursuant to this ordinance shall, while engaged in the Town of Vernon in the activities for which he has credentials:

- (a) Conduct himself at all times in a quiet, orderly and lawful manner.
- (b) Enter within any home only upon being expressly invited to do so by an occupant thereof.
- (c) Leave any premises immediately upon the request of any occupant of the same.
- (d) Deliver as agreed or represented, and within a reasonable time, all food, goods, wares, merchandise and materials, and perform in like manner all services for which he has been paid in whole or in part, except as provided in subsection (e).
- (e) Refund promptly any payment made to him if he shall find that it is not reasonably possible for him to comply with subsection (d) unless said refund shall be refused by the other party.
- (f) Give a written and signed receipt for all payments in excess of two (\$2.00) dollars received by him, stating the amount of said payment, a description of the food, goods, wares, merchandise, materials and/or services or contracts in connection with which said payment was made, the total of all charges made or to be made in connection with the same and when and in what amounts any additional payments are to be made.
- (g) Give to the other party a copy, signed by the holder of the credentials, of any order, contract or other document which said party has signed. Compliance with this subsection shall constitute compliance with subsection (f) to the extent that requirements of subsection (f) are met by said document.

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12. Records

It shall be the duty of the Chief of Police to keep records of all credentials issued under the provisions of this ordinance in a book or file kept for that purpose. Said records shall contain, as to each holder of credentials, all application forms signed by him with a notation on each as to whether credentials were issued or refused as a result of its being filed, the date of issuance, or refusal, the reason for refusal, or the fee paid as the case may be, a summary of each complaint concerning the activities of the holder, and, the date of any revocation of credentials granted pursuant to any application filed by him together with a statement of the reasons there for. The Chief of Police shall keep a detailed account of all receipts from applicants and shall turn such fees over to the Town Treasurer monthly.

13. Exemptions

This ordinance shall not apply to:

- (a) Persons less than sixteen (16) years of age;
- (b) Persons selling only to stores, institutions, business, industrial, commercial establishments, and municipal agencies;
- (c) Charitable, political, religious, and government organizations and their representatives, including public service organizations engaged in soliciting for charitable projects.
- (d) Persons canvassing, soliciting, or selling exclusively by telephone;
- (e) Persons delivering food, groceries, fuel oil, milk, and other goods or supplies which have been ordered or contracted for; and
- (f) Persons exempted by the statutes of laws of the State of Connecticut, or persons in possession of valid licenses issued by the State of Connecticut covering the activities which would otherwise be regulated by this ordinance.

14. Violations

Any person violating any of the provisions of this chapter shall upon conviction thereof, be punished by a fine not to exceed one hundred (\$100.00) dollars for each offense. Each day of engaging in the activities described in Section 2 without credentials, as required by this ordinance, shall be considered a separate offense.

15. Repeal

An ordinance entitled, "Peddlers of the City of Rockville" revision 1953 is hereby repealed and any other ordinance dealing with Peddlers, Hawkers, Solicitors, Canvassers and Salesmen is hereby repealed.

16. Separability

The invalidity of any section or sections hereof or provision or provisions hereof shall not render invalid or affect the remaining portions hereof.

17. Effective Date

This Ordinance shall become effective 15 days after its passage has been advertised for publication in a daily newspaper having a circulation in the Town of Vernon; further, this Ordinance will be effective for a period of not more than ten (10) years from date of adoption. If the Town Council does not act to renew the Ordinance, the Ordinance is repealed.

Introduced: December 4, 1990
Advertised: December 12, 1990
Public Hearing: December 18, 1990
Council Action: January 15, 1991
Advertised: January 19, 1991
Effective Date: February 3, 1991
Amended by Ordinance #237

ORDINANCE #189

ORDINANCE AMENDING ORDINANCE #84 ENTITLED ‘AN ORDINANCE ESTABLISHING THE CONSERVATION COMMISSION TO PROMULATE REGULATIONS TO PROTECT THE WETLANDS AND WATER COURSES WITHIN THE TERRITORIAL LIMITS OF THE TOWN OF VERNON’ AND ESTABLISHING A CONSERVATION COMMISSION

BE IT ORDAINED by the Town Council that Ordinance #84 is hereby repealed and there is substituted the following:

The Town Council of the Town of Vernon, under the authority granted to municipalities by Connecticut General Statutes, Revision of 1958, as amended, hereby establishes a Conservation Commission. The Conservation Commission shall have those powers and duties conferred upon conservation commissions by Section 7-131a of the Connecticut General Statutes, Revision of 1958, as amended.

The Conservation Commission shall consist of five (5) regular members and two (2) alternate members which shall be appointed by the Mayor with the approval of a majority of the Town Council for terms of three (3) years. Initially, two (2) regular members and two (2) alternate members shall be appointed for three (3) years, two (2) regular members shall be appointed for two (2) years, and one (1) regular member shall be appointed for one (1) year, commencing January 1, 1991. Thereafter, each appointment shall be for a term of three (3) years. Any vacancy shall be filled for the remainder of the unexpired term of the original appointment as herein provided. No regular member who serves two (2) consecutive full terms shall be reappointed sooner than one (1) year following completion of the second term.

This Ordinance will be effective for a period of not more than ten (10) years from January 15, 1991, the date of its adoption. If the Town Council does not act to renew the Ordinance, the Ordinance is repealed.

Introduced: December 18, 1990
Advertised: January 2, 1991
Public Hearing: January 15, 1991
Council Action: January 15, 1991
Advertised: January 19, 1991
Effective Date: February 3, 1991

ORDINANCE #190

ORDINANCE RELATING TO REMOVAL OF SNOW AND ICE

BE IT ORDAINED:

That Ordinance #20 entitled “Ordinance Relating to Removal of Snow and Ice from Sidewalks” and Ordinance #166 entitled “Ordinance Amending Ordinance #20 entitled “Ordinance Relating to Removal of Snow and Ice from Sidewalks” are hereby repealed and the following is substituted in lieu thereof:

BE IT ORDAINED:

The owner or owners, occupant or occupants, corporate or otherwise of any building, or lot of land bordering on any street, square or public place within the Town of Vernon, where there is a sidewalk graded, or graded and paved, shall cause to be removed therefrom any and all snow, sleet and ice, and shall cause such sidewalk to be made safe for travel and use by covering the same with sand or other suitable substance within eight (8) hours after said snow or sleet shall have fallen, or said sidewalk shall have become slippery by reason of ice forming thereon, or within eight (8) hours after sunrise when said snow or sleet shall have fallen after 8:00 p.m., in the night season, or said sidewalk shall have become slippery by reason of ice forming thereon after 8:00 p.m., in the night season.

The Town Council may issue exceptions to the above provisions only in such case where the Town of Vernon or the State of Connecticut has erected a physical barrier at least three feet in height preventing a landowner from directly accessing the sidewalk from his property.

No person shall place or cause to be placed any snow or ice onto any travelled portion of a public street, highway, sidewalk or throughway under the jurisdiction of the Town of Vernon so as to create a hazard to vehicular or pedestrian traffic or hamper or impede the removal of snow and ice by the Town of Vernon.

Any person, or in the case of a corporation the officers thereof, who shall violate any provision of this Ordinance shall be fined not more than fifty (50) dollars for each offense.

This Ordinance will be effective for a period of not more than ten (10) years from date of adoption. If the Town Council does not act to renew the Ordinance, the Ordinance is repealed.

Introduced:	February 5, 1991
Advertised:	February 12, 1991
Public Hearing:	February 19, 1991
Council Action:	February 19, 1991
Advertised:	February 23, 1991
Effective Date:	March 10, 1991

ORDINANCE #191

AN ORDINANCE ESTABLISHING A DESIGN REVIEW ADVISORY COMMITTEE WITHIN THE TOWN OF VERNON

1. Establishment; purpose:

There is hereby established a Design Review Advisory Committee by the Town of Vernon for the purpose of maintaining a high standard of community development, protecting the public health, safety, convenience and welfare, protecting the value of all real property within the community, promoting aesthetically pleasing development and preserving the special character of existing neighborhoods.

For the purpose of this ordinance, "Committee": shall mean the Design Review Advisory Committee.

The Committee shall be subject to all applicable Freedom of Information rules, regulations and laws.

2. Members; terms; qualifications; offices; vacancies;

1.1 Members; terms: The committee shall be composed of five (5) regular members and two (2) alternate members, who shall be appointed upon the recommendation of the Mayor and approval of the Town Council, The term of office for members and alternates shall be three (3) years, commencing January 1, 1991 except that of the five (5) regular members first appointed, two (2) shall be appointed for terms ending December 31, 1992, and one (1) shall be appointed for a term ending December 31, 1991. No member shall serve on the board for more than two (2) consecutive terms.

2.2 Qualifications: At least two (2) regular members shall be specifically qualified by reason of education, training or experience in architecture, landscape architecture, city planning or historic preservation, or in the area of graphic or allied arts; one (1) regular member shall be a real estate, development or construction professional; and at least one (1) alternate member shall have special training or experience in architecture, city planning, historic preservation, construction or other related businesses or professions. At least one (1) alternate member shall be a public member. All regular and alternate members shall be residents of the Town of Vernon.

3.3 Officers: The Chairperson and Vice Chairperson of the Committee shall be elected by a majority of the members of the Committee for a term of two (2) years. Committee members shall not serve as Chairperson or Vice Chairperson for more than two (2) years.

4.4 Vacancies; removal: Any vacancy shall be filled for the remainder of the unexpired term as original appointments are herein provided. Any regular member and alternate member who misses fifty percent or more of the scheduled meetings in any calendar year shall be removed from the Committee.

3. Meetings:

The Committee shall meet at least once a month, or as often as is deemed necessary. A quorum shall consist of three (3) members. In making recommendations on applications pending before it, the Committee shall act in accordance with the zoning regulations adopted by the Planning and Zoning Commission. The Committee shall report at least annually to the Town Council and the Planning and Zoning Commission on its activities.

4. Procedures:

4.1 Submission: An applicant for a special permit, site plan approval, subdivision, or modification to an already approved plan when said modification involves significant architectural features, shall submit an extra set of all materials with his application for the Committee's review and such other material as the Committee may require.

4.2 Forwarding to Committee: The Town Planner shall upon receipt of an application, forward a copy of all completed application material to the Committee.

4.3 Action by the Committee: At least seven (7) days prior to a hearing by the Planning and Zoning Commission on the request for a special permit, site plan approval, subdivision, or modification to an already approved plan application, the Committee shall submit a written report, including specific recommendations and suggestions, to the applicant, the Town Planner and the Planning and Zoning Commission. Failure of the Committee to comply with the time requirements of this subsection shall not delay the town's action on the application, unless such delay is requested by the applicant.

4.4 A representative of the Committee shall attend each meeting of the Planning and Zoning

ORDINANCE #191

**AN ORDINANCE ESTABLISHING A DESIGN REVIEW ADVISORY COMMITTEE
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Commission at which an application involving design review is heard.

4.5 Preliminary Considerations: An applicant may request preliminary consideration by the Committee of his general plans prior to seeking a special permit, site plan approval, subdivision approval, or modification to an already approved plan. When seeking preliminary consideration, the applicant shall submit a plan showing the proposed structures, improvements and packing, together with a general description of his plans. The Committee shall submit comments, together with its recommendations and suggestions, to the applicant no later than twenty (20) days after receipt thereof.

NOTE: Chapter V Section 5 of the Town of Vernon Charter, as amended November 6, 1990, provides that each ordinance adopted by the Town Council shall provide that the ordinance will be effective for a period of not more than ten (10) years from the date of adoption. If the Town Council does not act to renew the ordinance, the ordinance is repealed.

Introduced:	September 24, 1991
Advertised:	October 8, 1991
Public Hearing:	October 15, 1991
Council Action:	October 15, 1991
Advertised:	October 19, 1991
Effective Date:	November 3, 1991

ORDINANCE #192

ORDINANCE APPROPRIATING \$38,000,000 FOR UPGRADING AND EXPANSION OF THE VERNON WASTEWATER TREATMENT FACILITY AND AUTHORIZING THE ISSUE OF BONDS, NOTES AND OTHER OBLIGATIONS IN THE SAME AMOUNT TO DEFRAY SAID APPROPRIATION

BE IT ORDAINED:

(a) That the Town of Vernon appropriate THIRTY-EIGHT MILLION DOLLARS (\$38,000,000) for design and construction of improvements to upgrade and expand the Vernon Wastewater Treatment Plant located at Windsorville Road, Vernon, Connecticut, by increasing the average daily flow capacity from approximately 6.4 million gallons per day to approximately 7.1 million gallons per day and by providing new treatment processes, equipment, and the modification or replacement of outmoded facilities. The appropriation may be spent for planning, design and construction costs, equipment, furnishings, materials, architects' fees, engineering fees, land acquisition, legal fees, net temporary interest and other financing costs, and other expenses related to the project. The Town anticipates that funds will be temporarily advanced from available General Fund surplus, or other available funds, and that (except to the extent reimbursed from grant moneys) such advances will be reimbursed from proceeds of borrowings authorized hereunder for the project, which borrowings will or may be tax-exempt and are expected to be payable from general tax revenues and other available funds of the Town.

(b) The Council hereby determines that the project is of a general benefit to the Town and the project and debt service on bonds, notes and obligations issued to finance the project are payable from general property taxes.

(c) That the Town finance said appropriation by the issue of its serial bonds, notes, or obligations, in an amount not to exceed THIRTY-EIGHT MILLION DOLLARS (\$38,000,000) to finance the appropriation for the project. The bonds, notes or obligations shall be issued pursuant to Section 7-259 or Section 22a-478 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds, notes or obligations shall be secured by the irrevocable pledge of the full faith and credit of the Town of Vernon. The bonds, notes or obligations may be issued in one or more series, and any series may be sold as a single issue or consolidated with any other bonds, notes or obligations of the Town. The Treasurer shall keep a record of the bonds, notes or obligations. The Mayor, the Town Administrator and the Treasurer of the Town, or any two of them, shall sign the bonds, notes or obligations by their manual or facsimile signatures. The bonds, notes or obligations shall bear the seal of the Town or a facsimile of the seal. The law firm of Day, Berry & Howard is designated as bond counsel to approve the legality of the bonds, notes or obligations. The Mayor, the Town Administrator, and the Treasurer, or any two of them, are authorized to determine the amount, date, interest rates, maturities, form and other details of the bonds, notes or obligations; to designate a bank or trust company to be certifying bank, registrar, transfer agent and paying agent for the bonds, notes or obligations; to deliver the bonds, notes or obligations; and to perform all other acts which are necessary or appropriate to issue the bonds, notes or obligations.

(d) That the Town issue and renew its temporary notes or interim funding obligations from time to time in anticipation of the receipt of the proceeds from the sale of the bonds, notes or obligations for the project. The amount of the notes or obligations outstanding at any time shall not exceed THIRTY-EIGHT MILLION DOLLARS (\$38,000,000). The notes or obligations shall be issued pursuant to Sections 7-264 and 7-378 or Section 22a-479 of the General Statutes of Connecticut, Revision of 1958, as amended, and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a and Section 7-378b of the General Statutes if the notes do not mature within the time permitted by said Sections 7-264 or 7-378 and the Town shall comply with the provisions of Section 22a-479(b) with respect to any interim funding obligations. The Mayor, the Town Administrator and the Treasurer, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, form, and other details of the notes or obligations; to sell the notes or obligations at public or private sale; to execute and deliver the notes or obligations; and to perform all other acts which are necessary or appropriate to issue the notes or obligations.

(e) All grants received for the project shall be applied to pay the costs of the project or to reduce the amount of bonds, notes or obligations issued to finance the project, unless the Town increases the appropriation for the project and provides that such increased appropriation is to be financed by such grants. In the event of any such increased appropriation, temporary notes or interim funding obligations may be issued pursuant to this ordinance pending the receipt of such grants.

(f) The Water Pollution Control Authority may reduce or modify the scope of the project,

ORDINANCE #192

ORDINANCE APPROPRIATING \$38,000,000 FOR UPGRADING AND EXPANSION OF THE VERNON WASTEWATER TREATMENT FACILITY AND AUTHORIZING THE ISSUE OF BONDS, NOTES AND OTHER OBLIGATIONS IN THE SAME AMOUNT TO DEFRAY SAID APPROPRIATION

including any changes to comply with orders or requirements of the Department of Environmental Protection, and may cancel the project if the Water Pollution Control Authority deems such reduction or modification or cancellation to be in the best interests of the Town.

(g) The Water Pollution Control Authority is authorized to expend up to \$36,300,000 of said appropriation to carry out the project, with the remaining amount of said appropriation to be spent on net interest on temporary borrowing and other legal and financing costs unless the Mayor, the Town Administrator and the Treasurer, or any two of them, authorize the expenditure of said remaining amount for the project.

(h) The Water Pollution Control Authority is authorized to enter into agreements with other municipalities, or amendments to existing agreements with other municipalities, subject to approval by the Town Council, to provide for reimbursement to the Town for project costs incurred pursuant to this Ordinance from other municipalities that use the Town's Wastewater Treatment Facility. Such agreements may provide for direct reimbursement of project costs or may provide for contributions to debt service due on any obligations incurred by the Town pursuant to this ordinance.

(i) That, if the bonds or notes authorized by this ordinance are issued on a tax-exempt basis, the Mayor, the Town Administrator and the Treasurer, or any two of them, are authorized to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes, including covenants to pay rebates of investment earnings to the United States in future years, and are authorized to renew the Town's declaration of intent to reimburse itself from the proceeds of borrowing for other Town funds expended on the project.

(j) That the Water Pollution Control Authority is authorized to construct the sewer project; to approve design and construction expenditures and any land acquisition costs incurred for the sewer project; and to approve contracts with engineers, contractors and others, to be executed by the Town Administrator on behalf of the Town for said sewer project.

(k) That the Water Pollution Control Authority is authorized to apply for and accept federal and state grants to help defray the appropriation for the sewer project.

(l) That the Town Administrator and the Chairman or Vice Chairman of the Water Pollution Control Authority, on behalf of the Town, are authorized to apply for and accept State grants to defray the appropriation for the project and state loans to finance the project, and to enter into any grant or loan agreement prescribed by the State, and the Mayor, the Town Administrator, and the Treasurer, or any two of them, and the Water Pollution Control Authority are authorized to take any other actions necessary to obtain such grants or loans pursuant to Section 22a-479 of the Connecticut General Statutes, Revision of 1958, as amended, or to any other present or future legislation, or to implement such grant or loan agreements.

(m) That the Mayor, Town Administrator, the Water Pollution Control Authority, the Treasurer and other proper officers of the Town are authorized to take all other action which is necessary or desirable to construct and complete the sewer project and to issue bonds, notes or obligations to defray the aforesaid appropriation.

(n) This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon and after approval at referendum vote as provided in Chapter XII, Section 12 of the Town's Charter.

(o) This ordinance shall be effective for not more than ten years from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed.

Introduced: December 17, 1991
Advertised: December 19, 1991 Journal Inquirer
Public Hearing: December 30, 1991
Council Action: December 30, 1991 - subject to Referendum Vote
Advertised: January 3, 1992

****DEFEATED AT REFERENDUM HELD FEBRUARY 4, 1992**

ORDINANCE #193

ORDINANCE AMENDING ORDINANCE #191 ENTITLED “AN ORDINANCE ESTABLISHING A DESIGN REVIEW ADVISORY COMMITTEE WITHIN THE TOWN OF VERNON”

BE IT ORDAINED:

By the Council of the Town of Vernon, that Ordinance #191 entitled “AN ORDINANCE ESTABLISHING A DESIGN REVIEW ADVISORY COMMITTEE WITHIN THE TOWN OF VERNON” is hereby amended by deleting the word “subdivision” from Section 4.1, Section 4.3 and Section 4.5 of said Ordinance.

All other provisions of said Ordinance #191 are hereby reaffirmed.

This Ordinance will be effective for a period of not more than ten (10) years from date of adoption. If the Town Council does not act to renew the Ordinance, the Ordinance is repealed.

Introduced: January 21, 1992
Advertised: January 28, 1992 - Journal Inquirer
Public Hearing: February 4, 1992
Council Action: February 4, 1992
Advertised: February 11, 1992
Effective Date: February 26, 1992
Amended by Ordinance #219

ORDINANCE #194

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE TOWN OF VERNON, CONNECTICUT INCLUDING THE FORMER CITY OF ROCKVILLE AND THE VERNON FIRE DISTRICT; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VERNON, CONNECTICUT, AS FOLLOWS:

Section 1. The Code entitled “Code of Ordinances, Town of Vernon”, published by Municipal Code Corporation consisting of Chapters 1 through 14, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before February 19, 1991, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provisions of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine of not more than one hundred dollars (\$100.00).

Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided shall apply to the amendment of any Code section whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the town may pursue other remedies such as abatement of nuisances, injunctive relief, and revocation of licenses or permits.

Section 5. Additions or amendments to the Code, when passed in the forth as to indicate the intention of the town council to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after February 19, 1991, that amend or refer to ordinances that have been codified in the Code, shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall become effective on the 15th day after publication following its final passage.

This Ordinance shall be effective for a period of not more than ten (10) years from date of adoption. If the Town Council does not act to renew the Ordinance, the Ordinance is repealed.

Introduced:	January 21, 1992
Advertised:	February 5, 1992
Public Hearing:	February 18, 1992
Council Action:	February 18, 1992
Advertised:	February 21, 1992
Effective Date:	March 7, 1992

ORDINANCE #195

ORDINANCE REGARDING POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUOR IN, WITHIN AND UPON PUBLIC AREAS, PUBLIC HIGHWAYS AND PARKING AREAS WITHIN THE TOWN OF VERNON

BE IT ORDAINED:

Section A - Title

This ordinance shall be known and may be cited as “Ordinance regarding possession and consumption of alcoholic liquor in, within and upon public area, public highways and parking areas within the Town of Vernon”.

Section B - Definitions

For the purposes of this Section, the following terms shall be defined as follows:

- 1) “Alcoholic Liquor” shall have the same meaning as ascribed to that term in Section 30-1(2) of the Connecticut General Statutes, as amended from time to time.
- 2) “Motor Vehicle” means a motor vehicle as defined in Section 14-1(30) of the Connecticut General Statutes, as amended from time to time.
- 3) “Open Container” means any open bottle, flask, or other container lacking an intact liquor tax stamp or seal, whether or not stopped; any can or other container which has been opened in any way; any keg, mini-keg or other container or vessel containing an alcoholic beverage which is open or has been opened in any way.
- 4) “Parked Vehicle” shall have the same meaning as ascribed to that term in Section 14-1(3) of the Connecticut General Statutes, as amended from time to time.
- 5) “Public Highway” means a highway, road, street, avenue, boulevard, or other way located within and under the control of the Town of Vernon and open to public use, including the tree-belts and sidewalks of any such public highway. This term shall not include sidewalks or driveways located within the boundaries of privately owned property.
- 6) “Public Area” means any park, plaza, mall, arena, stadium, theater, cemeteries and other areas, regardless of by whom owned or controlled, open to the public use with or without charge. This term shall not include any private property whose owner or lessee has given written permission to any person who consumes alcoholic liquor therein to so use the property.
- 7) “Parking Area” means parking lots, parking garages and similar areas made available for the parking of motor vehicles away from the highway or street which are open to the public use with or without charge.

Section B - Possession and consumption of alcoholic liquor

Except as permitted by sub-Section (a)(6) above, no person shall consume any alcoholic liquor, or have in his possession any open container of alcoholic liquor, while upon or within the limits of any public highway, public area or parking area within the Town of Vernon. The possession of an open container of alcoholic liquor or consumption therefrom by any person while in a motor vehicle parked within or upon a public area, shall also be a violation hereof.

Section C - Penalty

Any person who violates any of the provisions of this Section shall be fined no more than ninety-nine dollars (\$99.00) for each violation.

This Ordinance will be effective for a period of not more than ten (10) years from date of adoption. If the Town Council does not act to renew the Ordinance, the Ordinance is repealed.

Introduced:	February 18, 1992
Advertised:	February 22, 1992
Public Hearing:	March 3, 1992
Council Action:	March 3, 1992
Advertised:	March 6, 1992
Effective Date:	March 21, 1992

ORDINANCE #196

ORDINANCE ESTABLISHING THE PROCEDURE FOR THE SALE OF TOWN-OWNED LAND

BE IT ORDAINED:

That Ordinance #134 entitled "Ordinance establishing the procedure for the sale of Town-owned land" is hereby repealed and the following is substituted in lieu thereof:

BE IT ORDAINED:

Section A - Title

This ordinance shall be known and may be cited as "Ordinance establishing the procedure for the sale of Town-owned land".

Section B - Procedure

1. That the sale of any parcel of Town-owned land with an assessed valuation of \$10,000.00 or more, except as hereinafter noted, be subject to the stipulations of the ordinance.

2. That any proposal to sell Town-owned land, whether by the Town or a prospective buyer, be forwarded immediately to the following Town entities for comments and recommendations to the Town Council within a thirty day period:

- | | |
|---|--|
| a. Permanent Municipal Building Committee | f. Director of Parks & Recreation |
| b. Building Official | g. Town Assessor |
| c. Director of Public Works | h. Town Planner |
| d. Deputy Health Officer | i. Water Pollution Control Authority |
| e. Conservation Commission | j. Inland Wetlands Regulatory Commission |

3. That abutters of the Town-owned land under consideration for sale, regardless of the amount of assessed valuation, shall be notified by the Town Clerk's office of the specific Town Council meeting date, time and place at which the proposed sale shall be discussed notwithstanding anything to the contrary stated in this Ordinance.

4. That the Mayor may make a recommendation to the Town Council regarding the sale of Town-owned land. For the purpose of making such recommendation, the Mayor may, with the approval of the Town Council, appoint a three member sub-committee of the Council.

5. That should the Town Council consider taking action upon the proposed sale of Town-owned land the proposal shall be referred to the Planning Commission for a recommendation under the provisions of Section 8-24 of the Connecticut General Statutes.

6. That after compliance with the provisions of Section 8-24 of the Connecticut General Statutes, should the Town Council vote to dispose of Town-owned land, the Town Council shall contract with a qualified professional real estate appraiser for the preparation of an appraisal of the fair market value of the property under consideration.

7. That the Town Council shall vote to approve a minimum sales price for said property and shall authorize the Town Administrator to list the property with qualified Realtors on terms determined by the Town Administrator, to seek sealed bids or to hold a public auction and in either of the latter two cases to give at least ten (10) days public notice to potential bidders by publication at least once in a newspaper having circulation in the Town, of the date, time and place of the opening of sealed bids or of the public auction and inspection for the purchase of said property.

8. In the case of a public auction the auction shall be conducted by the Town Administrator or Town Attorney and the bidding shall open at no less than the minimum sales price approved by the Town Council.

9. That the Town Council may by a simple majority vote of its members present, subject to Connecticut General Statute Section 8-24, authorize the sale of said property and shall refer the matter to the Town Attorney for the preparation of the necessary documents to be executed by the purchaser and the Mayor.

10. That the sale of said property shall be accomplished by Quit-Claim Deed executed by the Mayor.

11. All expenses incurred by the Town in connection with the sale of the Town-owned land shall be borne by the purchaser and shall be included in the sale price.

This Ordinance will be effective for a period of not more than ten (10) years from date of adoption. If the Town Council does not act to renew the Ordinance, the Ordinance is repealed.

Introduced: February 18, 1992
Advertised: February 22, 1992
Public Hearing: March 3, 1992
Council Action: March 3, 1992
Advertised: March 6, 1992
Effective Date: March 21, 1992

ORDINANCE #197

ORDINANCE APPROPRIATING \$33,000,000 FOR UPGRADING AND EXPANSION OF THE VERNON WASTEWATER TREATMENT FACILITY AND AUTHORIZING THE ISSUE OF BONDS, NOTES AND OTHER OBLIGATIONS IN THE SAME AMOUNT TO DEFRAY SAID APPROPRIATION

BE IT ORDAINED:

(a) That the Town of Vernon appropriate THIRTY-THREE MILLION DOLLARS (\$33,000,000) for design and construction of improvements to upgrade and expand the Vernon Wastewater Treatment Plant located at Windsorville Road, Vernon, Connecticut, by increasing the average daily flow capacity from approximately 6.4 million gallons per day to approximately 7.1 million gallons per day and by providing new treatment processes, equipment, and the modification or replacement of outmoded facilities. The appropriation may be spent for planning, design and construction costs, equipment, furnishings, materials, architects' fees, engineering fees, land acquisition, legal fees, net temporary interest and other financing costs, and other expenses related to the project. The Town anticipates that funds will be temporarily advanced from available General Fund surplus, or other available funds, and that (except to the extent reimbursed from grant moneys) such advances will be reimbursed from proceeds of borrowings authorized hereunder for the project, which borrowings will or may be tax-exempt and are expected to be payable from general tax revenues and other available funds of the Town.

(b) The Council hereby determines that the project is of a general benefit to the Town and the project and debt service on bonds, notes and obligations issued to finance the project are payable from general property taxes.

(c) That the Town finance said appropriation by the issue of its serial bonds, notes, or obligations, in an amount not to exceed THIRTY-THREE MILLION DOLLARS (\$33,000,000) to finance the appropriation for the project. The bonds, notes or obligations shall be issued pursuant to Section 7-259 or Section 22a-478 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds, notes or obligations shall be secured by the irrevocable pledge of the full faith and credit of the Town of Vernon. The bonds, notes or obligations may be issued in one or more series, and any series may be sold as a single issue or consolidated with any other bonds, notes or obligations of the Town. The Treasurer shall keep a record of the bonds, notes or obligations. The Mayor, the Town Administrator and the Treasurer of the Town, or any two of them, shall sign the bonds, notes or obligations by their manual or facsimile signatures. The bonds, notes or obligations shall bear the seal of the Town or a facsimile of the seal. The law firm of Day, Berry & Howard is designated as bond counsel to approve the legality of the bonds, notes or obligations. The Mayor, the Town Administrator, and the Treasurer, or any two of them, are authorized to determine the amount, date, interest rates, maturities, form and other details of the bonds, notes or obligations; to designate a bank or trust company to be certifying bank, registrar, transfer agent and paying agent for the bonds, notes or obligations; to deliver the bonds, notes or obligations; and to perform all other acts which are necessary or appropriate to issue the bonds, notes or obligations.

(d) That the Town issue and renew its temporary notes or interim funding obligations from time to time in anticipation of the receipt of the proceeds from the sale of the bonds, notes or obligations for the project. The amount of the notes or obligations outstanding at any time shall not exceed THIRTY-THREE MILLION DOLLARS (\$33,000,000). The notes or obligations shall be issued pursuant to Sections 7-264 and 7-378 or Section 22a-479 of the General Statutes of Connecticut, Revision of 1958, as amended, and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a and Section 7-378b of the General Statutes if the notes do not mature within the time permitted by said Sections 7-264 or 7-378 and the Town shall comply with the provisions of Section 22a-479(b) with respect to any interim funding obligations. The Mayor, the Town Administrator and the Treasurer, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, form, and other details of the notes or obligations; to sell the notes or obligations at public or private sale; to execute and deliver the notes or obligations; and to perform all other acts which are necessary or appropriate to issue the notes or obligations.

(e) All grants received for the project shall be applied to pay the costs of the project or to reduce the amount of bonds, notes or obligations issued to finance the project, unless the Town increases the appropriation for the project and provides that such increased appropriation is to be financed by such grants. In the event of any such increased appropriation, temporary notes or interim funding obligations may be issued pursuant to this ordinance pending the receipt of such grants.

(f) The Water Pollution Control Authority may reduce or modify the scope of the project,

ORDINANCE #197

ORDINANCE APPROPRIATING \$33,000,000 FOR UPGRADING AND EXPANSION OF THE VERNON WASTEWATER TREATMENT FACILITY AND AUTHORIZING THE ISSUE OF BONDS, NOTES AND OTHER OBLIGATIONS IN THE SAME AMOUNT TO DEFRAY SAID APPROPRIATION

including any changes to comply with orders or requirements of the Department of Environmental Protection, and may cancel the project if the Water Pollution Control Authority deems such reduction or modification or cancellation to be in the best interests of the Town.

(g) The Water Pollution Control Authority is authorized to expend up to \$31,525,000 of said appropriation to carry out the project, with the remaining amount of said appropriation to be spent on net interest on temporary borrowing and other legal and financing costs unless the Mayor, the Town Administrator and the Treasurer, or any two of them, authorize the expenditure of said remaining amount for the project.

(h) The Water Pollution Control Authority is authorized to enter into agreements with other municipalities, or amendments to existing agreements with other municipalities, subject to approval by the Town Council, to provide for reimbursement to the Town for project costs incurred pursuant to this Ordinance from other municipalities that use the Town's Wastewater Treatment Facility. Such agreements may provide for direct reimbursement of project costs or may provide for contributions to debt service due on any obligations incurred by the Town pursuant to this ordinance.

(i) That, if the bonds or notes authorized by this ordinance are issued on a tax-exempt basis, the Mayor, the Town Administrator and the Treasurer, or any two of them, are authorized to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes, including covenants to pay rebates of investment earnings to the United States in future years, and are authorized to renew the Town's declaration of intent to reimburse itself from the proceeds of borrowing for other Town funds expended on the project.

(j) That the Water Pollution Control Authority is authorized to construct the sewer project; to approve design and construction expenditures and any land acquisition costs incurred for the sewer project; and to approve contracts with engineers, contractors and others, to be executed by the Town Administrator on behalf of the Town for said sewer project.

(k) That the Water Pollution Control Authority is authorized to apply for and accept federal and state grants to help defray the appropriation for the sewer project.

(l) That the Town Administrator and the Chairman or Vice Chairman of the Water Pollution Control Authority, on behalf of the Town, are authorized to apply for and accept state grants to defray the appropriation for the project and state loans to finance the project, and to enter into any grant or loan agreement prescribed by the State, and the Mayor, the Town Administrator, and the Treasurer, or any two of them, and the Water Pollution Control Authority are authorized to take any other actions necessary to obtain such grants or loans pursuant to Section 22a-479 of the Connecticut General Statutes, Revision of 1958, as amended, or to any other present or future legislation, or to implement such grant or loan agreements.

(m) That the Mayor, Town Administrator, the Water Pollution Control Authority, the Treasurer and other proper officers of the Town are authorized to take all other action which is necessary or desirable to construct and complete the sewer project and to issue bonds, notes or obligations to defray the aforesaid appropriation.

(n) This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon and after approval at referendum vote as provided in Chapter XII, Section 12 of the Town's Charter.

(o) This ordinance shall be effective for not more than ten years from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed.

Introduced: March 12, 1992
Advertised: March 14, 1992 in Journal Inquirer
Public Hearing: March 25, 1992
Council Action: March 25, 1992 - subject to Referendum Vote
Advertised: March 28, 1992 in Journal Inquirer
Defeated at Referendum held April 29, 1992

ORDINANCE #198

DEMOLITION DELAY ORDINANCE

Be it ordained by the Town Council of Vernon that:

(1) There are located in Vernon, buildings of architectural and historic importance that are invaluable assets of the community and are irreplaceable. Historic buildings may be subject to demolition due to their age and condition. An owner of an historically significant building may not realize the significance of the building, the feasibility of rehabilitation, the potential for adaptive reuse, or its marketability for sale to a party interested in obtaining an historic building. A temporary delay of demolition of an historic building accompanied by public notification of the pending demolition can prevent an irremediable error from occurring and be an important step in preserving the historically significant architecture of the community.

(2) Each person filing an application for a permit to demolish a building in the Town of Vernon that is more than fifty years old shall file with the Town's building official, on forms provided by the building official, the following: (1) any information required by the building official and (2) the address of the building to be demolished, (3) the name and address of the building's owner, (4) the date on which demolition is desired to begin, and (5) the approximate age and type of building to be demolished. The application shall include a copy of the current Assessor's street card.

(3) Upon receipt of an application, the building official shall publish a copy of the notice in a newspaper having a substantial circulation in the town. Such notice shall be published not later than fifteen (15) days after its receipt by the building official. The building official shall mail such notice, not later than the date of its publication, to the Local Historic Properties Commission, the Municipal Historian, and to any person or organization requesting such notification by a written document delivered to the building official. Each such request for notification shall be renewed annually in writing.

(4) The purpose of the notice of demolition is to provide public awareness of the intent to demolish a building more than fifty years old, so that proper consideration may be given to its historical, architectural, and/or cultural significance to the Town. If the building official has received no written objection to the application within fifteen (15) days after such notice is published, he/she may issue a demolition permit. If the building official receives a written objection to the issuance of a permit, he/she shall delay the issuance of a permit for up to ninety (90) days following the date on which he/she received the application and notice.

(5) If the building official, in consultation with the Historic Properties Commission and/or the Municipal Historian, makes a written finding that the building which is proposed to be demolished is not of an age, style, location, and/or cultural significance to the Town, he/she may waive the provision of this ordinance requiring notice or the provision requiring delay in the issuance of a demolition permit.

(6) Any person aggrieved by the action of the building official in waiving such provisions or delaying the demolition may appeal to the Building Code Board of Appeals.

Upon Receipt of a written request for appeal, the building official shall request the Chair of the Building Code Board of Appeals to conduct a public hearing within five (5) days, excluding Saturdays, Sundays and Legal Holidays after the date of receipt of the appeal.

The Board shall upon majority vote, affirm, modify or reverse the decision of the building official in a written decision. The Board shall file its decision with the building official not later than five (5) days exclusive of Saturdays, Sundays and Legal Holidays, following the day of the hearing. A copy of the decision shall be mailed to the party making the appeal.

(7) This ordinance shall take effect fifteen (15) days after publication in a newspaper having circulation in the Town of Vernon.

This Ordinance will be effective for a period of not more than ten (10) years from date of adoption. If the Town Council does not act to renew the Ordinance, the Ordinance is repealed.

Introduced: June 16, 1992
Advertised: June 26, 1992
Public Hearing: July 23, 1992
Council Action: July 23, 1992
Advertised: July 31, 1992
Effective Date: August 15, 1992

ORDINANCE #199

ORDINANCE APPROPRIATING \$33,000,000 FOR UPGRADING AND EXPANSION OF THE VERNON WASTEWATER TREATMENT FACILITY AND AUTHORIZING THE ISSUE OF BONDS, NOTES AND OTHER OBLIGATIONS IN THE SAME AMOUNT TO DEFRAY SAID APPROPRIATION

BE IT ORDAINED:

(a) That the Town of Vernon appropriate THIRTY-THREE MILLION DOLLARS (\$33,000,000) for design and construction of improvements to upgrade and expand the Vernon Wastewater Treatment Plant located at Windsorville Road, Vernon, Connecticut, by increasing the average daily flow capacity from approximately 6.4 million gallons per day to approximately 7.1 million gallons per day and by providing new treatment processes, equipment, and the modification or replacement of outmoded facilities, all in accordance with the Order of the Commissioner of Environmental Protection and the judgment of the Superior Court. The appropriation may be spent for planning, design and construction costs, equipment, furnishings, materials, architects' fees, engineering fees, land acquisition, legal fees, net temporary interest and other financing costs, and other expenses related to the project.

(b) The Council hereby determines that the project is of a general benefit to the Town and the project and debt service on bonds, notes and obligations issued to finance the project are payable from general property taxes.

(c) That the Town finance said appropriation by the issue of its serial bonds, notes, or obligations, in an amount not to exceed THIRTY-THREE MILLION DOLLARS (\$33,000,000) to finance the appropriation for the project. The bonds, notes or obligations shall be issued pursuant to Section 7-259 or Section 22a-478 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds, notes or obligations shall be secured by the irrevocable pledge of the full faith and credit of the Town of Vernon. The bonds, notes or obligations may be issued in one or more series, and any series may be sold as a single issue or consolidated with any other bonds, notes or obligations of the Town. The Treasurer shall keep a record of the bonds, notes or obligations. The Mayor, the Town Administrator and the Treasurer of the Town, or any two of them, shall sign the bonds, notes or obligations by their manual or facsimile signatures. The bonds, notes or obligations shall bear the seal of the Town or a facsimile of the seal. The law firm of Day, Berry & Howard is designated as bond counsel to approve the legality of the bonds, notes or obligations. The Mayor, the Town Administrator, and the Treasurer, or any two of them, are authorized to determine the amount, date, interest rates, maturities, form and other details of the bonds, notes or obligations; to designate a bank or trust company to be certifying bank, registrar, transfer agent and paying agent for the bonds, notes or obligations; to deliver the bonds, notes or obligations; and to perform all other acts which are necessary or appropriate to issue the bonds, notes or obligations.

(d) That the Town issue and renew its temporary notes or interim funding obligations from time to time in anticipation of the receipt of the proceeds from the sale of the bonds, notes or obligations for the project. The amount of the notes or obligations outstanding at any time shall not exceed THIRTY-THREE MILLION DOLLARS (\$33,000, 000). The notes or obligations shall be issued pursuant to Sections 7-264 and 7-378 or Section 22a-479 of the General Statutes of Connecticut, Revision of 1958, as amended, and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a and Section 7-378b of the General Statutes if the notes do not mature within the time permitted by said Sections 7-264 or 7-378 and the Town shall comply with the provisions of Section 22a-479(b) with respect to any interim funding obligations. The Mayor, the Town Administrator and the Treasurer, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, form, and other details of the notes or obligations; to sell the notes or obligations at public or private sale; to execute and deliver the notes or obligations; and to perform all other acts which are necessary or appropriate to Issue the notes or obligations.

(e) All grants received for the project shall be applied to pay the costs of the project or to reduce the amount of bonds, notes or obligations issued to finance the project, unless the Town increases the appropriation for the project and provides that such increased appropriation is to be financed by such grants. In the event of any such increased appropriation, temporary notes or interim funding obligations may be issued pursuant to this ordinance pending the receipt of such grants.

(f) The Water Pollution Control Authority may reduce or modify the scope of the project, including any changes to comply with orders or requirements of the Department of Environmental Protection, if the Water Pollution Control Authority deems such reduction or modification to be in the best interests of the Town.

(g) The Water Pollution Control Authority is authorized to expend up to \$31,525,000 of said

ORDINANCE #199

ORDINANCE APPROPRIATING \$33,000,000 FOR UPGRADING AND EXPANSION OF THE VERNON WASTEWATER TREATMENT FACILITY AND AUTHORIZING THE ISSUE OF BONDS, NOTES AND OTHER OBLIGATIONS IN THE SAME AMOUNT TO DEFRAY SAID APPROPRIATION

appropriation to carry out the project, with the remaining amount of said appropriation to be spent on net interest on temporary borrowing and other legal and financing costs unless the Mayor, the Town Administrator and the Treasurer, or any two of them, authorize the expenditure of said remaining amount for the project.

(h) The Water Pollution Control Authority is authorized to enter into agreements with other municipalities, or amendments to existing agreements with other municipalities, subject to approval by the Town Council, to provide for reimbursement to the Town for project costs incurred pursuant to this Ordinance from other municipalities that use the Town's Wastewater Treatment Facility. Such agreements may provide for direct reimbursement of project costs or may provide for contributions to debt service due on any obligations incurred by the Town pursuant to this ordinance.

(i) That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.103-18 that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Mayor, the Town Administrator and the Treasurer, or any two of them, are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes or obligations authorized by this ordinance, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

(j) That the Water Pollution Control Authority is authorized to construct the sewer project; to approve design and construction expenditures and any land acquisition costs incurred for the sewer project; and to approve contracts with engineers, contractors and others, to be executed by the Town Administrator on behalf of the Town for said sewer project.

(k) That the Water Pollution Control Authority is authorized to apply for and accept federal and state grants to help defray the appropriation for the sewer project.

(l) That the Town Administrator and the Chairman or Vice Chairman of the Water Pollution Control Authority, on behalf of the Town, are authorized to apply for and accept state grants to defray the appropriation for the project and state loans to finance the project, and to enter into any grant or loan agreement prescribed by the State, and the Mayor, the Town Administrator, and the Treasurer, or any two of them, and the Water Pollution Control Authority are authorized to take any other actions necessary to obtain such grants or loans pursuant to Section 22a-479 of the Connecticut General Statutes, Revision of 1958, as amended, or to any other present or future legislation, or to implement such grant or loan agreements.

(m) That the Mayor, Town Administrator, the Water Pollution Control Authority, the Treasurer and other proper officers of the Town are authorized to take all other action which is necessary or desirable to construct and complete the sewer project and to issue bonds, notes or obligations to defray the aforesaid appropriation.

(n) This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon.

(o) This ordinance shall be effective for not more than ten years from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed.

Introduced: July 23, 1992

Advertised: July 28, 1992 in Journal Inquirer

Public Hearing: August 11, 1992

Council Action: August 11, 1992

Advertised: August 14, 1992 in Journal Inquirer

Effective Date: August 29, 1992

No Referendum Held - Ordered by Superior Court July 16, 1992 -Dept. of Environmental Protection vs Town of Vernon

(See Town Council Minutes - July 23, 1992, Vol. 28, Page 32)

ORDINANCE #200

ORDINANCE CONCERNING THE DESIGNATION OF THE PLANNING & ZONING COMMISSION AS THE TOWN'S 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, it has been determined that it is in the best interest of the Town of Vernon to designate the Planning and Zoning Commission as the town's aquifer protection agency; and

NOW THEREFORE BE IT ORDAINED BY THE TOWN OF VERNON THAT:

1. Designation and membership

- (a) In accordance with the provisions of Section 22a-354, et seq. of the Connecticut General Statutes, the Planning and Zoning Commission is hereby designated as the Aquifer Protection Agency (hereinafter "APA") of the Town of Vernon. The staff of the Planning Department shall serve as the staff of the APA.
- (b) Members of the Planning and Zoning Commission shall serve coexisting terms on the APA. The membership requirements of the APA shall be the same as those of the Planning and Zoning Commission including, but not limited to the number of members, terms, method of selection and removal, and filling vacancies.
- (c) At least one member of the APA or staff of the APA shall complete the course in technical training formulated by the Commissioner of Environmental Protection of the State of Connecticut, pursuant to Section 22a-354v of the Connecticut General Statutes.

2. Regulations to be adopted

The APA shall adopt regulations in accordance with Section 22a-354p of the Connecticut General Statutes.

- (a) Said regulations shall provide for:
 - (1) The manner in which boundaries of aquifer protection areas shall be established and amended or changed.
 - (2) Procedures for the regulation of activity within the area.
 - (3) The form for an application to conduct regulated activities within the area.
 - (4) Notice and publication requirements.
 - (5) Criteria and procedures for the review of applications.
 - (6) Administration and enforcement.

This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon.

This ordinance shall be effective for not more than ten years from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed.

Introduced:	December 15, 1992
Advertised:	December 23, 1992
Public Hearing:	January 5, 1993
Council Action:	January 5, 1993
Advertised:	January 11, 1993
Effective Date:	January 26, 1993

ORDINANCE #201

ORDINANCE APPROPRIATING \$1,140,000 FOR EXTENSION OF SEWERS TO CAMPBELL AVENUE, CAMPBELL AVENUE EXTENSION, AND TANKERHOOSEN ROAD AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO DEFRAY SAID APPROPRIATION

BE IT ORDAINED:

(a) That the Town of Vernon appropriate ONE MILLION ONE HUNDRED FORTY THOUSAND DOLLARS (\$1,140,000) for extension of sewers to Campbell Avenue, Campbell Avenue Extension, and Tankerhoosen Road, including necessary pumping stations. The appropriation may be spent for planning, design and construction costs, equipment, furnishings, materials, architects' fees, engineering fees, land acquisition, legal fees, net temporary interest and other financing costs, and other expenses related to the project.

(b) The Council hereby determines that the sewer extension project in the estimated amount of \$852,000 is of special benefit and debt service on bonds and notes issued to finance the costs of such extension shall be reimbursed to the Town from special assessments against benefitted properties; and that the remaining portions of the project are of a general benefit to the Town and the remaining portions of the project and debt service on bonds and notes issued to finance the remaining portions of the project are payable from general property taxes.

(c) That the Town finance said appropriation by the issue of its serial bonds, notes or obligations, in an amount not to exceed ONE MILLION ONE HUNDRED FORTY THOUSAND DOLLARS (\$1,140,000) to finance the appropriation for the project. The bonds, notes or obligations shall be issued pursuant to Section 7-259 or Section 22a-478 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds, notes or obligations shall be secured by the irrevocable pledge of the full faith and credit of the Town of Vernon. The bonds, notes or obligations may be issued in one or more series, and any series may be sold as a single issue or consolidated with any other bonds, notes or obligations of the Town. The Treasurer shall keep a record of the bonds, notes or obligations. The Mayor, Town Administrator and the Treasurer of the Town, or any two of them, shall sign the bonds, notes or obligations by their manual or facsimile signatures. The bonds, notes or obligations shall bear the seal of the Town or a facsimile of the seal: The law firm of Day, Berry & Howard is designated as bond counsel to approve the legality of the bonds, notes or obligations. The Mayor, Town Administrator and Treasurer, or any two of them, are authorized to determine the amount, date, interest rates, maturities, form and other details of the bonds, notes or obligations; to designate a bank or trust company to be certifying bank, registrar, transfer agent and paying agent for the bonds, notes or obligations; to deliver the bonds, notes or obligations; and to perform all other acts which are necessary or appropriate to issue the bonds, notes or obligations.

(d) That the Town issue and renew its temporary notes or interim funding obligations from time to time in anticipation of the receipt of the proceeds from the sale of the bonds, notes or obligations for the project. The amount of the notes or obligations outstanding at any time shall not exceed ONE MILLION ONE HUNDRED FORTY THOUSAND DOLLARS (\$1,140,000). The notes or obligations shall be issued pursuant to Sections 7-264 and 7-378 or Section 22a-479 of the General Statutes of Connecticut, Revision of 1958, as amended, and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a and Section 7-378b of the General Statutes if the notes do not mature within the time permitted by said Sections 7-264 or 7-378 and the Town shall comply with the provisions of Section 22a-479(b) with respect to any interim funding obligations. The Mayor, Town Administrator and the Treasurer, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, form, and other details of the notes or obligations; to sell the notes or obligations at public or private sale; to execute and deliver the notes or obligations; and to perform all other acts which are necessary or appropriate to issue the notes or obligations.

(e) That the Town issue and renew its sewer assessment notes from time to time in an amount which does not exceed the amount of sewer assessments levied against owners of property benefitted by the sewer project. The total amount of sewer assessment notes, serial bonds, notes or obligations, and temporary bond anticipation notes or interim funding obligations issued pursuant to this ordinance and outstanding at any time shall not exceed ONE MILLION ONE HUNDRED FORTY THOUSAND DOLLARS (\$1,140,000). The sewer assessment notes shall be issued pursuant to Sections 7-259 and 7-269a of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The sewer assessment notes shall be secured by the irrevocable pledge of the full faith and credit of the Town and of the benefit assessments levied or to be levied in connection with the sewer project. The Mayor, Town Administrator and the Treasurer, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, form and other details of the sewer assessment notes; to sell the notes at public or private sale; to execute and deliver the notes; and to perform all other acts which are necessary or appropriate to issue the notes and deliver them. If receipts from sewer assessments are not sufficient to pay principal and interest due on the sewer assessment notes at the end of the period permitted by said Section 7-269a, as amended, or if the Mayor, Town Administrator and the Treasurer, or any two of them, consider it advisable to pay such notes prior to the end of such

ORDINANCE #201

ORDINANCE APPROPRIATING \$1,140,000 FOR EXTENSION OF SEWERS TO CAMPBELL AVENUE, CAMPBELL AVENUE EXTENSION, AND TANKERHOOPEN ROAD AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO DEFRAY SAID APPROPRIATION

period, they are authorized to issue serial bonds, notes or obligations in accordance with paragraph (c) of this ordinance and apply the proceeds to pay the sewer assessment notes.

(f) That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Mayor, Town Administrator and the Treasurer, or any two of them, are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this ordinance if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

(g) All grants received for the project shall be applied to pay the costs of the project or to reduce the amount of bonds, notes or obligations issued to finance the project, unless the Town increases the appropriation for the project and provides that such increased appropriation is to be financed by such grants. In the event of such increased appropriation, temporary notes or interim funding obligations may be issued pursuant to this ordinance pending the receipt of such grants.

(h) That the Water Pollution Control Authority may reduce or modify the scope of the project, including any changes to comply with orders or requirements of the Department of Environmental Protection, and may cancel the project if the Water Pollution Control Authority deems such reduction or modification or cancellation to be in the best interests of the Town.

(i) That the Water Pollution Control Authority is authorized to expend up to \$1,057,600 of said appropriation to carry out the project, with the remaining amount of said appropriation to be spent on net interest on temporary borrowing and other legal and financing costs unless the Mayor, the Town Administrator and the Treasurer, or any two of them, authorize the expenditure of said remaining amount for the project.

(j) That the Water Pollution Control Authority is authorized to construct the sewer project; to approve design and construction expenditures and any land acquisition costs incurred for the sewer project; and to approve contracts with engineers, contractors and others, to be executed by the Town Administrator on behalf of the Town for said sewer project.

(k) That the Water Pollution Control Authority is authorized to apply for and accept federal and state grants to help defray the appropriation for the sewer project.

(l) That the Town Administrator and the Chairman or Vice Chairman of the Water Pollution Control Authority, on behalf of the Town, are authorized to apply for and accept state grants to defray the appropriation for the project and state loans to finance the project, and to enter into any grant or loan agreement prescribed by the State, and the Mayor, the Town Administrator, and the Treasurer, or any two of them, and the Water Pollution Control Authority are authorized to take any other actions necessary to obtain such grants or loans pursuant to Section 22a-479 of the Connecticut General Statutes, Revision of 1958, as amended, or to any other present or future legislation, or to implement such grant or loan agreements.

(m) That the Mayor, Town Administrator, the Water Pollution Control Authority, the Treasurer and other proper officers of the Town are authorized to take all other action which is necessary or desirable to construct and complete the sewer project and to issue bonds, notes or obligations to defray the aforesaid appropriation.

(n) This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon and after approval at referendum vote as provided in Chapter XII, Section 12 of the Town's Charter.

(o) This ordinance shall be effective for not more than ten years from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed.

Introduced: July 29, 1993

Advertised: August 6, 1993

Public Hearing: August 17, 1993

Council Action: August 17, 1993

Advertised: August 25, 1993

Effective Date: November 2, 1993 (following Referendum Vote)

Approved by Referendum November 2, 1993

ORDINANCE #202

ORDINANCE REPEALING ORDINANCE #115 ENTITLED THE TOWN OF VERNON MASSAGE ESTABLISHMENT ORDINANCE” AND REPEALING ORDINANCE #152 ENTITLED “ORDINANCE AMENDING ORDINANCE #115 ENTITLED ‘THE TOWN OF VERNON MASSAGE ESTABLISHMENT ORDINANCE’”

BE IT ORDAINED:

That Ordinance #115 entitled “THE TOWN OF VERNON MASSAGE ESTABLISHMENT ORDINANCE” and Ordinance #152 entitled “ORDINANCE AMENDING ORDINANCE #115 ENTITLED ‘THE TOWN OF VERNON MASSAGE ESTABLISHMENT ORDINANCE’” are hereby repealed.

This Ordinance shall be effective for not more than ten years from the date of adoption at which time, if the Town Council does not or has not acted to renew the Ordinance, the Ordinance shall be deemed repealed.

Introduced:	August 17, 1993
Advertised:	September 3, 1993
Public Hearing:	September 21, 1993
Council Action:	September 21, 1993
Advertised:	September 27, 1993
Effective Date:	October 12, 1993

ORDINANCE #203

AN ORDINANCE ESTABLISHING AN URBAN HOMESTEADING AGENCY FOR THE TOWN OF VERNON

1. Establishment; purpose:

There is hereby established an Urban Homesteading Agency by the Town of Vernon for the purpose of reconstructing and rehabilitating vacant and abandoned buildings, protecting the public health, safety, convenience and welfare, protecting the value of all real property within the community, promoting aesthetically pleasing development and preserving the special character of existing neighborhoods.

For the purpose of this ordinance, "Agency" shall mean the Urban Homesteading Agency.

2. Members; terms; qualifications; offices; vacancies;

1.1 Members; terms: The Agency shall be composed of five (5) regular members and two (2) alternate members, who shall be appointed upon the recommendation of the Mayor and approval of the Town Council. The term of office for members and alternates shall be three (3) years, commencing February 1, 1994 except that of the five (5) regular members first appointed, two (2) shall be appointed for terms ending February 1, 1996, and one (1) shall be appointed for a term ending February 1, 1995. No member shall serve on the board for more than two (2) consecutive three (3) year terms.

2.2 Qualifications: At least two (2) regular members shall be specifically qualified by reason of education, training or experience in construction, real estate sales or development, urban planning or historic preservation; one (1) regular member shall have experience in architecture, or urban renewal or building rehabilitation and at least one (1) alternate member shall have special training or experience in architecture, city planning, historic preservation, construction or other related businesses or professions. All regular and alternate members shall be residents of the Town of Vernon.

3.3 Officers: The Chairperson and Vice Chairperson of the Committee shall be elected by a majority of the members of the Committee for a term of one (1) year. Committee members shall not serve as Chairperson or Vice Chairperson for more than two (2) years.

4.4 Vacancies; removal: Any vacancy shall be filled for the remainder of the unexpired term as original appointments are herein provided. Any regular member and alternate member who misses fifty percent or more of the scheduled meetings in any calendar year shall be removed from the Committee.

3. Meetings:

The Committee shall meet at least once a month, or as often as is deemed necessary. A quorum shall consist of three (3) members. In making recommendations on applications pending before it, the Committee shall act in accordance with Connecticut General Statutes sections 8-169o through 8-169w and the Regulations promulgated by the State Department of Housing pursuant to said Statute. The Committee shall report to the Town Council periodically with recommendations for the acquisition or disposition of property.

This Ordinance will be effective for a period of not more than ten (10) years from date of adoption. If the Town Council does not act to renew the Ordinance, the Ordinance is repealed.

Introduced: December 21, 1993
Advertised: December 28, 1993
Public Hearing: January 4, 1994
Council Action: January 4, 1994
Advertised: January 8, 1994
Effective Date: January 24, 1994

ORDINANCE #204

AN ORDINANCE ESTABLISHING A CURFEW

Be it ordained by the Town Council of the Town of Vernon as follows:

Section 1. Chapter 8 entitled “Offenses and Miscellaneous Provisions” of the Revised Code Ordinances of the Town of Vernon, Connecticut 1991. as amended. is hereby further amended as follows:

“Sec. 8-4. Curfew for minors” --is hereby added.

Sec. 8-4. Curfew for Minors.

(a) PURPOSE.

The Town Council has found that the Incidence of crimes committed by and against minors is increasing and has determined that a curfew ordinance is necessary and desirable.

The Council has also determined that persons under the age of eighteen (18) are particularly susceptible by their lack of maturity and experience to participate in unlawful activities and to be victims of older perpetrators of crime.

The Town of Vernon recognizes that it has a moral and legal obligation to:

1. protect minors from each other and from other persons on the streets during nocturnal hours;
2. promote parental responsibility for and supervision of minors and.
3. protect the general public from nocturnal mischief and crime committed by minors.

Wherefore, a curfew for those under the age of eighteen (18) will be in the interest of the public health, safety, and general welfare and will help to attain the foregoing objectives and to diminish the undesirable impact of such conduct on the citizens of the Town of Vernon.

(b) DEFINITIONS.

For the purposes of this ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future words in the plural number include the singular number, and words in the singular number the plural number. The word “shall” is always mandatory and not merely directory.

1. Curfew Hours: For minors under eighteen (18) years old: shall be between 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 5:00 a.m. of the following day; and 12:01 a.m. until 5:00 a.m. on any Saturday or Sunday.
2. Emergency: shall mean an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
3. Establishment: shall mean any privately-owned place of business operating for a profit to which the public is invited. Including but not limited to any place of amusement or entertainment.
4. Guardian: shall mean a person who, under court order is the guardian of the person of a minor; or a public or private agency with whom a minor has been placed by the court.
5. Minor: shall mean any person under eighteen (18) years of age.
6. Parent: shall mean a person who is a natural parent, adoptive parent, or step-parent of another person; or at least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.
7. Public Place: shall mean any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose. A public place shall include but not be limited to any store, shop, restaurant, tavern, bowling alley, cafe, theater, drug store, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above.
8. Remain: shall mean to linger or stay or fail to leave the premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

(c) OFFENSES.

1. Curfew for Minors It shall be unlawful for any minor to remain, idle, wander, stroll or

ORDINANCE #204

AN ORDINANCE ESTABLISHING A CURFEW

play in any public place or establishment in the Town during curfew hours unless accompanied by a parent, guardian, custodian or other adult person having custody or control of such minor or unless the minor is on an emergency errand or specific business or activity directed or permitted by his parent, guardian, or other adult person having the care and custody of the minor or where the presence of such minor is connected with or required by some legitimate employment, trade, profession or occupation.

2. Parents' Responsibility. It shall be unlawful for the parent, guardian or other adult person having custody or control of any minor under the age of sixteen (16) to suffer or permit or by inefficient control to allow such person to be on the streets or sidewalks or on or in any public property or public place or establishment within the Town during the curfew hours. However, the provisions of this Section do not apply to a minor accompanied by his or her parent, guardian, custodian or other adult person having the care, custody or control of the minor, or if the minor is on an emergency errand or specific business or activity directed by the minor's parent, guardian, custodian or other adult having the care and custody of the minor or if the parent, guardian or other adult person herein has made a missing person notification to the Police Department.

(d) SPECIAL FUNCTIONS.

Any minor attending a special function or event sponsored by any religious, school, club, or other organization that requires such minor to be out at a later hour than that called for in this section shall be exempt from the provisions of this ordinance provided such minor has the approval of his or her parent or guardian to attend said function or event. Such minors who attend said function or event shall be required to be in their homes or usual places of abode within one half hour after said function or event is ended.

(e) PROCEDURES.

1. For minors sixteen (16) years and older:

A. Any police officer upon finding a minor sixteen (16) years and older in violation of this ordinance may issue the minor an infraction citation for the violation and subject to the fines as set forth in Section 8-4(0)(3). The police officer shall report such action to the Chief of Police or his or her designate who in turn shall notify the parents, guardian, or person having custody of such minor.

2. For minors under the age of sixteen (16) years:

A. Any police officer upon finding a minor under the age of sixteen (16) years in violation of this ordinance shall ascertain the name and address of such minor and warn such minor that he or she is in violation of curfew and shall direct such minor to proceed at once to his or her home or usual place of abode. The police officer shall report such action to the Chief of Police or his or her designate who in turn shall notify the parents, guardian, or person having custody or control of such minor.

B. If such minor refuses to heed such warning or direction by any police officer or refuses to give such police officer his correct name and address, or if such minor has been warned on a previous occasion that he or she is in violation of curfew, he or she may be taken to the Police Department and the parent, guardian, or other adult person having the care and custody of such minor shall be notified to come and take charge of the minor.

(f) PENALTIES,

1. Any person violating a provision of this ordinance is guilty of a separate offense for each day or part of a day during which the violation is committed, continued or permitted.
2. For minors sixteen (16) years of age and older: Violation of any provision of this ordinance shall be deemed an infraction with a fine of not more than \$50.00 dollars for the first offense, \$75.00 for the second offense and \$90.00 dollars for all subsequent offenses.
3. For minors under the age of sixteen (16) years: Violation of Section 8-4(c)(2) by any parent, guardian or other adult person having the care and custody of a minor after having been previously notified under Section 8-4(e) shall be deemed an Infraction.
 - A. Said Parent, guardian or other adult person shall be fined not more than \$50.00

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dollars for the first offense, \$75.00 for the second offense and \$90.00 dollars for all subsequent offenses.

- B.** It shall not constitute a defense that such parent, guardian, or other adult person did not have knowledge of the presence of the minor upon any of the establishments or public places.
- C.** Notwithstanding any other provision of this ordinance, any minor under the age of sixteen (16) violating the provisions of this ordinance may be referred to juvenile authorities and dealt with in accordance with the Juvenile Court law and procedure.

(g) SEVERABILITY.

Severability is intended throughout and within the provisions of this ordinance. If any provision, including, inter alia, any exception, part, phrase or term or the application to any person or circumstances is held to be invalid, other provisions or the application to other persons or circumstances shall not be affected thereby.

(h) DURATION.

- 1.** This ordinance shall be reviewed by Town Council annually and at such time the Town Council may proceed to amend or repeal said ordinance if it so chooses.
- 2.** This ordinance shall be effective for not more than ten (10) years from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed.

Introduced: July 19, 1994
Advertised: July 22, 1994
Public Hearing: August 2, 1994
Council Action: August 2, 1994
Advertised: August 8, 1994
Effective Date: August 23, 1994

**Amended by Ordinance #222

ORDINANCE #205

AN ORDINANCE AMENDING ORDINANCE #157 ENTITLED “AN ORDINANCE TO ALLOW VETERANS AN ADDITIONAL EXEMPTION FROM PROPERTY TAX IF QUALIFIED UNDER CERTAIN INCOME REQUIREMENTS”

BE IT ORDAINED:

PURSUANT TO THE PROVISION OF CONNECTICUT GENERAL STATUTE 12-81f:

(a) any veteran entitled to an exemption from property tax in accordance with subdivision (19) of Section § 12-81 shall be entitled to an additional exemption applicable to the assessed value of property up to the amount of one thousand dollars, provided such veteran’s qualifying income does not exceed the applicable maximum amount as provided under section §12-811.

(b) 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 up to the amount of one thousand dollars, provided such surviving spouse’s qualifying income does not exceed the maximum amount applicable to an unmarried person as provided under section §12-811.

(c) 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 with respect to which such additional exemption is claimed, provided when an applicant has filed for such exemption and received approval for the first time, such applicant shall be required to file for such exemption biennially thereafter, subject to the provisions of subsection (d) of this section. 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.

(d) any person who has submitted application and been approved in any year for the additional exemption under subsection (a) or (b) of this section shall, in the year immediately following approval, be presumed to be qualified for such exemption. During the year immediately following such approval, the assessor shall notify, in writing, each person presumed to be qualified pursuant to this subsection. If any such person has qualifying income in excess of the maximum allowed under said subsection (a) or (b), such person shall notify the assessor on or before the next filing date for such exemption and shall be denied such exemption for the assessment year immediately following and for any subsequent year until such person has reapplied and again qualified for such exemption. Any person who fails to notify the assessor of such disqualification shall make payment to the municipality in the amount of property tax loss related to the exemption improperly taken.

This Ordinance will be effective for a period of not more than ten (10) years from date of adoption. If the Town Council does not act to renew the Ordinance, the Ordinance is repealed.

Introduced: August 30, 1994
Advertised: September 13, 1994
Public Hearing: September 20, 1994
Council Action: September 20, 1994
Advertised: September 28, 1994
Effective Date: October 13, 1994

ORDINANCE #206

AN ORDINANCE AMENDING ORDINANCE #159 ENTITLED “AN ORDINANCE TO ALLOW AN ADDITIONAL AMOUNT OF EXEMPTION FROM PROPERTY TAX FOR PERSONS WHO ARE BLIND”

BE IT ORDAINED:

PURSUANT TO THE PROVISIONS OF CONNECTICUT GENERAL STATUTE 12-81j:

(a) any person entitled to the exemption from property tax applicable to the assessed value of property up to the amount of three thousand dollars, as provided under subdivision (17) of section §12-81, shall be entitled to an additional exemption from such tax in an amount up to two thousand dollars of such assessed value, provided such person’s qualifying income does not exceed the applicable maximum amount as provided under section §12-811.

(b) any person submitting a claim for the additional exemption as provided under subsection (a) of this section shall be required to file an application, on a form prepared for such purpose by the assessor, not later than the date of the assessment list with respect to which such additional exemption is claimed Each such application shall include a copy of such person’s federal income tax return, or in the event a return is not filed, such evidence related to income as may be required by the assessor for the tax year of such person ending immediately prior to the approval of a claim for such additional exemption.

This Ordinance will be effective for a period of not more than ten (10) years from date of adoption. If the Town Council does not act to renew the Ordinance, the Ordinance is repealed.

Introduced: August 30, 1994
Advertised: September 13, 1994
Public Hearing: September 20, 1994
Council Action: September 20, 1994
Advertised: September 28, 1994
Effective Date: October 13, 1994

ORDINANCE #207

AN ORDINANCE PROHIBITING LOITERING

Be It ordained by the Town Council of the Town of Vernon as follows:

Section 1. Chapter 8 entitled Offenses and Miscellaneous Provisions” of the Revised Code Ordinances of the Town of Vernon, Connecticut, 1991, as amended, is hereby further amended as follows:

“Sec. 8-5. Loitering --Is hereby added.

Sec. 8-5. Loitering.

(a) DEFINITIONS

For the purposes of this ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular number, and words in the singular number the plural number. The word “shall is always mandatory and not merely directory.

1. Loitering: shall mean remaining idle in essentially one location and shall include the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; to stand around and shall also include the colloquial expression “hanging around.”

2. Public Place: shall mean any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public, it shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas, or parks.

(b) OFFENSES.

1. It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone and/or in consort with others in a public place in such a manner as to:

A. Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.

B. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone to or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress, therein, thereon and thereto.

2. It shall be unlawful for any person or group of persons to loiter on the grounds or within any building of a school within the Town so as to in any way impede, interfere with or interrupt the operation of any school or class within such school. Any person in charge of such school or his or her designee may order any person violating this subsection to immediately quit said premises.

3. It shall be unlawful for any person to loiter on private property:

(a) if the property owner or tenant has posted the property with prominent “NO LOITERING” signs or other notices of like meaning at the entrance or entrances; or

(b) the person to be charged with loitering has been asked by the owner or tenant of the property, by an employee of the owner or tenant, by a security officer, or by a law enforcement officer to leave the property and has failed to leave.

(c) PROCEDURE.

Whenever any police officer, in the exercise of reasonable judgment, shall decide that the presence of any person in any public place upon which the appropriate sign has been posted or on private property upon complaint of the owner thereof, is causing or is to cause any of the conditions enumerated in subsection (b) herein, said police officer shall, if he or she deems it necessary for the preservation of the public peace and safety, order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this section.

(d) PENALTY.

Any person who violates the provisions of this section shall be fined not more than seventy-

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AN ORDINANCE PROHIBITING LOITERING

five dollars (\$75.00) for each offense. Each and every violation of this section shall constitute a separate offense.

(e) SEVERABILITY.

The various provisions of this Ordinance are to be considered as severable, and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

(f) DURATION

1. This Ordinance shall be reviewed by Town Council annually and at such time the Town Council may proceed to amend or repeal said ordinance if it so chooses.

2. This Ordinance will be effective for a period of not more than 10 (ten) years from the date of adoption. If the Town Council does not act to renew the Ordinance, the Ordinance is repealed.

Introduced:	August 30, 1994
Advertised:	September 13, 1994
Public Hearing:	September 20, 1994
Council Action:	September 20, 1994
Advertised:	September 28, 1994
Effective Date:	October 13, 1994

ORDINANCE #208

AN ORDINANCE REGULATING ADULT-ORIENTED ESTABLISHMENTS

Section 1. Findings and Purpose.

- (A) The Town Council of the Town of Vernon, Connecticut finds:
- (1) There are “adult-oriented establishments” located in the Town of Vernon (“Town”) which require special supervision from the Town’s public safety 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’s citizens.
 - (2) Statistics and studies performed by a substantial number of cities and towns in the United States indicate that:
 - (a) Large numbers of persons, primarily male, frequent such “adult-oriented establishments”, especially those which provide closed booths, cubicles, studios and rooms for private viewing of so-called “adult” motion pictures and/or video tapes and/or live entertainment; and
 - (b) Such closed booths, cubicles, studios and rooms have been used by patrons, clients or customers of such “adult-oriented establishments” for the purpose of engaging in certain sexual acts; and
 - (c) 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 and rooms; and
 - (d) 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 booth, cubicles, studios and rooms to engage in sexual acts therein with prostitutes or others, 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 into contact with such deposits; and
 - (e) 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.
 - (3) The continued unregulated operation of “adult-oriented establishments” including, without limitation, those specifically cited at Section 1 (A) (1) of this ordinance, is and would be detrimental to the general welfare, health and safety of the citizens of the Town.
 - (4) 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.
 - (5) It is not the intent of the Council, in enacting this ordinance, to deny to any person rights to speech protected by the United States and/or State Constitutions, nor is it the intent of the Council 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 Council 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 2. 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-oriented Establishment” shall include, without limitation, “adult bookstores”, “adult motion picture theaters”, “adult mini-motion picture theaters” and further means any premises to which the public, patrons or members are invited or admitted and which

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AN ORDINANCE REGULATING ADULT-ORIENTED ESTABLISHMENTS

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-oriented motion pictures, or any premises wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An "adult-oriented establishment" further includes, without limitation, any adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as a adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import.

- (B) "Adult Bookstore" means an establishment having a substantial or significant portion of its stock and trade in books, films, video cassettes, 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" as defined below, and in conjunction therewith has facilities for the presentation of adult entertainment, as defined below, and including adult-oriented films, movies or live entertainment, for observation by patrons therein.
- (C) "Adult Entertainment" means any exhibition of any adult-oriented motion pictures, live performance, display or dance of any type, which has a significant or substantial portion of such performance any actual or simulated performance of "specified sexual activities" or exhibition and viewing of "specified anatomical areas", removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal services offered customers.
- (D) "Adult Motion Picture Theater" means an enclosed building with a capacity of fifty (50) or more persons 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 Mini-Motion Picture Theater" means an enclosed building with a capacity of less than fifty (50) persons 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.
- (F) "Chief of Police" means the Chief of Police of the Town or his or her designated agent.
- (G) "Council" means the Town Council of the Town of Vernon, Connecticut.
- (H) "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.
- (I) "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 as an independent contractor.
- (J) "Inspector" means an employee of the Town police department, health department, fire department, building department and/or any other Town employee designated by the Chief of Police, who shall hereby be authorized to inspect premises regulated under this ordinance and to take the required actions authorized by this ordinance in case of violations being found on such premises, and to require corrections of unsatisfactory conditions found on said premises.
- (K) "Minor" means a person under the age of eighteen (18) years.
- (L) "Operator" means any person, or any proprietor, shareholder, general partner or limited partner who holds twenty-five (25%) percent or more of the shares or partnership interest of any business which is operating, conducting, owning or maintaining an adult-oriented establishment.
- (M) "Sexual Activities", as used in this ordinance, is not intended to include any medical publications or films or bona fide educational publication or films, nor does it include any art or photography publications which denote at least twenty-five percent (25%) of the lineage of each issue to articles and advertisements dealing with subjects of art or

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photography. Nor does this definition apply to 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. Nor does this definition apply to publications or films which describe and report different cultures and which, from time to time, publish or show photographs or depiction's of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the population.

- (N) "Specified Sexual Activities" means and includes, but is not limited to, any of the following:
- (1) Human genitals in a state of sexual stimulation or arousal;
 - (2) Sex acts, actual or simulated, of human masturbation, sexual intercourse, or sodomy;
 - (3) Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.
- (O) "Specified Anatomical Areas" means:
- (1) Less than completely and opaquely covered:
 - (a) human genitals, 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.
- (P) "Transfer of Ownership or Control" of an adult- oriented establishment means and includes any of the following:
- (1) the sale, lease, or sublease of the business;
 - (2) the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
 - (3) the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing ownership or control.

Section 3. Requirements for Adult-oriented Establishments.

- (A) Responsibilities of the Operator:
- (1) 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 if such act or omission occurs either with the authorization, knowledge or approval 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.
 - (2) An operator of an adult-oriented establishment shall be responsible for the conduct of all employees while on the premises of such establishment, 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 the penalties imposed by this ordinance.
 - (3) No operator or employee of an adult- oriented establishment shall allow or permit any minor or intoxicated person to loiter in any part of such establishment, including parking lots immediately adjacent to such establishment used by patrons of such adult-oriented establishment.
 - (4) Every adult-oriented establishment doing business in the Town on or after July 1, 1995 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. It shall be unlawful to install enclosed booths, cubicles, rooms or stalls within adult-oriented establishments for whatever purpose, but especially for the purpose of

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providing for the secluded viewing of adult-oriented motion pictures, or other types of adult-oriented entertainment.

- (5) On or after July 1, 1995, 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-oriented motion pictures or other types of live 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 employees to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
- (6) The operator shall insure compliance of the adult-oriented establishment and its patrons with the provisions of this ordinance.

(B) Inspections:

An operator or an applicant for a license to operate an adult-oriented establishment shall permit representatives of the police department, health department, fire department, building department and/or any other Inspector as defined in Section 2 (K) of this ordinance, to inspect the premises of an adult-oriented business for the purpose of insuring compliance with the law, at all reasonable times.

Section 4. Penalties and Prosecution.

- (A) Any person, partnership or corporation who is found to have violated this ordinance shall be fined a definite sum not exceeding Ninety-nine (\$99.00) Dollars for each such violation.
- (B) Each violation of this ordinance shall be considered a separate offense, and any violation continuing more than one hour of time shall be considered a separate offense for each hour of violation.

Section 5. License Required.

- (A) Upon the effective date of this ordinance, the operator of each adult-oriented establishment shall be responsible for and shall acquire a license from the Town in the following manner:
 - (1) The operator of each adult oriented establishment shall submit an application to the Town Clerk, upon a form to be provided by the Town Clerk, within sixty (60) days of the effective date of this ordinance. The application shall be distributed to the Chief of Police within five (5) days of receipt.
 - (2) The premises must be inspected by the Town health department, fire department and building department within thirty (30) days of receipt of the application. If the premises are in compliance with state and local health, fire and building codes and regulations, a license shall be issued within forty-five (45) days of receipt of the application unless the applicant is deemed unqualified.
 - (3) An applicant shall be unqualified if one or more of the following are true:
 - (a) An applicant is under eighteen (18) years of age;
 - (b) An applicant is overdue in payment to the Town of taxes, fees, fines, or penalties assessed against him or imposed upon him in relation to an adult-oriented business;
 - (c) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;
 - (d) An applicant has violated a provision of this ordinance within two (2) years immediately preceding the application;
 - (e) The premises to be used for the adult-oriented business have not been approved by the Town health department, fire department and building department as being in compliance with applicable laws, ordinances and regulations, within thirty (30) days of the filing of the application;
 - (f) The license fee required by Section 6 of this ordinance has not been paid at the

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time the application was filed with the Town Clerk;

- (g) An applicant has been employed in an adult-oriented business in a managerial capacity within the preceding twelve (12) months and has demonstrated an inability to operate or manage an adult-oriented business premises in a peaceful and law-abiding manner thus necessitating action by law enforcement officers;
- (h) An applicant is in violation of the Town of Vernon Zoning Regulations;
- (4) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the adult-oriented business. The license shall be posted in a conspicuous place at or near the entrance to the adult-oriented business so that it may be easily read at any time.
- (5) An applicant shall not be deemed unqualified solely because of prior conviction of a crime; however, if the applicant has been convicted of a crime, the Chief of Police may consider the following when determining applicant qualification:
 - (a) the nature of the crime and its relationship to the granting of a license to operate an adult-oriented establishment;
 - (b) information pertaining to the degree of rehabilitation of the convicted person; and
 - (c) the time elapsed since the conviction or release of the applicant.
- (6) If an applicant is deemed unqualified said rejection shall be in writing and shall specifically state the evidence presented and reason for rejection and shall be sent to the applicant by registered mail as further provided in Section 11 of this ordinance.

Section 6. Fees.

A license fee of SEVEN HUNDRED FIFTY AND 00/100 (\$750.00) DOLLARS shall be submitted with the application for a license. If the application is denied, one-half (1/2) of the fee shall be returned.

Section 7. Renewal of License.

- (A) Each license shall expire one (1) year from the date of issuance and may be renewed annually by making application as provided in Section 5 of this ordinance. Application for renewal should be made at least thirty (30) days before the expiration date, to allow Town officials to review the application in a timely manner. However, when an application for renewal is made less than thirty (30) days before the expiration date, the expiration of the license will not be affected.
- (B) An annual license renewal fee of FIVE HUNDRED AND 00/100 (\$500.00) DOLLARS shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of FIFTY AND 00/100 (\$50.00) DOLLARS shall be assessed against the applicant who files for renewal less than thirty (30) days before the license expires. If the application for renewal is denied, one-half (1/2) of the total fees collected shall be returned.
- (C) No adult-oriented establishment shall operate if its license expires by lapse of time.

Section 8. Suspension.

The Chief of Police shall suspend a license for a period not to exceed thirty (30) days if he or she determines that an operator or an employee of a operator has violated any part of this ordinance or violated any state statute regarding the subject establishment.

Section 9. Revocation.

- (A) The Chief of Police shall revoke a license if a cause of suspension in Section 8 occurs and the license has been suspended within the preceding twelve (12) months.
- (B) The Chief of Police shall revoke a license if he determines that:
 - (1) an operator gave false or misleading information in the material submitted during the application process;
 - (2) an operator or an employee of an operator has knowingly allowed possession, use, or sale of controlled substances on the premises of the adult-oriented business;
 - (3) an operator or an employee of an operator has knowingly allowed or promoted prostitution on the premises of the adult-oriented business;

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- (4) an operator or an employee of an operator has knowingly operated the adult-oriented establishment during a period of time when the operator's license was suspended; or
 - (5) an operator or an employee of an operator has knowingly allowed, or as a result of his or her negligent failure to supervise, has allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in or on the premises of the adult-oriented establishment.
- (C) Any operator whose license is revoked shall not be eligible to receive a license for one (1) year from the date of revocation.

Section 10. Transfer of License

- (A) An operator shall not transfer his or her license to another, nor shall an operator operate an adult-oriented establishment under the authority of a license at any place other than the address designated in the application.
- (B) The transfer of a license or any interest in a license shall automatically and immediately revoke the license.

Section 11. Appeal

If the Chief of Police denies the issuance of a license, or suspends or revokes a license, he shall, within ten (10) days of his decision, send to the applicant or operator at the address listed on the application, by certified mail, return receipt requested, written notice of his decision and further shall specifically state the evidence presented, the reason for the decision, and the right to an appeal. The aggrieved party may appeal the decision to the Town Council within thirty (30) days of receipt of the notice. The Town Council must render a decision within forty-five (45) days of receipt of the appeal. The aggrieved party may file an appeal from the Town Council directly to the Superior Court for the Judicial District of Tolland. The filing of an appeal stays the action of the Town in suspending or revoking a license until the Town Council, superior court or appellate court makes a final decision. Nothing in this paragraph shall prevent the Town from proceeding with an injunction action pursuant to Section 12 hereof.

Section 12. Injunction.

A person who operates or causes to be operated an adult-oriented business without a valid license is subject to a suit for injunction.

Section 13. Severability.

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

Section 14. Duration.

This ordinance shall be effective for not more than ten (10) years from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed.

Introduced: May 2, 1995
Advertised: May 10, 1995
Public Hearing: May 16, 1995
Council Action: May 16, 1995
Advertised: May 24, 1995
Effective Date: June 8, 1995

****REPEALED** SEE ORDINANCE NO. 212**

ORDINANCE #209

**AN ORDINANCE ESTABLISHING THE NUMBER OF JUSTICES OF THE PEACE
WITH THE TOWN OF VERNON**

Section 1

In accordance with Title 9 Section 183a of the Connecticut General Statutes, Chapter III Section 2 of the Vernon Town Charter is amended to provide that no more than 30 Justices of the Peace be elected from the Town of Vernon.

Section 2

Further, in accordance with Title 9 Section 183a of the Connecticut General Statutes, Town of Vernon Ordinance No. 11 adopted May 16, 1966 is repealed.

Section 3 - DURATION

This Ordinance shall be effective for not more than ten (10) years from the date of adoption at which time, if the Town Council has not acted to renew the Ordinance, the Ordinance shall be deemed repealed.

Introduced:	June 4, 1996
Advertised:	June 6, 1996
Public Hearing:	June 18, 1996
Council Action:	June 18, 1996
Advertised:	June 21, 1996
Effective Date:	July 6, 1996

ORDINANCE #210

AN ORDINANCE CONCERNING ADULT ENTERTAINMENT BUSINESSES

BE IT ORDAINED by the Town Council of the Town of Vernon as follows:

Section 1. Findings and purpose.

a.) The Town Council of the Town of Vernon, Connecticut finds:

1. There are “adult entertainment businesses” located in the Town of Vernon which require special supervision from the Town’s public safety 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’s citizens.

2. Statistics and studies performed by a substantial number of cities and towns in the United States indicate that the regulation and supervision of such adult entertainment businesses tends to discourage sexual acts and prostitution, and thereby promotes the health, safety and welfare of the patrons, clients and customers of such establishments.

3. The continued unregulated operation of adult entertainment businesses including, without limitation, those specifically cited in Paragraph (1) hereof, is and would be detrimental to the general welfare, health and safety of the citizens of Vernon.

4. 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 entertainment businesses in order to protect the public health, safety and welfare.

Sec. 2. Definitions.

Words and terms used in this chapter shall have the following meanings:

(a) Adult entertainment business:

A public establishment which features topless or bottomless dancers, nude dancers, or strippers, either male or female, or persons or employees appearing in a topless, bottomless or nude state.

(b) Nude:

The showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering or the showing of covered male genitals in a discernibly turgid state.

(c) Topless:

The showing of the female breast with less than a fully opaque covering, below a point immediately above the top of the areola.

(d) Bottomless:

Exposition to the public view of any portion of the pubic hair, anus cleft of the buttocks, vulva or genitals.

(e) Public establishment includes:

(i) Any nightclub, bar, cafe, restaurant or retail establishment which is open to the public either for a fee, or for free; or

(ii) Any private club which has a membership of more than ten (10) persons.

(f) School:

Shall mean any public or private preschool, elementary school, junior high school or high school.

(g) Child day care center:

Shall mean a facility in which care is provided for more than twelve (12) related or unrelated children outside their own homes on a regular basis for part of the twenty-four (24) hours in one or more days of the week.

Sec. 3. Prohibited within certain distances of specified places.

Adult entertainment businesses are prohibited within:

a.) Five Hundred (500) feet of any school, or child day care center.

b.) Five Hundred (500) feet of any church or other permanent house of worship.

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AN ORDINANCE CONCERNING ADULT ENTERTAINMENT BUSINESSES

- c.) Five Hundred (500) feet of any park, recreation facility or library owned or operated by the Town of Vernon.
- d.) Five Hundred (500) feet from any residential zone line boundary.
- e.) Five Hundred (500) feet from establishments selling alcoholic beverages.
- f.) One thousand (1,000) feet from other adult oriented establishment.

Sec. 4. Measurement of distance.

The distances provided in this chapter shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the adult entertainment business is to be located to the nearest point of the parcel of property from which the adult entertainment business is to be separated.

Sec. 5. Penalty and prosecution.

- (a) Any person, partnership, limited liability company, or corporation or other entity who is found to have violated this ordinance, shall be fined One Hundred Dollars (\$100.00) for each such violation.
- (b) Each violation of this ordinance shall be considered a separate offense. A violation shall be construed as each incident in which a person appears nude, topless or bottomless.
- (c) This town may also maintain an action or special proceeding for an injunction or other equitable relief to compel compliance with, or to restrain the violation of, this ordinance. The use of any remedy shall not prevent the use of any other remedy hereunder. The listing of remedies herein shall not deprive the town of the use of any other remedies provided by other provisions of law.

Sec. 6. Severability.

Should any section or provision of this chapter be declared to be unconstitutional or invalid by the courts, such decision shall not affect the validity of the balance of this chapter.

Sec. 7. Zoning Requirements.

Nothing in this article shall be construed to condone, sponsor, or authorize any adult entertainment business which is not allowed under the Zoning Regulations of the Town.

Sec. 8. Duration.

This ordinance shall be effective for not more than ten (10) years from the date of adoption, at which time, if the Town Council has not acted to renew the ordinance, it shall be deemed repealed.

Introduced:	July 2, 1996
Advertised:	July 10, 1996
Public Hearing:	July 16, 1996
Council Action:	July 30, 1996
Advertised:	August 2, 1996
Effective Date:	August 17, 1996

ORDINANCE #211

AN ORDINANCE CONCERNING ADULT ORIENTED ESTABLISHMENTS

BE IT ORDAINED by the Town Council of the Town of Vernon as follows:

Section 1. Findings and purpose.

a.) The Town Council of the Town of Vernon, Connecticut finds:

1. There are “adult oriented establishments” located in the Town of Vernon which require special supervision from the Town’s public safety 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’s citizens.
2. Statistics and studies performed by a substantial number of cities and towns in the United States indicate that:
 - (a) 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
 - (b) such closed booths, cubicles, studios and rooms have been used by patrons, clients or customers of such “adult oriented establishments” for the purpose of engaging in certain sexual acts; and
 - (c) 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 and rooms; and
 - (d) doors, curtain, 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 and/or with other members of the same sex, 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 into contact with such deposits; and
 - (e) the 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.
3. The continued unregulated operation of adult oriented establishments including, without limitation, those specifically cited in Section 1(a)(1) hereof, is and would be detrimental to the general welfare, health and safety of the citizens of Vernon.
4. 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.
5. It is not the intent of the Town Council, 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 Council 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 Council 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.

Sec. 2. 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-oriented establishment” shall include, without limitation, “adult bookstores”, “adult motion picture theaters”, “adult mini-motion picture theaters” and 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, studies, compartments,

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or stalls or separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An “adult-oriented establishment” further includes, without limitation, any “adult entertainment studio” or any premises that are physically arranged and used as such, whether advertised or represented as adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import.

- b) “Adult Bookstore” means an establishment having a substantial or significant portion of its stock and trade in books, films, video cassettes, 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” as defined below, and in conjunction therewith has facilities for the presentation of adult entertainment as defined below, and including adult-oriented films, movies or live entertainment, for observation by patrons therein.
- c) “Adult Motion Picture Theater” means an enclosed building with a capacity of fifty (50) or more persons 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.
- d) “Adult Mini-motion Picture Theater” means an enclosed building with a capacity of less than fifty (50) persons 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) “Town Council” means the Town Council of the Town of Vernon, Connecticut.
- f) “Inspector” means the Building Official of the Town of Vernon and the Fire Marshall of the Town of Vernon or those designated by them to inspect premises regulated under this Chapter and to take the required actions authorized by this Chapter in case of violations being found on such premises, and to require corrections of unsatisfactory conditions found on said premises.
- 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 any 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) “Adult Entertainment” means any exhibition of any adult-oriented motion pictures, live performance, display or dance of any type, which has as a significant or substantial portion of such performance any actual or simulated performance of “specified sexual activities” or exhibition and viewing of “specified anatomical areas”, removal of articles of clothing or appearing unclothed, pantomime, modeling, and any other personal services offered customers.
- j) “Minor” shall be deemed to refer to a person under the age of eighteen (18) years.
- k) “Operator” means any person, partnership or corporation operating, conducting or maintaining an adult-oriented establishment.
- l) “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, buttock or female breasts.
- m) “Specified Anatomical Areas” means:
 - (1) Less than completely and opaquely covered:
 - (i) human genitals, pubic region;

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- (ii) buttocks;
 - (iii) 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.
- n) “Sexual Activities”, as used in this Article, is not intended to include any medical publications or films or bonafide educational publication or films, nor does it include any art or photography publications which devote at least twenty-five percent (25%) of the lineage of each issue to articles an advertisements dealing with subjects of art or photography. Nor does this definition apply to any news periodical which reports or describe current events and which, from time to time, publishes photographs of nude or semi-nude persons in connection with the dissemination of the news. Nor does this definition apply to publications or films which described and report different cultures and 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.

Sec. 3. Requirements for adult-oriented establishments.

- a) No operator or employee of an adult-oriented establishment shall allow or permit any minor to loiter in any part of such establishment, including parking lots immediately adjacent to such establishment used by patrons of such adult-oriented establishment.
- b) Effective upon passage of this Ordinance, every adult-oriented establishment doing business in the town 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. It shall be unlawful to install enclosed booths, cubicles, rooms or stalls within adult-oriented establishments for whatever purpose, but especially for the purpose of providing for the secluded viewing of adult-oriented motion pictures, or other types of adult-oriented entertainment.
- c) Effective upon passage 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-oriented motion pictures or other types of live 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) footcandle as measured at the floor level. It shall be the duty of the operation and its agents to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
- d) Every act or omission by any employee constituting a violation of the provisions of this Ordinance shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge or approval 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.
- e) An operator shall be responsible for the conduct of all employees while on premises regulated by this ordinance, 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 purpose of determining whether the operator shall be subject to the penalties imposed by this Ordinance.
- f) All adult-oriented establishments shall be open to inspection at all reasonable times by the Vernon Police Department, Inspectors employed by the Town, or such other persons as the Town Council may designate.

Sec. 4. Penalties and prosecution.

- a) Any person, partnership or corporation who is found to have violated this Ordinance shall be fined a definite sum not exceeding One Hundred Dollars (\$100.00) for each such

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violation.

- b) Each violation of this Ordinance shall be considered a separate offense, and any violation continuing more than one hour of time shall be considered a separate offense for each hour of violation.

Sec. 5. Savings clause.

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

Sec. 6. Duration.

This ordinance shall be effective for not more than ten (10) years from the date of adoption, at which time, if the Town Council has not acted to renew the ordinance, it shall be deemed repealed.

Introduced: July 2, 1996
Advertised: July 10, 1996
Public Hearing: July 16, 1996
Council Action: July 30, 1996
Advertised: August 2, 1996
Effective Date: August 17, 1996
Amended: Effective December 21, 2002

ORDINANCE #212

AN ORDINANCE REPEALING ORDINANCE #208

BE IT ORDAINED by the Town Council that Ordinance #208 “An Ordinance Regulating Adult-Orientated Establishments” is hereby repealed.

Introduced:	July 2, 1996
Advertised:	July 10, 1996
Public Hearing:	July 16, 1996
Council Action:	July 30, 1996
Advertised:	August 2, 1996
Effective Date:	August 17, 1996

ORDINANCE #213

AN ORDINANCE ESTABLISHING A MUNICIPAL FLOOD AND EROSION CONTROL BOARD

The Town of Vernon hereby adopts the provisions of Connecticut General Statutes 25-84 to 25-94 inclusive, and the Vernon Town Council as it shall be constituted from time to time shall be empowered to act as such Municipal Flood and Erosion Control Board with the powers and authority contained in said sections of the Connecticut General Statutes.

The Ordinance will not go into effect until Rules of Operation, Procedure, or the role of the staff is incorporated into a paper to be presented to and approved by the Town Council no later than the second meeting of January 1997.

Duration

This Ordinance shall be effective for not more than ten (10) years from the date of adoption, at which time, if the Town Council has not acted to renew the Ordinance, it shall be deemed repealed.

Introduced:	November 19, 1996
Advertised:	November 22, 1996
Public Hearing:	December 3, 1996
Council Action:	December 3, 1996
Advertised:	December 10, 1996
Effective Date:	December 25, 1996 (See Clause)

Ordinance No. 213 not in effect, as Rules of Operation, Procedure, or the role of the staff were not submitted to the Town Council for approval by the second meeting of the Town Council which was held on January 17, 1997.

(See clause above)

ORDINANCE NO. 214

AN ORDINANCE ESTABLISHING PENALTIES FOR VIOLATIONS OF ZONING REGULATIONS

Be it ordained by the Town Council of the Town of Vernon as follows:

1. CITATIONS FOR ZONING VIOLATIONS

Pursuant to Section 8-12a, as amended by Public Act 96-210, of the Connecticut General Statutes, and in addition to remedies provided in Section 8-12 thereof, on and after the effective date of this ordinance, the Zoning Enforcement Officer is hereby authorized to issue citations for violations of the Zoning Regulations of the Town of Vernon to the extent and in the manner provided by this ordinance. Any such citation may be served either by hand delivery or by certified mail, return receipt requested, to the person named in the citation. If the person named in the citation sent by certified mail refuses to accept such mail, the citation may be sent by regular United States mail.

2. ZONING VIOLATIONS FOR WHICH CITATION SHALL BE ISSUED

A citation may be issued for any violation of the Zoning Regulations of the Town of Vernon.

3. AMOUNT OF FINE FOR ZONING VIOLATION CITATIONS

The fine for each citation shall be \$150 00, payable to the Treasurer of the Town of Vernon.

4. TIME PERIOD BY WHICH A FINE MUST BE PAID IF NOT CONTESTED

A person receiving a citation shall be allowed a period of thirty days from his or her receipt of the citation to make an uncontested payment of the fine specified in the citation to the Treasurer. If the citation has been sent by regular mail pursuant to the provision of Section 1 of this Ordinance, the day of the receipt of the citation shall be deemed to be three business days after the day of mailing of the citation

5. HEARING PROCEDURE FOR CITATIONS

Any person issued a citation shall be entitled to a hearing to contest the citation. The procedure for hearing, disposition and enforcement shall be as is set forth in General Statutes Section 7-152c, Hearing Procedure for Citations, and Public Act 96-210, as the same may be amended from time to time by the General Assembly and an ordinance of the Town of Vernon entitled "An Ordinance Establishing Hearing Procedures for Citations"

6. SELECTION OF HEARING OFFICERS

The Mayor shall appoint one or more Citation Hearing officers to conduct the hearings necessary to effect this ordinance. Neither the Zoning Enforcement Officer, Building Official, nor any employee, agent, or member of the Vernon Planning and Zoning Commission may be appointed as a hearing officer pursuant to this ordinance

7. DURATION

This ordinance shall be effective for not more than ten (10 years) from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed.

This ordinance shall be reviewed by the Town Council annually and at such time the Town Council may proceed to amend or repeal said ordinance as it so chooses.

Introduced: May 6, 1997
Advertised: May 10, 1997
Public Hearing: May 20, 1997
Council Action: June 17, 1997
Advertised: June 19, 1997
Effective Date: July 4, 1997

ORDINANCE #215

AN ORDINANCE ESTABLISHING HEARING PROCEDURES FOR CITATIONS

Section 1: HEARING PROCEDURE FOR CITATION.

- (A) The Mayor shall appoint, subject to confirmation by the Town Council, a citation hearing officer to conduct the hearings authorized by ordinances of the Town of Vernon. The citation hearing officer may not be an employee of the Town of Vernon and shall serve without compensation, but may be reimbursed for actual expenses incurred in performing the duties of this office to the extent that funds have been made available by the Town Council. The citation hearing officer shall serve for a term of two (2) years, unless removed for cause.
- (B) Any person served such a citation may make payment of the fine within thirty (30) days of such service. Such payment shall be delivered to the Treasurer of the Town of Vernon and shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person making the payment.
- (C) If the person cited fails to pay the fine within said thirty (30) day period, the Zoning Enforcement Officer, or other officer charged with enforcement pursuant to Connecticut General Statutes Section 7-1 52c, as amended, is authorized, at any time within twelve (12) months from the expiration of said thirty (30) day period to enforce said citation by sending said person a notice informing him of:
 - (i) of the allegations against him and the amount of the fine(s) due:
 - (ii) that he may contest his liability before the citation hearing officer by delivering in person or by mail written notice within ten (10) days of the date thereof:
 - (iii) that if he does not demand a hearing, an assessment of time and judgment shall be entered against him; and
 - (iv) that such judgment may issue without further notice.
- (D) If the person sent the notice required by Section (C) above, does not make full payment of the fine(s) and does not make written demand for a hearing before the citation hearing officer within ten (10) days of the notice provided for in section (C) above, he shall be deemed to have admitted liability, and the enforcement officer shall certify such person's failure to respond to the citation hearing officer. The citation hearing officer shall thereupon enter and assess the fine(s) provided for by this Ordinance.
- (E) If a hearing is requested, it shall be conducted in accordance with the provisions of Connecticut General Statutes, Rev. 1958, Section 7-1 52c(e).
- (F) The failure to pay the assessment of any fine(s) made by the citation hearing officer can result in a Superior Court judgment as provided by Connecticut General Statutes Section 7-152c(f), subject to judicial review as provided in Connecticut General Statutes Section 7-1 52c(g).
- (G) This ordinance shall be effective for not more than ten (10 years) from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed.

Introduced:	May 6, 1997
Advertised:	May 10, 1997
Public Hearing:	May 20, 1997
Council Action:	June 17, 1997
Advertised:	June 19, 1997
Effective Date:	July 4, 1997

ORDINANCE #216

AN ORDINANCE ESTABLISHING PENALTIES FOR VIOLATION OF INLAND WETLAND AND WATERCOURSES REGULATIONS

Be it ordained by the Town Council of the Town of Vernon as follows:

1. CITATIONS FOR INLAND WETLAND AND WATERCOURSES VIOLATIONS

Pursuant to Section 22a-42g of the General Statutes, as amended, on and after the effective date of this ordinance, the Commission is hereby authorized to issue citations for violations of the Inland Wetland and Watercourses Regulations of the Town of Vernon to the extent and in the manner provided by this ordinance. Any such citation may be served either by hand delivery or by certified mail, return receipt requested, to the person named in the citation. If the person named in the citation sent by certified mail refuses to accept such mail, the citation may be sent by regular United States mail.

2. INLAND WETLAND AND WATERCOURSES VIOLATIONS FOR WHICH CITATION SHALL BE ISSUED

A citation may be issued for any violation of the Inland Wetland and Watercourses Regulations of the Town of Vernon.

3. AMOUNT OF FINE FOR INLAND WETLAND AND WATERCOURSES VIOLATION CITATIONS

The fine for each violation shall not be more than \$1,000.00, payable to the Treasurer of the Town of Vernon, and further provided no such fine may be levied against the state or any employee of the state acting within the scope of his employment.

4. TIME PERIOD BY WHICH A FINE MUST BE PAID IF NOT CONTESTED

A person receiving a citation shall be allowed a period of thirty days from his or her receipt of the citation to make an uncontested payment of the fine specified in the citation to the Treasurer. If the citation has been sent by regular mail pursuant to the provision of Section 1 of this Ordinance, the day of the receipt of the citation shall be deemed to be three business days after the day of mailing of the citation.

5. HEARING PROCEDURE FOR CITATIONS

Any person issued a citation shall be entitled to a hearing to contest the citation. The procedure for hearing, disposition and enforcement shall be as is set forth in General Statutes Section 7-152c, Hearing Procedure for Citations, and Public Act 96-210, as the same may be amended from time to time by the General Assembly and an ordinance of the Town of Vernon entitled "An Ordinance Establishing Hearing Procedures for Citations"

6. SELECTION OF HEARING OFFICERS

The Mayor shall appoint one or more Citation Hearing officers to conduct the hearings necessary to effect this ordinance. Neither the Zoning Enforcement Officer, Building Official, nor any employee, agent, or member of the Inland Wetland and Watercourses Commission may be appointed as a hearing officer pursuant to this ordinance.

7. DURATION

This ordinance shall be effective for not more than ten (10 years) from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed.

Introduced: May 6, 1997
Advertised: May 10, 1997
Public Hearing: May 20, 1997
Council Action: June 17, 1997
Advertised: June 19, 1997
Effective Date: July 4, 1997

ORDINANCE #217

AN ORDINANCE ESTABLISHING PROCEDURES FOR THE ASSIGNMENT OF DELINQUENT TAX LIENS

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VERNON AS FOLLOWS:

- 1.** Pursuant to § 12-1 95h of the General Statutes, the Town has the power to assign any liens filed by the Tax Collector to secure unpaid taxes on real property by resolution of the Town Council.
- 2.** The Town Council has found it useful to assign delinquent tax liens in order to facilitate the rehabilitation of deteriorating properties and to raise revenue from delinquent accounts.
- 3.** The Town Council, by resolution, shall from time to time upon recommendation of the Mayor, assign such tax liens securing unpaid taxes on real estate for such consideration as is negotiated between the Town and the Assignee in accordance with the provisions of this ordinance and a policy statement entitled “Town of Vernon Policy Statement Governing The Sale, Purchase or Lease of Town Owned Property And The Assignment of Delinquent Tax Liens” adopted by resolution of the Town Council.
- 4.** The terms of the Policy Statement entitled “Town of Vernon Policy Statement Governing The Sale, Purchase or Lease of Town Owned Property And The Assignment of Delinquent Tax Liens” are hereby incorporated by reference and made a part hereof.
- 5.** All assignments of tax liens filed by the Tax Collector to secure unpaid taxes on real property shall be in accordance with § 12-195h and the provisions of this Ordinance and said Policy Statement.
- 6.** In assigning delinquent tax liens, the Tax Collector shall:
 - a.** Send letters to taxpayers indicating that the municipality is exploring a tax lien sale; that theirs is in category of liens to be sold; that Town will be publicizing the list of liens to be put out for sale and suggesting payment.
 - b.** Announce and publicize the municipality’s intention to sell delinquent liens.
 - c.** Seek approval of the Town Council as required by C.G.S. Section 12-195h.
 - d.** Contact the Housing Authority to ascertain if there is any interest in the real estate securing the lien for one of their programs. If not;
 - e.** Refer to the Planning & Zoning Commission for check against the Master Plan of Development.
- 7.** The auction or sale of any assigned tax liens pursuant to § 12-157 of the General Statutes shall be prohibited.
- 8.** The Town shall prepare a Request for Proposal (RFP). The following provisions shall be included:
 - a.** a prohibition against the successful bidder doing a “sale of real estate for taxes” pursuant to C.G.S. Section 12-157.
 - b.** standards of conduct for collection, including at a minimum compliance with laws and regulations regarding the same.
 - c.** reservation of the right to withdraw any tax liens prior to the award of the contract.
 - d.** reservation of the right to withdraw, extend or amend tax lien procedures at any time or, at its sole discretion, to reject any or all bids, and to withdraw from the sale any delinquent tax liens and to waive informality or technical defects in bids if it is deemed in best interest of Town of Vernon to do so.
 - e.** a requirement that the successful bidder must buy all future liens against the liened property until title vests in a new party. If they do not, the RFP shall provide that the liens purchased shall be subordinate in priority to the new ones.
 - f.** a provision making bidders responsible for conducting their own due diligence.
 - g.** requiring that the successful bidder shall supply the tax collector with monthly reports as to status of collection.
 - h.** a statement of firm qualifications, staff qualifications, experience, skills, and disclosure of principals and a description of administrative support available.
 - i.** A minimum acceptable bid with the qualification that alternative proposals will be

ORDINANCE #217

AN ORDINANCE ESTABLISHING PROCEDURES FOR THE ASSIGNMENT OF DELINQUENT TAX LIENS

considered in the event that no proposal is for the minimum amount.

- j.** requiring that the successful bidder shall make a deposit of 10% of bid.
- k.** selling liens “as is” with no representation as to value, condition, collectability, or legal status.
- l.** Town will represent that:
 - 1.** Liens are correct statement of sums due.
 - 2.** The Town of Vernon has duly recorded certificates of liens.
 - 3.** The Town of Vernon has legal authority to assign liens and all necessary approvals have been obtained.
 - 4.** In the event that a court determines by a final, non-appealable judgment that any of the assigned liens or future assigned liens contained is unenforceable due to the negligence or error of the Town of Vernon, the Town will refund that portion of the purchase price allocated to that lien, without interest.
 - 5.** The Town shall take no further actions in collecting the taxes secured by the assigned liens or purchased future assigned liens after the date of sale, and that any taxpayers seeking to pay the same shall be referred to the assignee for payment.
 - 6.** In the event payments are received by the Town for any such assigned lien or purchased future assigned lien, the Town will immediately forward such sums to assignee, provided assignee is in compliance with all the terms of this agreement.
- m.** a provision requiring the successful bidder to indemnify the Town for any claims or liabilities arising out of the collection or enforcement of any assigned lien.
- n.** a provision prohibiting the subsequent assignment/securitization of the sold liens.
- o.** a prohibition against the assignee from pledging, assigning or otherwise using assigned liens to secure any indebtedness to third parties or otherwise transfer to third parties any of the assigned liens without written consent from the Town.
- 9.** The Town shall prepare an Agreement for the Assignment of Tax Liens incorporating the Request For Proposal provisions. The Town shall modify provisions of Paragraph 8 (a-o) of this Ordinance for assignments to facilitate the rehabilitation of deteriorating properties where applicable to include the assignment of a tax lien conditioned upon completion of rehabilitative measures, execution of a declaration of restrictive covenants and tax relief for a maximum of 180 days from assignment.
- 10.** This Ordinance shall be effective for not more than ten (10) years from the date of adoption at which time, if the Town Council does not or has not acted to renew the Ordinance, the Ordinance shall be deemed repealed.
- 11.** This Ordinance shall be reviewed by the Town Council annually and at such time the Town Council may amend or repeal said Ordinance if it so chooses.

Introduced: July 29, 1997
Advertised: August 1, 1997
Public Hearing: August 12, 1997
Council Action: August 12, 1997
Advertised: August 16, 1997
Effective Date: August 31, 1997
Amended by Ordinance #231 – September 12, 2000

ORDINANCE #218

AN ORDINANCE AMENDING ORDINANCE # 215 ENTITLED “AN ORDINANCE ESTABLISHING HEARING PROCEDURES FOR CITATIONS”

Section 1: HEARING PROCEDURE FOR CITATION.

- (A) The Mayor shall appoint, subject to confirmation by the Town Council, a citation hearing officer to conduct the hearings authorized by ordinances of the Town of Vernon. The citation hearing officer may not be an employee of the Town of Vernon and shall serve without compensation, but may be reimbursed for actual expenses incurred in performing the duties of this office to the extent that funds have been made available by the Town Council. The citation hearing officer shall serve for a term of two (2) years, unless removed for cause.
- (B) Any person served such a citation may make payment of the fine within thirty (30) days of such service. Such payment shall be payable to the Treasurer of the Town of Vernon and mailed to the Zoning Enforcement Officer and shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person making the payment.
- (C) If the person cited fails to pay the fine within said thirty (30) day period, the Zoning Enforcement Officer, or other officer charged with enforcement pursuant to Connecticut General Statutes Section 7-152c, as amended, is authorized, at any time within twelve (12) months from the expiration of said thirty (30) day period to enforce said citation by sending said person a notice informing him of:
 - (i) of the allegations against him and the amount of the fine(s) due;
 - (ii) that he may contest his liability before the citation hearing officer by delivering in person or by mail written notice within ten (10) days of the date thereof;
 - (iii) that if he does not demand a hearing, an assessment of fine and judgment shall be entered against him; and
 - (iv) that such judgment may issue without further notice.
- (D) If the person sent the notice required by Section (C) above, does not make full payment of the fine(s) and does not make written demand for a hearing before the citation hearing officer within ten (10) days of the notice provided for in section (C) above, he shall be deemed to have admitted liability, and the enforcement officer shall certify such person’s failure to respond to the citation hearing officer. The citation hearing officer shall thereupon enter and assess the fine(s) provided for by this Ordinance.
- (E) If a hearing is requested, it shall be conducted in accordance with the provisions of Connecticut General Statutes, Rev. 1958, Section 7-152c(e).
- (F) The failure to pay the assessment of any fine(s) made by the citation hearing officer can result in a Superior Court judgment as provided by Connecticut General Statutes Section 7-1 52c(f), subject to judicial review as provided in Connecticut General Statutes Section 7-1 52c(g).
- (G) This ordinance shall be effective for not more than ten (10 years) from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed.

Introduced:	October 21, 1997
Advertised:	November 5, 1997
Public Hearing:	November 18, 1997
Council Action:	November 18, 1997
Advertised:	November 22, 1997
Effective Date:	December 7, 1997

ORDINANCE #219
ORDINANCE AMENDING ORDINANCE #191 ENTITLED “AN ORDINANCE
ESTABLISHING A DESIGN REVIEW ADVISORY COMMITTEE WITHIN THE
TOWN OF VERNON”

BE IT ORDAINED:

By the Town Council of the Town of Vernon, that Ordinance #191 entitled “AN ORDINANCE ESTABLISHING A DESIGN REVIEW ADVISORY COMMITTEE WITHIN THE TOWN OF VERNON”, as amended by Ordinance #193, Is hereby amended by adding the words “or special permit or site plan” to §4.1 after the second use of the word “modification”; by adding said words to §4.3 after the words “approved plan” in the first sentence; and by adding said words to the end of the first sentence in §4.5.

All other provisions of Ordinance #191 as amended by Ordinance #193 are hereby reaffirmed.

This Ordinance will be effective for a period of not more than ten (10) years from the date of adoption. If the Town Council does not act to renew the Ordinance, the Ordinance is repealed.

Introduced:	July 2, 1998
Advertised:	July 8, 1998
Public Hearing:	July 21, 1998
Council Action:	July 23, 1998
Advertised:	July 29, 1998
Effective Date:	August 13, 1998

ORDINANCE #220

“AN ORDINANCE EXEMPTING CERTAIN ACTIVITIES OF CHARITABLE RELIGIOUS OR NON-PROFIT ORGANIZATIONS FROM TAXATION

Section 1.1:

For a Charitable, Religious or Non-Profit Organization to qualify for tax-exempt status from the Town of Vernon, an organization must:

Have achieved tax-exempt status issued by the Internal Revenue Service.

Section 1.2:

Charitable, Religious or Non-Profit Organizations allowing another Non-Profit Organization to use its facilities:

When any Charitable, Religious or Non-Profit Organization allows the use of its land, buildings, personal property or other facilities by another Charitable, Religious or Non-Profit Organization, said income or compensation received by the lessor shall not subject the real or personal property of the lessor to municipal taxation. The income or compensation received may be in cash or in-kind services.

Section 1.3:

If any Charitable, Religious or Non-Profit Organization believes that it has been unlawfully taxed, then that Organization may appeal to the Board of Assessment Appeals and then to the Superior Court in accordance with Connecticut General Statutes.

Section 1.4: Duration of Ordinance:

This Ordinance shall remain in full force and effect for a period of ten (10) years from the date of its passage and shall thereafter expire unless extended by the Town Council.

Introduced: August 18, 1998
Advertised: September 2, 1998
Public Hearing: September 15, 1998
Council Action: October 6, 1998
Advertised: October 9, 1998
Effective Date: October 24, 1998

ORDINANCE #221

AN ORDINANCE AMENDING THE VERNON CODE ON BUILDINGS

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VERNON THAT:

Chapter 3, Buildings and Building Regulations, of the **Vernon** Code of Ordinances is hereby amended by adding the following:

Section 3-4. VACANT AND BLIGHTED BUILDINGS

Sec. 3-4(a). Purpose.

This provision is authorized pursuant to Connecticut General Statutes 7-148(c)(7)(H)(XV). It is hereby found and declared that there exist within the Town of Vernon real properties which contain vacant and blighted buildings. It is further found that the existence of these vacant and blighted buildings adversely affects property values within the Town and threatens the health, safety and general welfare of its residents.

Sec. 3-4(b). Definitions.

The following definitions shall apply in the interpretation and enforcement of this ordinance:

Blighted Buildings shall mean any vacant building and/or any of said buildings accessory structure(s), and in which at least one of the additional following conditions exists:

- (1) It is vacant and not being maintained. The following factors may be considered in determining whether a building or structure is not being maintained: (a) missing or boarded windows or doors; except boarded openings as a temporary security measure for a period of one year or less; (b) collapsing or missing walls, roof or floor as determined by the Building Official, (c) exterior walls which contain breaks, loose or rotting materials or which are not properly surface coated to prevent deterioration; (d) garbage, trash or junk on the premises; (e) overgrown grass or weeds at least one (1) foot in height.
- (2) It is vacant and attracting illegal activity as documented in Police Department records.
- (3) The building or structure is vacant and a factor creating a substantial and unreasonable interference with the use and enjoyment of other properties within the surrounding area as documented by neighborhood complaints, police reports or the cancellation of insurance on proximate properties.

Vacant shall mean not legally occupied by human beings. Vacant status in and of itself does not constitute a Blighted Building.

Citation Hearing Officer shall mean an individual(s) appointed by the Mayor to conduct hearings authorized by this article pursuant to Ordinance #215, as amended.

Building Official shall mean such officer appointed in accordance with Chapter 541, Part 1a of the General Statutes or his designee.

Legal occupancy shall mean occupancy in accordance with state building, state fire, local zoning, local housing and all other pertinent codes.

Proximate property shall mean any premises or parcel of land under separate ownership from the subject premises within one thousand (1,000) feet of a vacant and blighted property.

Owner shall mean any person, institution, foundation, entity or authority, which owns real property within the Town.

Boarded openings shall mean any opening covered with cut and fit piece of solid and solid building material secured at the perimeter with nails and/or screws, painted to match the body color of the building used as a temporary security measure for less than one year to preserve the integrity of the building.

Vacant Status Date shall mean the date when a vacant building is verified by the Building Official as being vacant and is included on the List of Vacant Buildings

Premises shall mean a parcel of land with building(s) and/or accessory structures.

Sec. 34(c). Prohibition Against Creating or Maintaining Blighted Premises.

No owner of real property, taxable or tax-exempt, within the Town of Vernon shall cause or allow blighted premises to be created nor shall any owner allow the continued existence of blighted premises.

Sec. 3-4(d). Certification of List of Vacant Buildings.

- (1) Immediately following enactment of this section, the Town Administrator shall request

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that all Town department heads report any property of which they are aware which appears to be vacant. Such reports shall be submitted within thirty (30) days of the Town Administrator's request.

- (2) The Town Administrator shall use this information and any other available information to complete a list of potential vacant properties within fifteen (15) days. Upon compilation of the initial list, the Town Administrator will transmit said list to the Building Official who will verify the vacant status within thirty (30) days of receipt and establish the Vacant Status Date of the building. Thereafter, the Building Official will, upon verification by physical inspection, add such subsequent vacant buildings to the List of Vacant Buildings as he becomes aware of, then noting the Vacant Status Date of the building.
- (3) Upon inclusion on the List of Vacant Buildings, the Building Official shall, within fifteen (15) days, cause to be sent by certified mail, return receipt requested, notice of inclusion on such list to the last known address of the last known owner of the building. This notice will include the Vacant Status Date and will include a notice of what constitutes a vacant and blighted building and the penalties such properties are subject to under this ordinance. The notice will also include a list of possible community resources available to the owner.
- (4) The Building Official shall, when a building has remained on the List of Vacant Buildings for a continuous period in excess of sixty (60) days from its Vacant Status Date, inspect said property for conditions that would qualify it as vacant and blighted as referenced in 3-4b(1)(2)(3).

Sec. 3-4(e). Appointment of Citation Hearing Officer.

Hearings authorized by this Ordinance shall be conducted as provided in Ordinance #218, "An Ordinance Amending Ordinance #215 entitled 'An Ordinance Establishing Hearing Procedures for Citations.'"

Sec. 3-4(f). Enforcement and Hearings with Property Owners.

- (1) The Building Official will undertake regular inspection of a property on the List of Vacant Properties for the purpose of documenting continuous vacancy. Once a property reaches sixty (60) days from its Vacant Status Date, the Building Official will inspect for conditions of blight as defined in 3-4(b)(1)(2)(3). If blighted conditions are found to exist, he shall issue a citation and impose a penalty in accordance with section 7-148(c)(10)(A) of the General Statutes of Connecticut.
- (2) A person receiving a citation shall be allowed a period of thirty (30) days from his or her receipt of the citation to make an uncontested payment of the fine specified in the citation payable to the Treasurer of the Town of Vernon and mailed or delivered to the Building Department of the Town of Vernon. The citation will be sent by both certified and regular mail by the Building Official, return receipt requested pursuant to the provision of Sec.3-4(f)(1).
- (3) Any person issued a citation shall be entitled to a hearing to contest the citation. The procedure for hearing, disposition and enforcement shall be as set forth in General Statutes Section 7-152c, Hearing Procedure for Citations as the same may be amended from time to time by the General Assembly and an ordinance of the Town of Vernon entitled "An Ordinance Amending Ordinance #215 entitled 'An Ordinance Establishing Hearing Procedures for Citations'".
- (4) The notice of violation must contain the following:
 - The date vacancy was established
 - The date notice of vacancy was sent
 - The date vacant and blighted was established
 - The date of the violation
 - The nature of the violation
 - The fine
 - A copy of Ordinance 218, Hearing Procedure for Citations

Sec. 3-4(g). Defenses.

A person wishing to contest his liability shall appear at the hearing and may present evidence in his behalf. Relief may be granted if the owner can establish to the hearing officer's satisfaction

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that:

- (1) The owner cited was not the owner of record of the property at the time the notice of violation and the order to correct was issued;
- (2) Notice of the citation was not properly served upon the owner of record in accordance with 3-4(f)(2)
- (3) The notice of the citation was not in proper form in accordance with 3-4(f)(4)
- (4) The building is actively undergoing repairs that are required to be made to correct violations of 3-4(b)(1)or(2)or(3), as certified by the Building Official.
- (5) If the person demonstrates that he intends to demolish the blighted structure, the hearing officer shall stay the matter, and enter his determination in writing accordingly. Said stay shall be expressly conditioned upon the demolition of the blighted structure within three (3) months. If the conditions of the stay have not been met within three (3) months, the hearing officer shall enter and assess the fines, penalties, costs or fees against such person as provided by this ordinance retroactive to the date of the hearing, If the hearing officer determines that the person is liable for the violation, he shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by this ordinance against such person issued a notice of violation for said violation, and the hearing officer shall forthwith enter and assess the fines, penalties, costs or fees against such person and shall so notify said person both by certified mail return receipt requested and first class mail.

Sec. 3-4(h). Duration.

This ordinance shall be effective for not more than ten (10) years from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed.

This ordinance shall be reviewed by the Town Council annually and at such time the Town Council may proceed to amend or repeal said ordinance as it so chooses.

Sec. 3-4(i). Severability.

If any provision of this ordinance or the application thereof shall be held invalid or unenforceable, the remainder of this ordinance, or the application of such terms and provisions to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby; and each remaining term and provision hereof shall be deemed valid and shall be enforced to the fullest extent permitted by law.

Sec. 3-4(j). Administration.

The provisions of this Ordinance, sections 3-4a through Section 3-4i inclusive, shall be in addition to and not in derogation of any and all provisions of the Connecticut General Statutes and ordinances of the Town of Vernon.

Attorney Review:

Introduction Date: December 16, 1997

Publication Dates: January 23, 1998 and November 9, 1998

Public Hearing Dates: February 3, 1998 and November 17, 1998

Council Action: November 17, 1998

Advertising Date: November 23, 1998

Effective Date: December 8, 1998

Amended by Ordinance #230 – June 21, 2000

ORDINANCE #222

**ORDINANCE AMENDING ORDINANCE #204 ENTITLED “AN ORDINANCE
ESTABLISHING A CURFEW”**

Be it ordained by the Town Council of the Town of Vernon as follows:

In 8-4 (c) (1) remove the period after “occupation” and add the following:

“, or unless the minor is exercising his/her first amendment rights.”

Introduced:	December 1, 1998
Advertised:	December 7, 1998
Public Hearing:	December 15, 1998
Council Action:	December 15, 1998
Advertised:	December 17, 1998
Effective Date:	January 01, 1999

ORDINANCE #223

AN ORDINANCE AMENDING THE VERNON CODE ON BUILDINGS SO AS TO ESTABLISH PRIORITY LIEN STATUS FOR THE TOWN

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VERNON THAT:

Chapter 3, Building and Building Regulations, Section 3-4. Vacant and Blighted Buildings, of the Vernon Code of Ordinances, is hereby amended by adding the following:

Sec. 3-4(f).

- (5) Any unpaid fine imposed pursuant to the provisions of this chapter regulating blight, shall constitute a lien upon the real estate against which the fine was imposed from the date of such fine. Each such lien may be continued, recorded and released in the manner provided by the Connecticut General Statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens filed after the effective date of this ordinance and encumbrances except taxes and may be enforced in the same manner as property tax liens.

Introduced:	January 19, 1999
Advertised:	January 27, 1999
Public Hearing:	February 2, 1999
Council Action:	February 2, 1999
Advertised:	February 4, 1999
Effective Date:	February 19, 1999

ORDINANCE #224

AN ORDINANCE AMENDING ORDINANCE #186 ENTITLED “GARBAGE AND REFUSE COLLECTORS”

Be it ordained by the Town Council of the Town of Vernon that

(1) Chapter 7, Article II, Garbage and Refuse Collectors, Section 7-16, Declaration of policy, is hereby amended as follows:

DELETE: Paragraph 2, line 2, which states, “Said program shall not apply to residential dwelling units of more than six (6) units, condominium complexes or apartments, or business, commercial and industrial establishments.”; and

ADD: Paragraph 2, line 2, which states, “With the exception of residential condominiums, said program shall not apply to residential dwelling units of more than six (6) units, apartments, or business, commercial and industrial establishments.”

(2) Chapter 7, Article U, Garbage and Refuse Collectors, Section 7-17, Definitions, is hereby amended as follows:

ADD: “*Residential condominiums* shall mean any group of individually owned dwelling units having ownership in common of shared facilities, organized under Chapter 825 of the Connecticut General Statutes, as revised, and in which no more than ten (10) percent of such dwelling units are owned by the same person.”

Introduced: June 1, 1999

Advertised: July 27, 1999 & September 14, 1999

Public Hearing: August 3, 1999 & September 21, 1999

Council Action: September 21, 1999

Advertised: September 28, 1999

Effective Date: October 13, 1999

Amended by Ordinance #225

Repealed by Ordinance #235

ORDINANCE #225

AN ORDINANCE TO ENHANCE THE BUILDING CODE AND AMEND ORDINANCE #186 ENTITLED "GARBAGE AND REFUSE COLLECTORS"

PREAMBLE

There exists in the Town of Vernon, Connecticut, structures and parcels of land which are or may become in the future, substandard with respect to structure, equipment, aesthetics, or maintenance; and further that such conditions together with inadequate provisions for light and air constitute a menace to the health, safety, and welfare, and reasonable comfort and/or quality of life of its citizens. The existence of such conditions will, if not remedied, create slum and blighted areas requiring large-scale clearance and will promote a deterioration of property values, a curtailment of investment and tax revenue, and an impairment of economic values. The establishment and maintenance of minimum aesthetic and maintenance standards are essential to the prevention of blight and decay and the safeguarding of public health, safety, and general welfare.

The purpose of this chapter is to protect the public health, safety, and general welfare by establishing minimum standards governing aesthetics and maintenance of property. This ordinance is hereby declared to be remedial and essential to the public interest, safety, health and welfare and is intended to effectuate the purposes as stated above. Further, it is declared that it is not the purpose of this chapter that it shall be used as an instrument for the harassment of any persons.

Be ordained by the Town Council of the Town of Vernon that:

(1) Chapter 6 Article II Code, Section 6-19 entitled "Definitions" is hereby amended as follows: ADD the following after the definition for "Approved":

Accumulation(s) The gathering or collecting of materials, which may be of similar nature or of assorted items of various characteristics and conditions,

(2) Chapter 6 Article II Code Section 6-19 entitled "Definitions" is amended as follows: ADD the following after the definition of "Toxic substance":

(b) Unsightly Accumulation(s) Any accumulation or material that is visually incongruous with an area, disheveled in appearance, or haphazardly placed on the property. Accumulation of construction material shall be deemed to be unsightly accumulation when the period of storage exceeds a reasonable length of time to effect the construction or repairs for which they are intended to be used.

(3) Chapter 6 Article 11 Code Section 6-75 entitled "Rubbish Accumulation" is amended as follows: ADD the following after the last word of Section 7-20(b):

(c) No owner of a dwelling shall permit unsightly accumulations which include, but are not limited to, trash, rubbish, or any other materials that appears to be in discarded and unused condition such as household furniture and appliances, inoperable equipment that appears to be abandoned, and any material or items regardless of condition of said material or item that has been stacked, stored or filed in a haphazard and/or disorderly manner.

(d) Every owner of a dwelling shall be responsible for the timely removal of accumulations of trash and rubbish of any kind, that is in public view from any sidewalk, public right of way, vacant lot or improved lot, piece or parcel of ground or upon any private property within the Town.

Re-letter existing 6-75(c) to 6-75(d)

Re-letter existing 6-75(d) to 6-75(e)

ADD the following after the last word of the re-letter 6-75(c)

(f) No occupant of a dwelling shall permit unsightly accumulations which include, but are not limited to, trash, rubbish, or any other materials that appears to be in discarded and unused condition such as household furniture and appliances, inoperable equipment that appears to be abandoned, and any material or item regardless of condition of said material or item that has been stacked, stored or filed in a haphazard and/or disorderly manner.

(g) Every occupant of a dwelling shall be responsible for the timely removal of accumulations of trash and rubbish of any kind, that is in public view from any sidewalk, public right of way, vacant lot or improved lot, piece or parcel of ground or upon any private property within the Town.

ORDINANCE #225

AN ORDINANCE TO ENHANCE THE BUILDING CODE AND AMEND ORDINANCE #186 ENTITLED “GARBAGE AND REFUSE COLLECTORS”

(4) Chapter 7, Article II, Garbage and Refuse Collectors, Section 7-20, entitled, “Storing of solid waste”, subsection (b), entitled “Accumulation of solid waste”, is hereby amended as follows:

ADD the following after the last word of said Section 7-20(b): “and such waste may be removed by the Town at the occupant and/or owner’s expense; provided that if such waste constitutes an immediate threat to public health, safety or welfare, it may be ordered to be removed immediately, or removed immediately by the Town at the occupants and/or owner’s expense. When such solid waste has been removed by the Town at its expense, this cost, together with accrued interest at the rate of 8% per annum from the date of the completion or work, shall be charge to such occupant and/or owner on the next regular tax bill forwarded to him or her by the Town unless sooner paid by such occupant and/or owner. Such charge shall be due and payable at the time of payment of such tax bill. When the full amount due the Town is not paid by such occupant and/or owner within thirty (30) calendar days after the time of payment of such tax bill, a sworn statement showing the cost and expense incurred for the work, the date the work was completed, and the location of the property involved, shall be recorded in the office of the Town Clerk, Such recordation shall constitute a lien on the property and shall remain in effect for the amount due, including principal, interest, attorney’s fees and court costs, if any, until final payment has been made. Such amount due shall be collected in the manner fixed by law for the collection of taxes and shall be subject to a penalty as provided for delinquent taxes on a per monthly basis in the event the charge is not paid in full on or before the date the tax bill upon which the charge appears to become delinquent. Sworn statements recorded in accordance with the provisions of this Section shall be prima facie evidence that all legal formalities have been complied with, that the work has been done properly and satisfactorily, and shall be notice to all concerned that the amount of the statement, plus interest, constitutes a lien against the property designated in the statement and that the debt underlying such lien is due and collectible as provided by law.”

(5) Chapter 7, Article H, Garbage and Refuse Collectors, Section 7-25, entitled, “Enforcement”, is hereby amended as follows:

ADD a comma (,) and the words “building inspector” after the word “officer” on line 3 of said Section 7-25.

(6) Chapter 7, Article U, Garbage and Refuse Collectors, Section 7-26, entitled, “Violations and Penalty”, subsection (b), is hereby amended as follows:

ADD the words “In addition to any other penalty imposable hereunder,” before the first line of said Section 7-26(b).

(7) Chapter 7, Article II, Garbage and Refuse Collectors, is hereby amended as follows:

ADD the following new sections:

“Section 7-27, Appeals. Any person issued a citation pursuant to the provisions of this Article shall be entitled to a hearing to contest the citation. The procedure for hearing, disposition and enforcement shall be set forth in Connecticut General Statutes Section 7-152c, entitled “Hearing Procedure for Citations”, as the same may be amended from time to time by the General Assembly and an ordinance of the Town of Vernon entitled “An Ordinance Amending Ordinance #215 entitled ‘An Ordinance Establishing Hearing Procedures for Citations’”.

“Section 7-28, Duration. This Article shall be effective for not more than ten (10) years from the date of adoption at which time, if the Town Council does not or has not acted to renew the Article, the Article shall be deemed repealed.”

“Section 7-29, Severability. If any provision of this Article or the application thereof shall be held invalid or unenforceable, the remainder of this ordinance, or the application of such terms and provisions to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby; and each remaining term and provision hereof shall be deemed valid and shall be enforced to the fullest extent permitted by law”

“Section 7-30, Administration. The provisions of this Article shall be in addition to and not in derogation of any and all provisions of the Connecticut General Statutes, state codes and regulations and ordinances of the Town of Vernon.”

SECTION 7-17 DEFINITIONS

Add the following:

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AN ORDINANCE TO ENHANCE THE BUILDING CODE AND AMEND ORDINANCE #186 ENTITLED “GARBAGE AND REFUSE COLLECTORS”

“Municipal receptacle” shall mean a litter storage and collection receptacle furnished by any private individual, partnership, corporation or LLC, or by any governmental agency for use by the public.

SECTION 7-20 Storing of solid waste

Add the following section 7-20(e):

Litter. No person shall throw or deposit litter in or upon any street, sidewalk, stream or other public place within the town, except in public receptacles “Municipality receptacle”, in authorized private receptacles for collection or in official town dumps. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any Street, sidewalk or other public place or upon private property.

SECTION 7-24 Refuse collector’s responsibilities and obligations

Add the following section 7-24(g):

Public collection of Municipality receptacles shall be conducted by public works shall identify the cause being collected for and any other organization conducting the collecting. Only one nonprofit or charitable organization will also be permitted to conduct a public collection on any permitted day or within any permitted time period; provided, however, that there shall be a minimum of three public collections per month, and all collections shall be conducted at least 10 days apart.

Introduced: March 7, 2000
Advertised: March 14, 2000
Public Hearing: March 21, 2000
Council Action: March 21, 2000
Advertised: March 25, 2000
Effective Date: April 9, 2000

AMENDED BY ORDINANCE #235

ORDINANCE #226

AN ORDINANCE ESTABLISHING A MUNICIPAL FLOOD AND EROSION CONTROL BOARD

VERSION 6

REVIEWED BY TOWN ATTORNEY 01/24/00

ADOPTED BY TOWN COUNCIL 4/4/00

The Town of Vernon hereby adopts the provisions of Connecticut General Statutes Title 25, Sections 25-84 and 25-94 inclusive, as amended from time to time, and the Mayor shall appoint, and the Town Council shall approve, a board, which shall be empowered to act as such Municipal Flood and Erosion Control Board with the powers and authority contained in said sections of the Connecticut General Statutes, excepting the powers of bonding, taxation and assessment, condemnation or eminent domain, and the ability to enter into agreements with the United States and the State of Connecticut, as authorized by Section 25-86, Section 25-87, Section 25-88, Section 25-89, Section 25-90, Section 25-91, Section 25-92, Section 25-93, Section 25-94 and Section 25-95, which shall remain with the Town Council. It shall be the intent of this ordinance that the Municipal Flood and Erosion Control Board be advisory to the Mayor and the Town Council. The Municipal Flood and Erosion Control Board shall prepare and submit an annual report to the Town Council which shall identify the previous year's activities and the anticipated activities for the upcoming year.

I. Membership

Such Municipal Flood and Erosion Control Board shall consist of five (5) members and three (3) alternates. The terms of office shall be as follows: three (3) members shall be appointed for a term to expire on December 31, 2001. Two (2) members shall be appointed for a term to expire on December 31, 2002. Of the three (3) alternates initially appointed two (2) alternates shall be appointed for a term to expire on December 31, 2001 and one (1) alternate shall be appointed for a term to expire on December 31, 2002. All subsequent appointments of regular and alternate members shall be for a term of three (3) years commencing on the first day of January. No member shall serve more than two consecutive terms. Any vacancy in a membership of the Board shall be filled by appointment by the Mayor and approval of the Town Council for the unexpired term of such member. All members shall reside in the Town of Vernon at their date of appointment and throughout their term of office.

II. Hearing Procedures

- A. The Board shall give written notice of all public hearings to all abutting landowners, and persons whose property, which in the sole discretion of the Board, may be significantly affected by the pending action, no less than fifteen (15) days prior to any scheduled hearing.
- B. Notice of the time and place of hearing shall be published in a newspaper having substantial circulation in the community, no less than ten (10) days prior to any scheduled hearing.
- C. Notice of the Board's decision shall be mailed certified mail, return receipt requested, to all applicants, within fifteen (15) days of decision.
- D. Persons claiming to be aggrieved as a result of any decision of the Board may appeal to the Superior Court within fifteen (15) days of notice in the manner provided by Conn. Gen. stat. Sect. 8-8 for appeal from the decision of a municipal zoning board of appeals.

III. Duration

This Ordinance shall be effective for not more than ten (10) years from the date of adoption. If the Town Council does not act to renew the Ordinance, the Ordinance shall be deemed repealed.

Introduced: March 21, 2000
Advertised: March 28, 2000
Public Hearing: April 4, 2000
Council Action: April 4, 2000
Advertised: April 7, 2000
Effective Date: April 22, 2000

ORDINANCE #227

ORDINANCE ESTABLISHING THE PROCEDURE FOR THE SALE OF TOWN-OWNED LAND

Section 2-26. Short title.

This article shall be known and may be cited as “Ordinance Establishing the Procedure for the Sale of Town-Owned Land”

The goals of the Town in selling or leasing excess town-owned land include, but are not limited to:

- a. Maximizing the sale price,
- b. Developing either the downtown or neighborhoods,
- c. Revitalizing either the downtown or neighborhoods,
- d. Promoting historic restoration,
- e. Promoting economic development, and
- f. Providing additional supplemental Town services such as parking or office space.

Section 2-27. Procedures.

- (a) *Sales subject to section provision.* The sale or lease of any parcel of town-owned land with an assessed valuation of thirty thousand dollars (\$30,000.00) or more, except as herein noted, shall be subject to the stipulations of the section.
- (b) *Comments and recommendations of town entities.* Any proposal to sell or lease town-owned land, whether by the town or a prospective buyer, shall be forwarded immediately to the following town entities for comments and recommendations to the town council within a thirty-day period:
 - (1) Permanent municipal building committee.
 - (2) Building official.
 - (3) Director of public works.
 - (4) Deputy health officer.
 - (5) Conservation commission.
 - (6) Director of parks and recreation.
 - (7) Town assessor.
 - (8) Town planner.
 - (9) Water pollution control authority.
 - (10) Inland wetlands regulatory commission.
- (c) *Notification of abutters.* Abutters of the town-owned land under consideration for sale or lease, regardless of the amount of assessed valuation, shall be notified by the town clerk’s office of the specific town council meeting date, time and place at which the proposed sale or lease shall be discussed notwithstanding anything to the contrary stated in this section.
- (d) *Recommendation from mayor.* The mayor may make a recommendation to the town council regarding the sale or lease of town-owned land. For the purpose of making such recommendation, the mayor may, with the approval of the town council, appoint a three-member subcommittee of the council.
- (e) *Referral to planning commission.* Should the town council consider taking action upon the proposed sale or lease of town-owned land, the proposal shall be referred to the planning commission for a recommendation under the provisions of section 8-24 of the general statutes.
- (f) *Preparation of appraisal.* After compliance with the provisions of section 8-24 of the general statutes, should the town council vote to dispose of town-owned land, the town council shall contract with a qualified professional real estate appraiser for the preparation of an appraisal of the fair market value of the property under consideration.
- (g) *Means of sale or lease.* The town council shall vote to authorize the town administrator to conduct a sale or lease utilizing one of the following techniques:
 1. That the Town Council shall vote to approve a minimum sales price or **lease** rate for said property and shall authorize the town administrator to list the property with qualified realtors on terms determined by the town administrator, to seek sealed bids or to hold a public auction and in either of the latter two cases to give at least ten (10) days public notice to potential bidders by publication at least once in a newspaper having circulation in the town, of the date, time and place of the opening of said sealed bids of the public auction and inspection for the purchase or lease of said property:

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ORDINANCE ESTABLISHING THE PROCEDURE FOR THE SALE OF TOWN-OWNED LAND

or

2. The Town Council shall vote to authorize the town administrator to negotiate with a defined developer, based upon the developer's response to a request for proposals (RFP) process that identifies specific goals the town wishes to realize with the sale or lease of the property, including but not limited to:
- a. Maximizing the sale price or lease rate,
 - b. Developing either the downtown or neighborhoods.
 - c. Revitalizing either the downtown or neighborhoods,
 - d. Promoting historic restoration,
 - e. Promoting economic development, and
 - f. Providing additional supplemental Town services such as parking or office space,

Those developers evaluation criteria would include:

- a. Developer experience with real estate development and financial capability to complete project.
- b. Developer schedule for completion of projection.
- c. Developer concept for project type and date of completion.
- d. Developer ability to bond for project type and date of completion.

or

3. The Town Council shall transfer the property to the Vernon Housing Authority after acceptance of the property transfer by the Vernon Housing Authority.

- (h) *Persons authorized to conduct auctions; minimum bids.* In the case of a public auction, the auction shall be conducted by the town administrator or town attorney and the bidding shall open at no less than the minimum sales price approved by the town council.
- (i) *Sale by majority vote.* The town council may by a simple majority vote of its members present, subject to Connecticut General Statutes, section 8-24, authorize the sale or lease of such property and shall refer the matter to the town attorney for the preparation of the necessary document to be executed by the purchaser and the mayor.
- (j) *Sale by warranty or quit claim.* The sale of such property shall be accomplished by warranty, or quit claim deed executed by the mayor.

Introduced: March 7, 2000
Advertised: March 14, 2000
Public Hearing: March 21, 2000
Council Action: April 4, 2000
Advertised: April 7, 2000
Effective Date: April 22, 2000

ORDINANCE #228

AN ORDINANCE ESTABLISHING A RESERVE FOR LAND ACQUISITION AND PRESERVATION

Be it ordained by the Town Council of the Town of Vernon that:

1. Establishment.

In recognition that land is a valuable resource to the town, that land use is important to the general welfare of town residents and that the opportunity to preserve land through acquisition and/or purchase of development rights and conservation restrictions occurs on an irregular basis, a reserve for land acquisition and preservation is hereby established as part of the fund balance of the reserve for capital and nonrecurring expenditures.

2. Definitions.

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

Appropriation shall mean a legal authorization granted by the town council to make expenditures and to incur obligations for specific purposes.

Conservation Restriction shall mean a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land described therein or in any order of taking such land whose purpose is to retain land or water areas predominantly in their natural, scenic or open condition or in agricultural, farming, forest or open space use. (C.G.S. §47-42a(a)).

Development Rights shall mean the rights or combination of rights of fee simple owners of open, unimproved, forest and agricultural land to develop, construct on, sell, lease or otherwise develop or improve such land for uses that result in rendering such land no longer open, unimproved, forest or agricultural. The acquisition of development rights is not intended to prevent any development of the land to which the development rights relate, provided that such development is consistent with the public purpose for which such development rights are purchased and provided that such development is permitted pursuant to a written document approved by the town council and subject to state and local regulation.

Land shall mean real property with or without improvements thereon located within the Town of Vernon.

Open Space Acquisition Program shall mean the Town of Vernon's preservation of land, identified in the Open Space Program dated August 14, 1998, as amended, and the town Master Plan of Conservation and Development, as amended, through acquisition and/or purchase of development rights and conservation restrictions.

Open Space Task Force shall mean the subcommittee of the Town of Vernon Conservation Commission which was recognized by resolution of the town council on October 23, 1999.

Reserve shall mean an account used to identify a portion of fund balance that indicates that it is not available to appropriate for expenditures; the reserve shall be an account used to identify a portion of fund equity as legally restricted for specific future use.

Town shall mean the Town of Vernon.

3. Types of land to be considered for acquisition and preservation as open space.

- (a) The types of land to be considered for acquisition by the town council must be:
- (1) Land that has value as a significant natural resource, including but not limited to, wetlands, watercourses, greenway corridors, watershed properties, scenic vistas, ridgelines, or other land as set forth in the town Master Plan of Conservation and Development, as amended, and identified in the open space acquisition program, as defined herein; or
 - (2) Land that has recreational value as outlined in the park and recreation plan of development; or
 - (3) Land that is contiguous to town owned property that enhances the value thereof when retained as open space; or
 - (4) Land that has value as urban park areas; or
 - (5) Land that has significant historical archeological value based on the character of the land and/or improvements thereon.
- (b) The types of development rights and conservation restrictions to be considered for purchase by the town council must be consistent with the general purpose of this

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ordinance and may include one or more of the following:

- (1) Development rights and conservation restrictions which will maintain and enhance the conservation of natural or scenic resources;
 - (2) Development rights and conservation restrictions which will protect natural topography, streams or water supply;
 - (3) Development rights and conservation restrictions which will enhance public recreational opportunities;
 - (4) Development rights and conservation restrictions which will protect historical or archaeological sites;
 - (5) Development rights and conservation restrictions which will promote conservation of agricultural soils, particularly prime farmland soil;
 - (6) Development rights and conservation restrictions which will contribute towards the preservation of agriculture in the town;
 - (7) Development rights and conservation restrictions which will promote orderly development of the town;
 - (8) Development rights and conservation restrictions which will promote certain publicly desirable uses of land, at the present time expected to include agricultural, forest and natural uses.
- (c) In considering the acquisition of a particular parcel of land or certain development rights thereto, the town council shall obtain written recommendations from:
- (1) The planning and zoning commission pursuant to Connecticut General Statutes § 8-24, the conservation commission, open space task force and Hockanum River Linear Park Committee as to all land considered for acquisition.
 - (2) The Director of the Parks and Recreation Department as to land that has recreational value as outlined in the park and recreation plan of development.
 - (3) The Town Administrator as to land that is contiguous to town owned property that enhances the value thereof when retained as open space.
 - (4) The Historical Society as to land that has significant historical archeological value based on the historical record of the land and/or improvements thereon.
 - (5) A statement from any other advisory committee or private organization whose opinion is deemed appropriate by the Town Council.

4. Public Hearings.

- (a) The Town Council shall hold one or more advisory public hearings regarding the acquisition of a particular parcel of land, or the development rights thereto or a conservation restriction thereon.
- (b) When a public hearing is to be held, the Town Council shall cause notice to be published at least five (5) days prior to said public hearing in a newspaper having substantial, continuous circulation in the town.

5. Approval; administrative.

Determination that a particular parcel of land or development right thereto or conservation restrictions thereon is to be acquired with monies in the reserve shall be made solely by the Town Council. Referral to the town Planning and Zoning Commission shall be made pursuant to Connecticut General Statute §8-24. The reserve shall be administered by the Town Finance Officer as directed by the Town Council in accordance with the provisions of Section 6 of this Ordinance.

6. Funding.

- (a) In preparing the annual town budget, the Town Council shall consider adding to the reserve as part of its open space acquisition program. The town shall also investigate on a continuing basis the availability of any state and federal money available for acquisition of land, conservation restrictions and development rights.
- (b) Contributions to the reserve shall be accepted from individuals, corporations,

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associations, partnerships and any other legal entities. Said contributions shall be used exclusively for the herein stated purposes of the reserve for land acquisition and preservation as open space.

7. Minimum balance of reserve.

A minimum balance of ten thousand dollars (\$10,000.00) shall be maintained in the reserve, effective with budget appropriations of fiscal year 2001-2002. If at any time the reserve falls below the \$10,000.00 minimum, said minimum funds shall be restored during the next annual budget.

8. Dissolution of reserve.

If the reserve is terminated for any reason, the balance remaining in the reserve at the time of such termination shall be used exclusively for the benefit of the town's parks and recreation department.

9. Annual review, sunset provision.

(a) This Ordinance shall be reviewed by the Town Council annually.

(b) Unless otherwise provided by the Connecticut General Statutes, as amended from time to time, this Ordinance shall be effective for a period of not more than ten (10) years from the date of adoption. If the Town Council does not act to renew the Ordinance, the Ordinance is repealed.

Town Attorney Review: May 1, 2000
Introduction Date: April 4, 2000
Publication Date: April 25, 2000
Public Hearing Date: May 2, 2000
Council Action: May 2, 2000
Publication Date: May 6, 2000
Effective Date: May 21, 2000

ORDINANCE # 229

AN ORDINANCE AMENDING SECTION 3-1 OF THE TOWN OF VERNON CODE

The following are established as fees for certificates of occupancy and building permits in the town to be paid to the building official's office, after which a building permit and/or certificate of occupancy may be issued:

- (1) The fee for a certificate of occupancy will be five dollars (\$5.00);
- (2) The fee for all building permits will be fourteen dollars (\$14.00) for one thousand dollars (\$1,000.00) of estimated cost or any fraction thereof of estimated cost.

Introduced:	April 18, 2000
Advertised:	May 9, 2000
Public Hearing:	May 16, 2000
Council Action:	May 16, 2000
Advertised:	May 19, 2000
Effective Date:	June 3, 2000

ORDINANCE #230

AN ORDINANCE AMENDING ORDINANCE #221

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VERNON THAT:

Chapter 3, Buildings and Building Regulations, of the **Vernon Code** of Ordinances is hereby amended as follows:

Section 3-4 VACANT AND BLIGHTED BUILDINGS

Delete the Definition of "Owner" in Sec 3-4(b) and substitute the following in lieu thereof:

Owner shall mean any person, institution, foundation, entity, or authority, which owns real property within the town, or the executor or administrator of any estate containing real property within the town in its inventory or the trustee of any trust holding legal title to real property within the town for the benefit of others.

Introduced:	June 6, 2000
Advertised:	June 14, 2000
Public Hearing:	June 21, 2000
Council Action:	June 21, 2000
Advertised:	June 23, 2000
Effective Date:	July 8, 2000

ORDINANCE #231

AN ORDINANCE TO AMEND ORDINANCE 217 AND VERNON TOWN CODE SEC. 12-8-(8) RELATIVE TO ASSIGNMENT OF TAX LIEN PROCEDURES

- (8) The Town Council may authorize the Town Administrator to prepare and conduct a Request For Proposal (RFP).

- (9) If the Town Council authorizes the Town Administrator to prepare and conduct a Request for Proposal (RFP) consistent with Paragraph (8) of the Amended Ordinance then the Town Administrator shall prepare an Agreement for the Assignment of Tax Liens incorporating the Request for Proposal provisions. The Town shall modify provisions of Paragraph 8 (a-o) of this Ordinance for assignments to facilitate the rehabilitation of - deteriorating properties where applicable to include the assignment of a tax lien conditioned upon completion of rehabilitative measures, execution of a declaration of restrictive covenants and tax relief for a maximum of 180 days from assignment.

Introduced: August 15, 2000
Advertised: September 5, 2000
Public Hearing: September 12, 2000
Council Action: September 12, 2000
Advertised: September 16, 2000
Effective Date: October 1, 2000

ORDINANCE #232

AN ORDINANCE PERTAINING TO REMOVAL OF DOG FECES WITHIN THE TOWN OF VERNON

BE IT ORDAINED by the Town Council of the Town of Vernon:

Definitions:

“Dog” shall mean any member of the canine species, male, female, neutered male or spayed female.

“Owner” shall mean any person or persons, firm, association, partnership, USC or corporation possessing, keeping, harboring or having custody of a dog.

REMOVAL OF FECES

- (a) It shall be unlawful for any person owning, keeping, walking or in control of any dog to allow or permit such animal to defecate upon any private property owned by another person, condominium common elements, street, sidewalk, gutter or other public area unless such person shall remove all feces so deposited by such animal before leaving the immediate premises.
- (b) The provisions of this section shall not apply to any person who is blind or deaf walking or in control of a guide dog licensed pursuant to Section 22-345 of the Connecticut General Statutes, or by any person who is physically unable to remove said feces.
- (c) The provisions of this Ordinance shall not apply to dogs owned or controlled by government law enforcement agencies or organized fire departments or persons authorized by said agencies or departments to engage in search and rescue activity or training for such activity.
- (d) Any violation of this section shall be punishable by a fine of Twenty-five and 00/100 (\$25.00) Dollars for each violation.
- (e) This section shall be reviewed by the Town Council two years from its effective date, and at such time the Town Council may amend or repeal this section if it so chooses

Introduced: August 15, 2000
Advertised: September 5, 2000
Public Hearing: September 12, 2000
Council Action: October 3, 2000
Advertised: October 7, 2000
Effective Date: October 22, 2000

ORDINANCE #233

AN ORDINANCE PERTAINING TO THE CONTROL OF DOGS WITHIN THE TOWN OF VERNON

BE IT ORDAINED by the Town Council of the Town of Vernon:

Definitions:

“Dog” shall mean any member of the canine species, male, female, neutered male or spayed female.

“Owner” shall mean any person or persons, firm, association, partnership, LLC or corporation possessing, keeping, harboring or having custody of a dog.

“At large” shall mean off the premises of the owner, and not under the control of the owner by a leash, cord or chain.

RUNNING AT LARGE PROHIBITED AT PROPERTIES OWNED BY THE TOWN OF VERNON AND/OR OPERATED BY THE VERNON BOARD OF EDUCATION AND PARKS AND RECREATION DEPARTMENT

- (a) It shall be unlawful for any owner of any dog to allow such dog to be at large within any property owned by the Town of Vernon and/or operated by the Vernon Board of Education, or any property owned by the Town of Vernon and/or operated by the Vernon Parks & Recreation Department with the exception of any property which the Town Council may designate as an area for dogs to be at large.
- (b) The provisions of this Ordinance shall not apply to dogs owned or controlled by government law enforcement agencies or organized fire departments or persons authorized by said agencies or departments to engage in search and rescue activity or training for such activity.
- (c) Any violation of this section shall be punishable by a fine of Twenty-five and 00/100 (\$25.00) Dollars for each violation.
- (d) This section shall be reviewed by the Town Council two years from its effective date, and at such time the Town Council may amend or repeal this section if it so chooses.

Introduced: August 15, 2000

Advertised: September 5, 2000

Public Hearing: September 12, 2000

Council Action: October 3, 2000

Advertised: October 7, 2000

Effective Date: October 22, 2000

Note: See Town Council action November 14, 2000, Page 504, Vol. 36.

ORDINANCE #234

AN ORDINANCE TO SEPARATELY CLASSIFY GENERAL GOVERNMENT AND EDUCATION CAPITAL IMPROVEMENT AND DEBT SERVICE APPROPRIATIONS FROM OPERATING APPROPRIATIONS WITHIN THE ANNUAL TOWN BUDGET

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VERNON AS FOLLOWS:

Section 1. Purpose:

The Town Council recognizes in order to enrich the quality of life and standard of living for our residents, it is essential to preserve and improve the capital assets within the Town of Vernon. To assist in this endeavor the Town Council hereby determines that the annual general fund budget be composed of the following three parts:

- a) General Government operating budget.
- b) Education operating budget.
- c) Capital Improvement and Debt Service budget, consisting of both the General Government and Education appropriations.

Section 2. Definitions:

For purposes of this ordinance, the following terms shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.

- (a) "General Government" refers to town operations exclusive of the school system.
- (b) "Education" refers to the school system.
- (c) "Town" refers to both the General Government and Education.
- (d) "Capital Improvement" refers to items purchased, constructed, repaired, or deemed as permanent improvements, at an appropriation level and useful life as so mutually determined by the Board of Education and the Town Council.
- (e) "Debt Service" refers to the appropriation required for interest and principal payments of outstanding debt.
- (f) "Charter" refers to the Charter of the Town of Vernon, Connecticut.
- (g) Balances "transferred to the Town Reserve for Capital and Non-Recurring Expenditures to complete the project as originally designated" and balances "transferred to the Board of Education Reserve Fund for Capital and Non-Recurring Expenditures to complete the project", as those phrases are used in Section 3(d) of this Ordinance, shall mean an encumbrance of an appropriation as that term is used in Chapter)UI, Section 10(g) of the Charter of the Town of Vernon.

Section 3. Procedures:

- (a) Capital Improvements and Debt Service Schedule

The Board of Education and the Town Council shall establish an annual schedule for the preparation of departmental capital improvement requests in accordance with the Charter.

- (b) Budget Presentation to the Mayor

Pursuant to the provisions of Chapter XII, Sections 2, 3 and 5 of the Charter, the Board of Education shall submit to the Mayor a capital improvement budget for Education separate from their operating budget.

The Mayor, in accordance with Chapter XII, Section 5 of the Charter, may utilize a capital improvement committee to submit the General Government capital requests.

- (c) Budget Presentation to the Town Council

Pursuant to the provisions of Chapter XII, Section 5 of the Charter, the Mayor shall present the Annual Town Budget to the Town Council in three sections classified as General Government Operating Appropriations; Education Operating Appropriations; and Capital Improvements and Debt Service Appropriations.

The Capital Improvements and Debt Service Appropriation shall further list separate line items for:

- (a) General Government Capital Improvements
- (b) Education Capital Improvements

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AN ORDINANCE TO SEPARATELY CLASSIFY GENERAL GOVERNMENT AND EDUCATION CAPITAL IMPROVEMENT AND DEBT SERVICE APPROPRIATIONS FROM OPERATING APPROPRIATIONS WITHIN THE ANNUAL TOWN BUDGET

(c) Debt Service - Principal Payments

(d) Debt Service - Interest Payments

(d) Adoption and Implementation of Capital Improvement and Debt Service Appropriation

After adoption of the Annual Town Budget, the implementation of the Capital Improvement and Debt Service appropriation shall proceed under the authority of the General Government pursuant to Chapter XII, Sections 7; 9; and 10 of the Charter.

In accordance with Chapter XII, Section 10(g) of the Charter, appropriations for construction or for other permanent improvements shall not lapse at the end of the fiscal year until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided any such project shall be determined to have been abandoned if three (3) fiscal years shall elapse without any expenditures from or encumbrances of the appropriation therefore.

Upon approval by the Town Council, any appropriation or remaining balance at the end of the fiscal year in the capital improvement line items of the General Government shall be transferred to the Town Reserve for Capital and Non-Recurring Expenditures to complete the project as originally designated, pursuant to Chapter XII, Section 10(g) of the Charter Any remaining project balance shall be designated in accordance with the established controls of the reserve.

Upon recommendation by the Board of Education and approval by the Town Council any appropriation or remaining balance in the capital improvement line item for Education shall be transferred to the Board of Education Reserve Fund for Capital and Non-Recurring Expenditures to complete the project as originally designated, pursuant to Chapter XII, Section 10(g) of the Charter. Any remaining project balance shall be designated in accordance with the established controls of the reserve.

(e) The General Government shall issue an annual report to the Board of Education of expenditures incurred for capital improvements and debt service related to Education in the form required for State and Federal disclosure requirements.

Section 4. Duration:

This ordinance shall be effective for not more than ten (10) years from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed.

This ordinance may be reviewed by the Town Council annually and at such time the Town Council may proceed to amend or repeal said ordinance as so chooses.

Section 5. Severability:

If any provision of this ordinance or the application thereof shall be held invalid or unenforceable, the remainder of this ordinance, or the application of such terms and provisions to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby; and each remaining term and provision hereof shall be deemed valid and shall be enforced to the fullest extent permitted by law.

Introduced:	January 16, 2001
Advertised:	January 30, 2001
Public Hearing:	February 6, 2001
Town Council Action:	February 6, 2001
Advertised:	February 9, 2001
Effective Date:	February 24, 2001

ORDINANCE #235

AN ORDINANCE REGULATING THE COLLECTION OF GARBAGE AND REFUSE

BE IT ORDAINED by the Town Council of the Town of Vernon that:

Section 1. Repealing Clause. Ordinances Nos. 186 and 224, codified as §§ 7-16 – 7-26, inclusive, of the Code of Ordinances, Town of Vernon, Connecticut and Sections (4) through (7) inclusive of Ordinance 225 are hereby repealed and the following provisions are substituted in lieu thereof.

Section 2. Declaration of policy.

The accumulation, collection, removal and disposal of solid waste must be controlled by this municipality for the protection of the public health, safety, and welfare. It is consequently found and declared that:

- (1) This municipality is authorized by law to regulate the disposition of solid waste generated within its boundaries and to collect a charge therefore and to license refuse collectors;
- (2) This municipality is also authorized by General Statutes section 22a-220a to designate the area where solid waste generated within its boundaries shall be disposed;
- (3) This municipality has executed the municipality service agreement requiring it to cause all solid waste generated within its boundaries, and which meets the contractual standards, to be delivered to the Mid-Connecticut System;
- (4) The public health, safety and welfare of this municipality will be best served by requiring the delivery of such solid waste to the transfer station for processing by the Mid-Connecticut System and the generation of electricity; and
- (5) The enactment of this article is in furtherance of this municipality's regional solid waste management plan.

Therefore, on and after October 26, 1990 and under regulations issued by the director or his agent in accordance with the terms of this article, there is hereby established a program for the collection and disposal of solid waste from all occupants of residential dwelling units located within this municipality. With the exception of residential condominiums said program shall not apply to residential dwelling units of more than six (6) units, apartments, or business, commercial and industrial establishments.

Section 3. Definitions.

The following terms shall have the following meanings:

Authority shall mean the Connecticut Resources Recovery Authority established pursuant to chapter 446e of the General Statutes, Revision of 1958, as amended.

Contractual standards for solid waste delivered to the Mid-Connecticut System are as follows:

- (1) It must be solid waste emanating from within the corporate boundaries of this municipality;
- (2) It must not be of such a quantity, quality or other nature as to materially impair the operation or capacity of the Mid-Connecticut System or any portion thereof, normal and reasonable wear and use excepted;
- (3) It must not be of such a quantity, quality or other nature as to materially impair the strength or the durability of the structures, equipment, or works which are a part of the Mid-Connecticut System or any portion thereof;
- (4) It must not be of such quantity, quality or other nature as to create flammable or explosive conditions in the Mid-Connecticut System or any portion thereof;
- (5) It must not contain chemical or other properties which are deleterious, as determined by the authority or capable of causing material damage to any part of the system or to personnel; and
- (6) It must not include any hazardous waste.

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Director shall mean the director of public works of this municipality.

Disposal charge means that amount of money to be charged for each ton of solid waste delivered to the Mid-Connecticut System as established by the procedures authorized in the municipal service agreement.

Hazardous waste means pathological, biological, cesspool or other human wastes, human and animal remains, radioactive, toxic, and other hazardous wastes which according to federal, state or local rules or regulations from time to time in effect required special handling in their collection, treatment or disposal, including those regulated under 43 U.S.C. subsection 692 1-6925 and regulations thereunder adopted by the United States Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806,42 U.S.C. section 6901, such as cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, drugs, fine powdery earth used to filter cleaning fluid and refuse of similar nature.

Mid-Connecticut System shall mean the system for the processing of solid waste and the recovery of energy therefrom constructed by the authority pursuant to the municipal service agreement.

Municipal Receptacle shall mean a litter storage and collection receptacle furnished by any private individual, partnership, corporation or LLC, or by any governmental agency for use by the public.

Municipal service agreement shall mean the municipal solid waste management services contract between this municipality and the authority dated May 5, 1984.

Municipality shall mean the Town of Vernon.

Refuse collectors shall include any person, firm or corporation engaged in the business of collecting and transporting commercial, household or industrial solid waste for hire within this municipality.

Residential condominiums shall mean any group of individually owned dwelling units having ownership in common of shared facilities, organized under chapter 825 of the Connecticut General Statutes, as revised.

Solid waste means unwanted or discarded material consistent with the meaning of that term pursuant to section 22a-260(7) of the General Statutes, excluding semi-solid or liquid materials collected and treated in a sewerage system.

Transfer station shall mean that facility constructed by the authority as part of the Mid-Connecticut System and located at Ellington, Connecticut.

Section 4. License required for refuse collection.

All solid waste accumulated in this municipality shall be collected, conveyed and disposed of by this municipality or by persons licensed by this municipality to perform such work and in accordance with the provisions of this article. No other person shall collect, convey or dispose of any solid in this municipality, except that the actual producers of solid waste or the owners of premises in this municipality upon which solid waste has accumulated may personally collect, convey and dispose of such solid waste upon complying with the other provisions of this article and with any other applicable ordinances and regulations. No solid waste collected from outside this municipality shall be disposed of under a license or registration issued pursuant to this article.

Section 5. Refuse containers.

(a) *Provision for containers.* The owner or occupant of each residential dwelling unit in which solid waste is created or generated shall provide, at a suitable place upon such premises, sufficient receptacles for receiving and holding such solid waste during the intervals between collections. Solid waste containers shall be maintained in good condition free of holes and fissures and shall be equipped with securely fitting covers.

(b) *Containers for commercial solid waste.* The standard container for commercial solid

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waste shall be a watertight, vermin-proof galvanized metal or nonbrittle plastic receptacle, with a tight lid, of not less than twenty nor more than thirty gallon capacity; except that commercial establishments may provide for a large covered container designed to be emptied into a refuse truck.

(c) *Containers for household solid waste; number of collections.* The standard container for household solid waste shall be watertight, vermin-proof galvanized metal or nonbrittle plastic receptacle, with a tight lid or plastic bags, of not less than twenty nor more than thirty-gallon capacity. Curbside collections shall be made at least once each week.

Section 6. Storing of solid waste.

(a) *Public places.* No person shall place any solid waste in any street, alley or other public place or upon any private property, whether owned by such person or not, within this municipality, except in proper containers or otherwise properly prepared for collection or under express approval granted by the director. Nor shall any person throw or deposit any solid waste in any stream or other body of water.

(b) *Accumulation of solid waste.* Solid waste may not be placed at curbside for collection sooner than twenty-four (24) hours prior to the scheduled day of collection. Any uncontainerized accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any accumulation of solid waste within twenty-four (24) hours after a written warning providing notice of a violation of this section in the form of a sticker affixed to the solid waste or its container will result in the removal by the Town of the accumulated solid waste and the issuance of a citation to the owner and/or occupant of the premises imposing a fine of \$100 per violation pursuant to Section 12 of this ordinance.

(c) In the event that the accumulation of solid waste constitutes an immediate threat to public health, safety or welfare, it may be removed immediately by the Town provided a written warning giving notice of the specific violation of this section is given to the owner and/or occupant of the premises prior to the issuance of a certificate of lien pursuant to § 49-73b(b) of the General Statutes.

(d) Any expenses incurred by the Town under Section 6(c) of this Ordinance for the removal of solid waste constituting an immediate threat to public health, safety, or welfare, may be recovered from the owner of the premises by filing a certificate of lien pursuant to the provisions of § 49-73b of the General Statutes.

(e) *Scattering of solid waste.* No person shall cast, place, sweep or deposit anywhere within this municipality any solid waste in such a manner that it may be carried or deposited by the elements upon or in any street, sidewalk, alley, sewer, parkway or other public place.

(f) *Hazardous wastes.* It shall be unlawful for any person, firm or corporation to place hazardous wastes or similarly dangerous substances into any solid waste container or to transport any such substance to the transfer station.

(g) *Litter.* No person shall throw or deposit litter in or upon any street, sidewalk, stream or other public place within the town, except in municipal receptacles, in authorized private receptacles for collection or in official town dumps. Persons placing litter in municipal receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

Section 7. Licensing of refuse collectors; registration of vehicles.

(a) *Licensing and registration authority designated.* The director shall be the licensing and registration authority for refuse collectors and vehicles and containers. The director shall grant a license within a reasonable time following the filing of a proper application and payment of the prescribed fee unless he finds one (1) or more of the following conditions to prevail:

- (1) The applicant has had a previous suspension or revocation of licenses; or

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(2) The applicant lacks suitable equipment with which to collect solid waste in a safe and nuisance-free manner and in compliance with this article.

(b) *License required.* Each refuse collector shall, annually on or before July first, apply for a license from the director on such form as he shall prescribe to engage in the business of solid waste collection in this municipality.

(c) *Certificate of Insurance.* No such license shall be issued until the contractor files with the town a certificate of liability insurance in the amount of one million dollars (\$1,000,000.00) for property damage and one hundred thousand dollars (\$100,000.00) per person and three hundred thousand dollars (\$300,000.00) per occurrence for liability claims, together with such workers' compensation insurance as provided by law.

(d) *Registration of vehicles, containers.* Each licensed refuse collector shall obtain a separate registration for each vehicle he operates to transport solid waste within this municipality. Registrations shall also be required for all permanent containers in capacity greater than ten (10) cubic yards. Registrations shall not be transferable from vehicle to vehicle nor from container to container; provided, however, the director may allow such temporary transfer of registrations in hardship situations, such as a temporary breakdown of an individually licensed vehicle.

(e) *Registration term, fee; renewal.* All registrations shall be issued for a term not to exceed one (1) year and shall be renewable on or before the first day of July of each year. The registration fee shall be one hundred dollars (\$100.00) for each vehicle.

(f) *Reinspection upon sale or transfer of vehicle during registration year.* Whenever a duly registered vehicle is sold or transferred to another refuse collector licensed in this municipality during the registration year, the vehicle shall be reinspected within seven (7) days of such transfer date, but no additional fee shall be required.

(g) *Display of registration.* The registration issued shall be conspicuously displayed on the left front of each vehicle so licensed, and each container, or as may be directed.

(h) *Identification of vehicles and containers.* Each licensee shall prominently display at all times on each registered vehicle and/or container in letters at least four (4) inches in height his name, registration number and telephone number.

(i) *Notification required upon sale, transfer of route.* When any licensee shall sell or transfer all or part of his route to another refuse collector presently licensed to collect solid waste in this municipality, he shall forthwith give written notice to the director at least seven (7) days before the date of the sale or transfer, stating the name of the buyer or transferee and the intended date of sale.

(j) *Licenses nontransferable.* Licenses are not transferable. When any licensee shall sell or transfer all or part of his route to any refuse collector not licensed in this municipality, he shall first notify the director, in writing, of his intent to sell, and the transferee shall, at the same time, make application for a license to operate in this municipality.

Section 8. Revocation or suspension of license.

(a) *Generally.* A license to engage in solid waste collection in this municipality and to use the transfer station or other refuse facilities provided by this municipality is a privilege, not a right. Failure to comply with the provisions of this article shall be grounds for revocation or suspension of any license or registration issued under the provisions of this article in addition to any other penalty imposed by law.

(b) *Notice required.* Revocation or suspensions shall only become effective five (5) calendar days after receipt of written notice from the director.

(c) *Filing request for review; effect of failure to file.* If a refuse collector objects to the director's action described in paragraph (b) above to revoke or suspend his license or registration, he may, within the five (5) calendar days of receipt of the notice, file a written request for review with the town administrator. Failure to timely file such request for review shall make the director's action final and binding upon the refuse collector.

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(d) *Effect of timely filing.* Timely filing of such request for review shall operate as an automatic stay of the director's action.

(e) *Special appeals board; hearing.* Upon a timely filing of a Request for Review, the mayor shall appoint forthwith a special appeals board consisting of three (3) electors of this municipality, one (1) licensed refuse collector and a member of the town council, and the board shall then, within fifteen (15) days, hear and decide the matter. Such hearing may be public if so requested, in writing, by the refuse collector. The decision of the board shall be final and binding upon the refuse collector.

Section 9. Administration; promulgation of rules and regulations.

(a) The director shall administer the licensing of any refuse collector engaged in the collecting and transporting of solid waste in this municipality.

(b) The director may promulgate additional rules on all collection and disposal procedures from time to time as he deems proper, but such rules shall not be inconsistent with this Ordinance or applicable state statute.

Section 10. Refuse collector's responsibilities and obligations.

(a) *Place of delivery; payment.* Each refuse collector shall deliver all solid waste meeting the contractual standards collected within the territorial limits of this municipality to the transfer station and pay the disposal charge to this municipality. All other solid waste shall be delivered to such place as the director may, from time to time, designate and any applicable charge shall be paid by the refuse collector.

(b) *Failure to pay.* Any refuse collector failing to pay this municipality any disposal charge within thirty (30) days after the date of a bill therefore shall pay, in addition to the disposal charge shown on such bill, interest on such disposal charge at the rate of one (1 %) percent per month or fraction thereof commencing on the date of such bill, plus all costs of collection, including an attorney's reasonable bill, incurred by this municipality. A failure to pay shall also be grounds for revocation or suspension of a license and registration.

(c) *Prohibition on delivery.* No licensee shall deliver any solid waste meeting the contractual standards to any place other than the transfer station unless the transfer station is incapable of accepting such solid waste at the time of delivery, in which event such solid waste shall be delivered to the place designated by the director.

(d) *Construction and maintenance of vehicles and containers.* All vehicles registered to collect and transport solid waste shall be automatic unloading vehicles of a watertight construction and shall be maintained free of obnoxious odors and accumulated solid waste. Any such vehicle with a capacity in excess often (10) cubic yards shall be of a closed construction. A container utilized primarily for nonliquid solid waste need not be of watertight construction, but shall be completely enclosed. If any such vehicle shall have a capacity of less than ten (10) cubic yards, it may have an open top, provided that it be covered when it is in motion to prevent the escape of solid waste.

(e) *Spilled solid waste.* Refuse collectors shall clean up solid waste that may spill when being carried or transferred.

(f) *Designation of agent.* The director may designate the state resource recovery authority or its subsidiaries as agent for the municipality for purposes of billing, receipt of payment and collection of the disposal charges for each refuse collector.

Section 11. Enforcement of Ordinance.

It shall be the responsibility of the director or his/her agents, and/or the town's deputy health officer, building inspector or the police department and their designated agents, to enforce all provisions of this Ordinance.

Section 12. Violations and penalty. Appeals

(a) In addition to the provisions of § 6(d) of this Ordinance providing for liens when the accumulation of solid waste constitutes an immediate threat to public health, safety,

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and welfare, this Ordinance is specifically designated for enforcement by the citation process pursuant to § 7-152c of the General Statutes and Ordinance # 218.

(b) Any violation of the terms of this Ordinance shall carry a fine of \$100 per offense, unless otherwise specified. Each violation shall constitute a separate offense.

(c) Any person issued a citation pursuant to the provisions of this Ordinance shall be entitled to a hearing to contest the citation. The procedure for the hearing, disposition and enforcement shall be set forth in Connecticut General Statutes Section 7-1 52c, entitled "Hearing Procedure for Citations", as be amended, and an ordinance of the Town of Vernon entitled "An Ordinance Amending Ordinance # 215 entitled" An Ordinance Establishing Hearing Procedures for Citations".

Section 13. Duration.

This Ordinance shall be effective for not more than ten (10) years from the date of adoption at which time, if the Town Council has not acted to renew the Ordinance, the Ordinance shall be deemed repealed".

Section 14. Severability.

If any provision of this Ordinance or the application thereof shall be held invalid or unenforceable, the remainder of this ordinance, or the application of such terms and provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby; and each remaining term and provision hereof shall be deemed valid and shall be enforced to the fullest extent permitted by law.

Section 15. Administration.

The provisions of this Article shall be in addition to and not in derogation of any and all provisions of the Connecticut General Statutes, state codes, and regulations and ordinances of the Town of Vernon.

Section 16. Applicability.

In addition to other applicable provisions of this Ordinance, § 5, 6 and 12 shall apply to all generators of solid waste, including residential dwelling units, apartments, business, commercial and industrial establishments.

Introduced:	February 20, 2001
Advertised:	April 10, 2001
Public Hearing:	April 17, 2001
Council Action:	April 17, 2001
Advertised:	April 20, 2001
Effective Date:	May 05, 2001

ORDINANCE #236

AN ORDINANCE AMENDING ORDINANCE #185 ENTITLED, "AN ORDINANCE ESTABLISHING A LOCAL HISTORIC PROPERTIES COMMISSION AND DESIGNATING A HISTORIC PROPERTY"

BE IT ORDAINED:

By the Council of the Town of Vernon, that Ordinance #185 entitled "AN ORDINANCE ESTABLISHING A LOCAL HISTORIC PROPERTIES COMMISSION AND DESIGNATING A HISTORIC PROPERTY" is hereby amended to add the following language as Section 7.C. "Designation of Historic Properties."

All other provisions of said Ordinance #185 are hereby reaffirmed.

SECTION 7 - DESIGNATION OF HISTORIC PROPERTIES

C. The following properties, which reflect Vernon's rural and agricultural heritage, are designated Historic Properties as follows:

7.C.1 THE THRALL FARM, 312 BOLTON ROAD

BEGINNING at a point in the Northerly line of Bolton Road and in the Southwesterly corner of tract herein described, said point being about fifty-seven (57) feet Westerly from the Westerly line of the house on said property extended to the North line of Bolton Road and about two hundred eighty-five (285) feet Easterly from Bamforth Road, the last two distances being measured in said Northerly line of Bolton Road; thence N 20° 50' E a distance of three hundred forty-two and six-tenths (342.6) feet to a point; thence S 56° 27' E a distance of two hundred eighty-five and three-tenths (285.3) feet to a steel pin; thence S 33° 33' W a distance of three hundred thirty-four and two tenths (334.2) feet to a steel pin set in said Northerly line of Bolton Road; thence N 56° 27' W a distance of two hundred nine and nine-tenths (209.9) feet to point of beginning. Being bounded Westerly, Northerly and Easterly by land now or formerly of Maxwell M. Belding and Southerly by Bolton Road.

Said premises contain approximately 1.90 acres and are described as Lot No. 1, as shown on a map entitled, "Part of the property of Maxwell M. Belding 'The Thrall Farm' Vernon, Conn. Nov., 1952 Revised: Jan. 1953 Revised: Apr. 1957 Scale: 1" = 100' Robert H. Chambers, C.E. Surveyor - Civil Engineer Rockville, Conn.", which map is on file in the Town Clerk's Office in said Rockville, reference to which is hereby made for further description.

7.C.2 DR. CHARLES C. BEACH HOUSE, 507 BOLTON ROAD

BEGINNING at a point marked by a one-inch pipe set in the general westerly line of Bolton Road, which point marks the southeasterly corner of the premises herein conveyed and the northeasterly corner of land now or formerly of Eleanor P. Rusher; thence in line of land of said Rusher S. 83° 40' 40" W. two hundred eighty-nine and twenty-six one-hundredths (289.26) feet to a bound stone; thence turning and running N. 12° 52' 40" W. along land now or formerly of Samuel B. Jones and William D. Lyon, a distance of five hundred (500) feet to a point marked by an iron pipe which is southerly eleven and seventy-eight one-hundredths (11.78) feet from an old bound stone; thence turning and running N. 84° 2' E. along land now or formerly of Alvin R. and Marguerite P. Reinhart et al, two hundred seventy and twenty-eight one-hundredths (270.28) feet to an iron pipe in the said westerly line of Bolton Road; thence turning and running in said westerly road line and along the course of an old stone wall S. 14° 8' E. two hundred twenty (220) feet to a point; thence continuing in said westerly road line and in part along an old stone wall S. 14° 30' E. two hundred eighty and fifty-six one-hundredths (280.56) feet to the point and place of beginning. Containing three and eighteen one-hundredths (3.18) acres of land.

7.C.3. VERNON GRANGE NO. 52, 734 HARTFORD TURNPIKE

FIRST PIECE:

BEGINNING at an iron stake, which stake is situated at the northeast corner of land of Florence Williams, and at the northwest corner of that tract herein conveyed and in the southerly line of the state highway running from Vernon Center to Lanz's Corner, so-called, runs thence in the southerly line of said highway, northeasterly 8 rods, more or less, to an iron stake; thence southeasterly in line of other land of said Baker and at right angles to said southerly line of said highway, 10 rods, more or less, to iron stake; thence southwesterly still in line of said Baker, said line being parallel to the southerly line of said highway, 8 rods, more or less, to an iron stake; thence northwesterly in line of land of said Williams and in a line at right angles to said southerly line of said highway, 10 rods, more or less, to place of beginning, containing one-half acre of land, more or less.

As said southerly line of said State Highway in description above is not positively ascertained, it is understood and agreed that the intent of this deed, regardless of stakes set supposedly in the southerly line of said highway, to convey all land between the stakes and all other land, if any, northeasterly of said stakes set approximately in line of said highway and the actual line of said highway.

SECOND PIECE:

BEGINNING at a point in the northwesterly corner of land now or formerly of the Grantor

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herein and the northeasterly corner of the land herein conveyed in the southerly line of Connecticut Route No. 15 running from Vernon Center to Tolland, thence running southerly along land now or formerly of the Grantor herein and land of William and Helen Young, in part by each, a distance of four hundred (400) feet (said first mentioned point being 20 feet south of the southerly edge of the concrete pavement), thence running southwesterly along land now or formerly of Bell, a distance of two hundred and fifty (250) feet to an iron pipe; thence running northerly in a line making an interior angle with the last mentioned boundary $80^{\circ} 39'$ along land of said Bell, a distance of four hundred forty and two-tenths (440.2) feet to a point marked by an iron pin in said southerly line of said highway (which point is 20 feet south of the southerly edge of the concrete pavement); thence running easterly along said southerly line of highway, a distance of two hundred fifty (250) feet to point of beginning.

EXCEPTING THEREFROM that certain piece of parcel of land as described in a deed from the Grantor herein to G. Nelson Skinner, William Morgon Johnson, Wallace H. Thrall and Seymour Bron, Directors of Vernon Fire District, dated August 26, 1959 and recorded in Volume 115, Page 449 of the Vernon Land Records, and that certain piece or parcel of land as described in a deed from the Grantor herein to the Town of Vernon, dated September 30, 1974 and recorded in Volume 255, Page 236 of the Vernon Land Records.

Together with the right to drain storm water over land of the Town of Vernon, dated September 30, 1974 and recorded in Volume 255, Page 236.

7.C.4 JONAS SPARKS HOUSE, 150 PHOENIX STREET

BEGINNING at an iron bar set in the apparent general southeasterly line of Phoenix Street, which iron bar marks the westerly most corner of the premises herein described and a northwesterly corner of land now or formerly of Noel R. and Suzanne C. Roberts; thence running in a general northeasterly direction along Phoenix Street, a distance of 151.44 feet to a point; thence turning by an interior angle of $171^{\circ} 51' 25''$ and continuing in line of Phoenix Street, a distance of 86.93 feet to an iron bar; thence turning by an interior angle of $90^{\circ} 00' 00''$ and running along land now or formerly of Jean M. Merz, being Parcel "B" on the map above referred to, a distance of 168.49 feet to a point; thence turning by an interior angle of $144^{\circ} 12' 05''$ and running still along land of said Merz, a distance of 146.28 feet to an iron bar set in line of said Roberts, thence turning by an interior angle of $68^{\circ} 44' 40''$ and running westerly along line of said Roberts, a distance of 87.82 feet to an iron bar; thence turning by an interior angle of $175^{\circ} 08' 40''$ and running still along line of said Roberts, a distance of 88.69 feet to an iron bar; thence turning by an interior angle of $180^{\circ} 24' 45''$ and running still along line of said Roberts through one iron bar, a distance of 129.43 feet to the iron bar which marks the point and place of beginning. Said last described line forms an interior angle with the first described line with Phoenix Street of $69^{\circ} 25''$.

Said parcel contains .96 of an acre.

7.C.5 LEONARD ROGERS HOUSE, 100 SOUTH STREET

BEGINNING at the southeast corner of the premises herein described which point is at the intersection of the northerly line of South Street and the westerly line of Fox Hill Drive; thence from said point of beginning westerly along the northerly line of South Street forming an interior angle of $95^{\circ} 37'$ with the westerly line of Fox Hill Drive, a distance of one hundred eighty-nine and ten one-hundredths (189.10) feet to a point; thence northerly forming an interior angle of $81^{\circ} 25'$ with the last mentioned line, a distance of one hundred twenty-five and thirty-six one-hundredths (125.36) feet along the easterly line of land of the City of Rockville known as Henry Park to a steel pin; thence easterly forming an interior angle of $91^{\circ} 35'$ with the last mentioned line, a distance of one hundred eighty-one and seventy-five one-hundredths (181.75) feet along the southerly line of land now or formerly of the Estate of Mary F. Brow to a steel pin; thence southerly along the westerly line of Fox Hill Drive forming an interior angle of $91^{\circ} 23'$ with the last mentioned line, a distance of one hundred two and thirty one-hundredths (102.30) feet to the point and place of beginning.

7.C.6 VALLEY FALLS FARM 346 VALLEY FALLS ROAD

FIRST PIECE:

BEGINNING at point in the apparent general southerly line of the highway leading from Bolton Road to Valley Falls which point is the northwesterly corner of the premises herein described and the northeasterly corner of other land of the Releasee herein and which point is three hundred sixteen (316) feet westerly; in said southerly road line from the northwesterly corner of land now or formerly of Alvin R. and Marguerite P. Reinhart; thence generally south in line of other land of the releasee herein three thousand twenty-six (3,026) feet, more or less, to an iron pin about six (6) feet south of a forty-two (42) inch hemlock; thence easterly in line of land now or formerly of Antonio Caruolo about one thousand six hundred seventy (1,670) feet, more or less, to a point in the westerly line of Bolton Road; thence generally north in said westerly road line one hundred forty (140) feet,

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more or less, to a point in the southerly line of land now or formerly of Donald Cummings; thence in line of land of said Cummings along three (3) courses as follows: (1) Northwesterly two hundred seventy-five (275) feet, more or less, to a point; (2) Northerly three hundred sixty-nine (369) feet, more or less to a point; and (3) Northwesterly one hundred sixty-nine (169) feet, more or less, to a point; thence continuing northerly in line of land of said Cummings and in line of land now or formerly of John Noel, in part on each, four hundred two (402) feet, more or less, to a point in line of land now or formerly of Peter Dureiko; thence continuing Northerly in line of land of said Dureiko three hundred (300) feet to a point in line of land now or formerly of Maurice Dureiko; thence continuing northerly in land of said Dureiko, two hundred eighty-three and thirty-eight one hundredths (283.38) feet to a point in line of land of now or formerly of John Rusher; thence westerly in line of land of said Rusher two hundred thirty-nine (239) feet to a point; thence northwesterly continuing in line of land of said Rusher one hundred ninety-seven and ninety-two one-hundredths (197.92) feet to a point; thence northerly still continuing in line of land of said Rusher three hundred fifty-five and seventy-five one-hundredths (355.75) feet to a point in line of land now or formerly of one Orfitelli; thence northerly easterly and northerly in line of land of said Orfitelli five hundred thirty (530) feet to a point in the southerly line of land now or formerly of the said Alvin R. and Marquerite P. Reinhart; thence northerly in line of land of said Reinhart three hundred forty eight (348) feet, more or less to a point in the southerly line of Valley Falls Road; thence westerly in said southerly Road Line three hundred sixteen (316) feet to the point and place of beginning. CONTAINING 63 acres, more or less.

SECOND PIECE:

BEGINNING at a point in the apparent general southerly line of the highway leading from Bolton Road to Valley Falls, which point is the northeasterly corner of the premises herein described and the northwesterly corner of other land of the grantors herein, and which point is three hundred sixteen (316) feet westerly in said southerly road line from the northwesterly corner of land now or formerly of Alvin R. and Marguerite P. Reinhart; thence generally south in line of other land of the grantors herein three thousand (3,000) feet, more or less, to an iron pin about six (6) feet south of a forty-two inch hemlock; thence southerly along the westerly line of land now or formerly of the heirs and devisees of P. J. O'Leary about eight hundred thirty (830) feet to an angle point; thence southerly by a slight angle to the right still along the westerly line of land now or formerly of the heirs and devisees of P. J. O'Leary about nine hundred fifty (950) feet to an iron pin in the northerly line of land now or formerly of Douglas Roberts; thence westerly in the northerly line of land now or formerly of said Roberts about four hundred ten (410) feet to an iron pin; thence southerly in the westerly line of land now or formerly of said Roberts about four hundred thirty (430) feet to an iron pin; thence westerly along the northerly line of land now or formerly of said Roberts about five hundred twenty-two and five-tenths (522.5) feet to an iron pin marking the northeast corner of a strip of land now or formerly of Edith D. Beach; thence westerly along the northerly line of land now or formerly of said Beach in a prolongation of the last described line about two hundred thirty-seven and five tenths (237.5) feet to the easterly line of right of way of the New York, New Haven & Hartford Railroad Company, an iron pin is located ten (10) feet west of this point; thence northerly in the easterly line of the right of way of said Railroad about forty-three hundred (4300) feet to the easterly line of land now or formerly of George Webster; thence northerly in the easterly line of land now or formerly of said Webster passing through an iron pin, two stone heaps and a thirty-six (36) inch elm about one thousand forty (1,040) feet to an iron pin in the approximate southerly line of the highway leading from said Bolton Road to Valley Falls; thence easterly in the southerly line of said highway about nine hundred four (904) feet to the point and place of beginning. Containing one hundred thirty (130) acres, more or less.

Introduced: March 13, 2001
Advertised: April 10, 2001
Public Hearing: April 17, 2001
Council Action: April 17, 2001
Advertised: April 20, 2001
Effective Date: May 05, 2001

ORDINANCE #237

AN ORDINANCE AMENDING ORDINANCE #188

Be it ordained by the Town of Vernon that Ordinance #188 entitled Ordinance Requiring Registration of Peddlers, Hawkers, Solicitors, Canvassers and Salesmen,” effective February 3, 1991, and Chapter 7, Article IV of the Code of Ordinances, effective March 7, 1992 (Ordinance #194) is hereby amended as follows:

Article IV. Peddlers, Hawkers, Solicitors, Canvassers and Salesmen
Division 1. Generally
Section 7-106. Definitions.

ADD: *Community Event*: A community event is defined as an event defined by the Town Council of the Town of Vernon for a specific date or dates and for specific location or locations.

Article IV. Peddlers, Hawkers, Solicitors, Canvassers and Salesmen
Division 1. Generally

ADD: Section 7-137. Community Event.

Notwithstanding any other provision of this Article, the Vernon Town Council may designate an event as a Community Event. All vendors who have satisfied all other sections of this Article may apply, on a form and in a manner so determined by the Town Administrator or his assigns, for consideration for selection to participate in the community event in the location and times so established. Decisions on the peddlers, hawkers, solicitors, canvassers and salesmen so selected shall be based upon the mix of services or products to be provided, payments to the Town to be made and the quality and level of service or product provided, with the decision of the Town Administrator or designee to be final.

Introduced: February 19, 2002
Advertised: February 26, 2002
Public Hearing: March 5, 2002
Council Action: March 5, 2002
Advertised: March 8, 2002
Effective Date: March 23, 2002

ORDINANCE #238

**ORDINANCE AMENDING CHAPTER 13, ARTICLE III SECTION 13-38 OF THE
CODE OF ORDINANCES TOWN OF VERNON**

Section 13-38. Nighttime Parking

Any person leaving a vehicle parked upon a public highway or street in the town between 3:00 a.m. and 5:00 a.m. shall be fined an amount not to exceed ninety-nine dollars (\$99.00), such fine to be established by resolution of the Town Council. This prohibition shall not apply to the following streets and locations. Prospect Street from the eastern boundary of Thompson Street to the western boundary of Ellington Avenue; Park Street from the northern boundary of School Street to the southern boundary of Prospect Street; North Park Street from 10 North Park Street to the Ellington Town Line. The above defined locations shall be subject to alternate side parking whereby on the odd dates parking shall be allowed on the odd side of the street and on the even dates parking shall be allowed on the even side of the Street between the hours of 3:00 a.m. and 5:00 am. This on-Street parking shall be effective from July 1, 2002 to June 30, 2003 unless otherwise affirmatively extended by resolution of the Vernon Town Council. Violators of this ordinance shall be subject to a \$20.00 fine and towing at the discretion of the Chief of Police or his assigns.

Introduced:	April 2, 2002
Advertised:	April 30, 2002
Public Hearing:	May 7, 2002
Council Action:	May 7, 2002
Advertised:	May 10, 2002
Effective Date:	May 25, 2002

ORDINANCE #239

AN ORDINANCE AMENDING ORDINANCE 211 ESTABLISHES PROHIBITION OF LOCATION AND/OR OPERATION OF ADULT ORIENTED ESTABLISHMENTS

Section I. Findings and Purpose.

A. The Town Council of the Town of Vernon finds:

1. Ordinance 211, An Ordinance Regulating Adult-Oriented Establishments was adopted by the Vernon Town Council on July 30, 1996 and became effective August 17, 1996.
2. Ordinance 211 established definitions and regulations for adult-oriented establishments.
3. Ordinance 211 did not establish prohibitions for the operation or locations of adult oriented establishments from specific places.
4. Ordinance 210, An Ordinance Concerning Adult Entertainment Businesses adopted by the Vernon Town Council on July 30, 1996 and effective August 17, 1996 established prohibitions of adult entertainment businesses within certain distances of specified places.
5. In order to demonstrate consistency between the two ordinances, it is logical and beneficial to the Town of Vernon to establish prohibition of location/or operation of adult oriented establishments generally consistent with the prohibition within certain distances required by Ordinance 210, An Ordinance Concerning Adult Entertainment Businesses.

Section 2. Definitions.

Amend Section 2, Definitions to add the following:

O. School:

School shall mean any public or private pre-school, elementary school, junior high school or high school.

P. Child Day Care Center.

Child Day Care Center shall mean a facility in which care is provided for more than twelve (12) related or unrelated children outside their own homes on a regular basis for a part of the twenty-four (24) hours in one or more days of the week.

Section 3.

- g. Further, adult oriented establishment applications will be prohibited within certain distances of specified places as follows:
- 1) Five hundred (500) feet of any school or child day care center.
 - 2) Five hundred (500) feet of any church or other permanent house of worship.
 - 3) Five hundred (500) feet of any park, recreation facility or library owned or operated by the Town of Vernon.
 - 4) Five hundred (500) feet from any residential zone line boundary.
 - 5) Five hundred (500) feet from any establishment selling alcoholic beverages.
 - 6) One thousand (1,000) feet from other adult oriented establishments.

Section 7. Measurement of Distance

The distances provided in this Ordinance shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the adult oriented establishment is to be located to the nearest point of the parcel from which the adult oriented establishment is to be separated.

Introduced: November 19, 2002
Advertised: November 26, 2002
Public Hearing: December 3, 2002
Council Action: December 3, 2002
Advertised: December 6, 2002
Effective Date: December 21, 2002

ORDINANCE #240

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES, TOWN OF VERNON,
CHAPTER 13, BY ADDING § 13.2 TO PROHIBIT ALL COMMERCIAL MOTOR
VEHICLES ON THRALL ROAD**

BE IT ORDAINED by the Town Council of the Town of Vernon as Follows:

Section 13-2 Prohibition of all Commercial Motor Vehicles on Thrall Road:

(a) *Definitions.* For the purpose of this ordinance, the term “commercial motor vehicle” means “a vehicle defined in § 14-1(a) (11) of the General Statutes as a vehicle designed or used to transport passengers or property, except a vehicle used within one hundred fifty miles of a farm in connection with the operation of such farm, fire fighting apparatus or other authorized emergency vehicles, or a recreational vehicle in private use, which (A) has a gross vehicle weight rating of twenty-six thousand and one pounds or more; (B) is designed to transport sixteen or more passengers, including the driver or is designed to transport more than ten passengers, including the driver, and is used to transport students under the age of twenty-one years to and from school; or (C) is transporting hazardous materials and is required to be placarded in accordance with the Code of Federal Regulations Title 49, Part 172, Subpart F, as amended.”

(b) *Prohibition.* No person shall operate any commercial motor vehicle, as defined in subsection (a), on Thrall Road between the intersection of Route 83 and Thrall Road and the intersection of Thrall Road and Dart Hill Road unless such person is engaged on a trip with a point of origin or point of destination located on Thrall Road, Watson Road, or Worcester Road.

(c) *Finding.* The Town Council finds that there is an adequate alternate route for commercial motor vehicles by using Route 83 and Dart Hill Road.

(d) *Exceptions.* The provisions of this Section shall not apply to trucks and buses owned and operated by the Town of Vernon or any of its departments, or to trucks or buses owned and operated by the Vernon Board of Education, or to trucks and buses operated by private contractors for the benefit of the Town of Vernon or the Vernon Board of Education, nor to public transit vehicles.

(e) *Penalty.* Any violation of the provisions of this Section shall subject the violator to a fine of Ninety-nine (\$99.00) Dollars for each offense.

(f) *Duration.* This ordinance shall be effective for not more than ten (10) years from the date of adoption at which time, if the Town Council has not acted to renew the Ordinance, the Ordinance shall be deemed repealed.

(g) *Severability.* If any provision of this ordinance or the application thereof shall be held invalid or unenforceable, the remainder of this Ordinance, or the application of such terms and provisions to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby; and each remaining term and provision hereof shall be deemed valid and shall be enforced to the fullest extent permitted by law.

(h) *Administration.* The provisions of this Article shall be in addition to and not in derogation of any and all provisions of the Connecticut General Statutes, state codes, and regulations and ordinances of the Town of Vernon.

Introduced: January 21, 2003
Advertised: January 28, 2003
Public Hearing: February 4, 2003
Council Action: March 4, 2003
Advertised: March 8, 2003
Effective Date: March 23, 2003

ORDINANCE #241

SOLID WASTE COLLECTION CONDOMINIUM FIFTY-FIVE (55) YEARS OF AGE OR OLDER RESTRICTED UNITS SINGLE FAMILY STAND ALONE UNITS

Section I. Definitions.

A. Definitions as used in this ordinance, the term shall have the following meaning:

1. **Senior citizen age-restricted condominium.** A senior citizen, age-restricted condominium project shall be defined as any condominium project that, in its articles of incorporation or association agreement, contain exclusive restrictions that allow for ownership and/occupancy to be exclusive to those individuals who are fifty-five (55) years of age or older.

2. **Stand Alone Residential Units.** Single family residential units within a condominium project shall mean a residential unit that is constructed similar to a single family residential property, each unit being self-contained and each unit being at least fifty (50) feet in distance away from each other, as measured from the closest outside wall between closest units within the association property.

Section II. Curbside Pickup.

1. The Town of Vernon shall collect solid waste curbside as defined in Ordinance 42, Section I, Sub-Section 1, 2 and 3 from condominium units which exhibit both the fifty-five (55) year age restriction as defined and exhibit stand alone residential units as defined by this Ordinance.

Section III. Authority of Director of Public Works.

Notwithstanding the above, the authority of the Director of Public Works, consistent with Ordinance 42, to promulgate rules and regulations for the collection for the collection of said trash, shall not be impinged

Section IV. Sunset Provision.

This Ordinance shall expire ten (10) years from the date that this Ordinance is adopted by the Vernon Town Council.

Introduced:	March 4, 2003
Advertised:	March 11, 2003
Public Hearing:	March 18, 2003
Council Action:	March 18, 2003
Advertised:	March 21, 2003
Effective Date:	April 5, 2003

ORDINANCE #242
AN ORDINANCE CREATING THE BOLTON LAKES REGIONAL WATER POLLUTION CONTROL AUTHORITY

I. DEFINITIONS

For the purposes of this ordinance, the following terms shall have the meanings set forth in this section:

“BLRWPCA” means the “Bolton Lakes Regional Water Pollution Control Authority,” which is established by this Ordinance.

“Bolton” means the Town of Bolton, Connecticut.

“Bylaws” means written procedures governing the administration of the BLRWPCA’s property and the conduct of its affairs. Bylaws may be adopted and revised only upon a two-thirds vote of the entire Board of Directors of the BLRWPCA.

“CGS” means the Connecticut General Statutes.

“DEP” means the Connecticut Department of Environmental Protection.

“Effective Date” means the later of (i) the date upon which this Ordinance becomes effective in Bolton; and (ii) the date upon which this Ordinance becomes effective in Vernon.

“Jurisdictional Area” means the area over and within which the BLRWPCA shall have regulatory jurisdiction.

“Initial Phase” means all of the sewer construction activities that are planned to occur in the Lakes District and the Southwestern District in accordance with the report entitled “DRAFT REPORT” Bolton Lakes Wastewater Management Study Prepared for the Towns of Vernon & Bolton, Connecticut January 20, 1997,” by Fuss & O’Neill, Inc., as that report may be amended prior to the beginning of such construction.

“Lakes District” means the geographical area shown as the “Lakes District Sewer Service Area” on a map entitled “Bolton Lakes Area Designations November 1, 2002 Bolton/Vernon Connecticut Proj. No.: 94117.A10 Date: November 2002 Fig. 2,” prepared by Fuss & O’Neill, Inc., Consulting Engineers, 146 Hartford Road, Manchester, Connecticut 06040.

“Regional Sewerage System” means a sewerage system to be constructed, maintained and operated by the BLRWPCA for the use of certain homes and businesses within the Jurisdictional Area.

“Regional Watershed” means the watershed of lower Bolton Lake. The Regional Watershed includes the individual watersheds of middle and upper Bolton Lakes and their individual watersheds.

“Regulations” means written policies and standards, other than bylaws, that are adopted by the BLRWPCA pursuant to applicable state laws. Regulations may be adopted by a majority vote of a quorum of the BLRWPCA.

“Sewage” means wastewater generated by homes and businesses in the Jurisdictional Area.

“Sewerage system” means any device, equipment, appurtenance, facility and method for collecting, transporting, receiving, disposing of or discharging sewage.

“Southwestern District” means the geographical area shown as the “Southwestern District Sewer Service Area” on a map entitled “Bolton Lakes Area Designations November 1, 2002 Bolton/Vernon Connecticut Proj. No.: 94117.A10 Date: November 2002 Fig 2,” prepared by Fuss & O’Neill, Inc., Consulting Engineers, 146 Hartford Road, Manchester, Connecticut 06040.

“Towns” means the Town of Bolton and the Town of Vernon.

“Vernon” means the Town of Vernon, Connecticut.

“Watershed” means the geographical area from which water flows into a specified body of water.

II. STATEMENT OF PURPOSE

A. Protection of Water Quality. Much of the soil within the Regional Watershed is not well suited for on-site sewage disposal. Historically, however, portions of the Regional Watershed have been intensively developed, especially for residential purposes. DEP has determined that homes and/or businesses in certain areas within the Regional Watershed are likely to experience septic-system failures, and that such failures will not be capable of on-site corrections meeting current Public Health Code and other regulatory requirements.

Consequently, in order to protect the groundwater and the long-term environmental health

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and safety of property owners and residents in the Regional Watershed, as well as to protect the quality of the Bolton Lakes, it has become necessary to establish a Regional Sewerage System. This Regional Sewerage System will be used in lieu of individual, on-site septic systems in a portion of the Regional Watershed to be known and designated as the Lakes District. Since the Lakes District, as established by this Ordinance, is to include property in both Bolton and Vernon, the principal purpose of this Ordinance is to establish a Regional Water Pollution Control Authority pursuant to CGS Sections 22a-500 to 22a-519, as amended, to construct, maintain, and operate the Regional Sewerage System.

Since the Towns anticipate that the Regional Sewerage System would be connected to the Town of Manchester's wastewater treatment facilities and that any sewerage system needed to transport sewage from the Lakes District would have to pass through an area of the Town of Bolton located generally to the southwest of the Regional Watershed, the Towns shall also establish a Southwestern District to provide for sewerage service, to the extent the BLRWPCA deems necessary or appropriate, to those areas through or near which the sewerage system from the Lakes District would pass.

B. Sewer Avoidance Policy.

It is specifically the purpose of this Ordinance to further the policy of sewer avoidance, to the extent practical, within the Regional Watershed. The sewer avoidance policy seeks to preserve the quality of the Bolton Lakes, and of groundwater and surface water within the Watershed, by generally limiting the residential use of the Regional Sewerage System to properties that have been developed for residential use as of the Effective Date. The need for a Regional Sewerage System is recognized to be the result of existing residential development, and the System is not intended, and shall not be allowed, to foster additional development. The sewer avoidance policy recognizes and affirms that future residential development should be limited and controlled by the natural ability of local soils to accommodate subsurface sewage disposal systems in accordance with current health and environmental laws and regulations.

C. Nonresidential Connections. Although, under the sewer avoidance policy, the Regional Sewerage System may not be used as a tool for residential development, it may, in certain appropriate locations, be used for residences existing as of the Effective Date and for the development of commercial or industrial uses in order to minimize the cost burden of the Regional Sewerage System on the Towns.

III. ESTABLISHMENT OF BOLTON LAKES REGIONAL WATER POLLUTION CONTROL AUTHORITY

A regional water pollution control authority is hereby established pursuant to CGS § 22a-500 to serve those portions of Bolton and Vernon constituting the Jurisdictional Area. The authority shall be known as Bolton Lakes Regional Water Pollution Control Authority ("BLRWPCA"), and shall have its principal office at 222 Bolton Center Road, Bolton. Connecticut 06043.

IV. JURISDICTION

The jurisdiction of the BLRWPCA shall be limited to those areas shown and designated as the "Lakes District Sewer Service Area" and the "Southwestern District Sewer Service Area" on a map entitled, "Bolton Lakes Area Designations November 1, 2002 Bolton/Vernon Connecticut Proj. No.: 94117.A10 Date: November 2002 Fig. 2," prepared by Fuss & O'Neill, Inc., Consulting Engineers, 146 Hartford Road, Manchester, Connecticut 06040, which map is or will be filed in the offices of the Town Clerks of the Towns of Bolton and Vernon. Properties may be added to the District only if both Towns adopt an amendment to this Ordinance providing for such addition.

V. BOARD OF DIRECTORS

A. Number of Directors. The BLRWPCA shall have a Board of Directors consisting of eight (8) Directors. Five (5) Directors shall be appointed by the Town of Bolton, and three (3) Directors shall be appointed by the Town of Vernon.

B. Alternate Directors. The BLRWPCA shall have three (3) Alternate Directors, two (2) of whom shall be appointed by the Town of Bolton and one (1) of whom shall be appointed by the Town of Vernon. In the absence, for any reason, of any Director at any meeting of the Board, an Alternate Director from the same Town may be appointed to act in the place of the absent Director and shall have, at such time, all the powers and duties of the absent Director. An Alternate Director may also be appointed to act in lieu of a Director when a Director's position in the same Town is vacant.

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C. Initial Directors. The first Directors of the BLRWPCA shall be as follows:

Directors

Robert Morra
15 Tinker Pond Road
Bolton, CT 06043

Diane Wheelock
132 Tallwood Drive
Vernon, CT 06066

Noel Gessay
23 Golf Lane
Bolton, CT 06043

Daniel C. Wright
44 Lakeview Drive
Vernon, CT 06066

Michael Moms
30 Llynwood Drive
Bolton, CT 06043

Carmine Pellegrino
15 Lakeview Drive
Vernon, CT 06066

Mark Turkington
26 Llynwood Drive
Bolton, CT 06043

Richard Hayes, Jr.
139 Vernon Road
Bolton, CT 06043

Alternate Directors

Joyce Stille
92 Loomis Road
Bolton, CT 06043

Laurence Shaffer
16 Vernon Ave.
Vernon, CT 06066

Joshua Hawks-Ladds
100 Shoddy Mill Road
Bolton, CT 06043

D. Terms of office. The initial terms of office of each of the first Directors and Alternate Directors of the BLRWPCA shall begin on the Effective Date. The initial term of office of Robert Morra and Diane Wheelock shall expire on December 31, 2003. The initial terms of office of Noel Gessay, Michael Morris and Daniel C. Wright shall expire on December 31, 2004. The initial terms of office of Mark Turkington, Richard Hayes and Carmine Pellegrino shall expire on December 31, 2005. As each initial term of office expires, a new term of office of three (3) years shall commence. Directors and Alternate Directors may be reappointed after the expiration of any prior term of office.

E. Appointment of Directors and Alternate Directors. Directors and Alternate Directors from Bolton shall be appointed by the Board of Selectmen of the Town of Bolton. Directors and Alternate Directors from the Town of Vernon shall be appointed by the Mayor of the Town of Vernon, subject to approval by the Vernon Town Council.

F. Vacancies. Vacancies in any Director's or Alternate Director's positions shall be filled by appointment by the relevant Town in the Manner set forth in this paragraph.

VI. POWERS

The BLRWPCA shall have all the powers set forth in CGS § 22a-501, as amended.

VII. BYLAWS, RULES AND REGULATIONS

The BLRWPCA shall make and revise regulations, rules and bylaws governing the administration of its property and the conduct of its affairs. A copy of all regulations, rules, bylaws, and amendments hereto, duly certified, shall be filed in the offices of the clerks of the Towns and with the Secretary of State. The bylaws may be revised only by the adoption of a resolution by a two-thirds vote of the entire Board of Directors of the BLRWPCA, and such resolution must contain the complete draft of such revision.

VIII. CAPITAL IMPROVEMENTS

A. Proportional Assignment of Costs. The cost of capital improvements shall be proportionally assigned to the Towns in accordance with the proportion of the benefit that each Town receives from such capital improvements. For purposes of the Initial Phase of construction of the Regional Sewerage System, the proportion of the cost to be borne by each Town shall be determined by the proportion of the total dwelling units (individual households) in each Town that will be connected to the Regional Sewerage System upon the completion of the Initial Phase.

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B. Method of Determination. The BLRWPCA shall have the power to determine the proportion of any benefit that will be realized by each Town from any capital improvements that are made after completion of the Initial Phase. However, no such determination may be made except upon the approval of a majority of the Directors appointed by each Town. If the BLRWPCA cannot make such a determination, it shall hire or appoint a qualified engineering professional or firm to determine the proper proportions, and such determination will be binding upon the BLRWPCA.

IX. PLAN OF OPERATION

The BLRWPCA shall be operated in accordance with a Plan of Operation, to be prepared, approved and, if appropriate, revised in accordance with CGS § 22a-500(c) and 22a-501(a)(1), as amended. The Plan of Operation may be revised as necessary subject to approval of a majority of the Directors.

X. ANNUAL REPORT TO TOWNS

The BLRWPCA shall make an annual report to the Towns describing the coverage and condition of the sewer system managed by the BLRWPCA and the financial status of the BLRWPCA. The annual report shall describe any capital improvements that have been made, and that are projected to be required within the five-year period following the date of the report.

XI. SEVERABILITY

If any section, paragraph, subdivision, clause, or provision of these Regulations is adjudged invalid, such adjudication shall apply to the section, paragraph, subdivision, clause, or provision so adjudged, and the remainder of these Regulations shall be deemed valid and effective.

XII. EFFECTIVE DATE

This Ordinance shall take effect fifteen days after publication.

Introduced:	March 4, 2003
Advertised:	March 11, 2003
Public Hearing:	March 18, 2003
Council Action:	March 18, 2003
Advertised:	March 21, 2003
Effective Date:	April 5, 2003

ORDINANCE #243

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, TOWN OF VERNON, CONNECTICUT AS ADOPTED ON MARCH 5, 2002 AND AS AMENDED PERIODICALLY -CHAPTER 11, ARTICLE I, IN GENERAL, SECTION 11-1 REMOVAL OF SNOW SLEET OR ICE FROM SIDEWALKS" TO INCLUDE "FIRE HYDRANTS."

11-1(a)

I. General Purpose:

There is a need to remove snow, sleet or ice from fire hydrants to ensure the quick and safe access by the Vernon Fire Department to the fire hydrants. Accumulation of snow ice and sleet upon fire hydrants create a risk to the community by preventing or limiting the appropriate access to the fire hydrant and the water the fire hydrant provides to combat fire.

II. Required:

The owner or owners, occupant or occupants, corporate or otherwise, of any building or lot of land bordering on any street, square or public place within the Town where there is a fire hydrant shall cause to be removed therefrom any and all snow, sleet or ice within eight (8) hours after such snow, sleet or ice shall have fallen or within eight (8) hours after sunrise when such snow sleet or ice shall have fallen after 8:00 p.m.

III. Exceptions Permitted:

The Fire Chief may issue exceptions to the above requirements in such cases where, in the Fire Chief's opinion, a barrier exists that prevents an owner or owners, occupant or occupants, corporate or otherwise, from clearing the fire hydrant of snows, sleet or ice.

IV. Penalty:

Any person or officer in the case of a corporation who shall violate any provision of this Ordinance shall be fined no more than fifty (\$50.00) dollars for each offense.

V. Adoption per Connecticut General Statutes:

The Town of Vernon adopts Section 11-1 (a) (i)-(vi) pursuant to Connecticut General Statute 7-148 (4)(B) and (6)(C)(v).

VI. Sunset: The Ordinance shall be repealed upon expiration of ten (10) years from the date of its adoption by the Vernon Town Council.

INTRODUCED:	March 4, 2003
ADVERTISED:	March 11, 2003
PUBLIC HEARING:	March 18, 2003
COUNCIL ACTION:	March 18, 2003
ADVERTISED:	March 21, 2003
EFFECTIVE DATE:	April 5, 2003

ORDINANCE #244

**AN ORDINANCE AMENDING THE TOWN OF VERNON CODE OF ORDINANCES
CHAPTER XIII-40(a) DEFINITIONS**

COMMERCIAL MOTOR VEHICLES PARKING PROHIBITION ON TOWN STREETS

- A. Commercial Motor Vehicle shall mean “A vehicle defined in Connecticut General Statute Section 14-1(a)(11) is a vehicle design or used to transport passengers or properties, except a vehicle used within one hundred and fifty (150) miles of a farm in connection with the operation of such farm, firefighting apparatus or other authorized emergency vehicles, or a recreational vehicle in private use, which (A) has a gross vehicle weight rating of 26,001 pound or more; (B) is designed to transport 16 or more passengers, including the driver, or is designed to transport more than 10 passengers, including the driver, and is used to transport students under the age of 21 years to and from school; or (C) is transporting hazardous materials and is required to be placarded in accordance with the Code of Federal Regulations Title 49, Part 172, Subpart F, as amended.”
- B. **It shall be unlawful to park any commercial motor vehicle on any public Street or highway In the Town of Vernon under the jurisdiction of the Vernon Traffic Authority, unless such commercial vehicle is making an immediate delivery of product or household goods.**
- C. **“Immediate delivery” shall mean “the closely related in time parking of a commercial motor vehicle and the delivery of products or household goods to a property adjacent to the public street or highway upon which a commercial motor vehicle and/or its trailer is parked”.**

D. Fine Levied

The fine for such parking of a commercial motor vehicle shall be ninety-nine (\$99.00) dollars per day, each day being defined as a consecutive 24-hour period of time.

- E. (1) Whenever any motor vehicle is found parked in violation of this section, it may be removed and conveyed by, or under the direction of, any law enforcement officer having jurisdiction in the town, by means of towing or otherwise, to a vehicle pound designated by the mayor. Before any designated place or garage shall be authorized to be a vehicle pound, or before towing, such garage shall furnish to the mayor satisfactory evidence of insurance coverage to protect the town from any claims for damages arising from the towing or storage of any impounded vehicle. Before the owner or person in charge of such vehicle shall be permitted to remove the same from such vehicle pound, he shall furnish to the mayor or to such law enforcement officer as the mayor shall designate, evidence of his identity, ownership or right to possession, and shall sign a receipt for the same, and he shall pay the costs of removal and storage, but not exceeding the maximum rates and charges on file with the state commissioner of motor vehicles concerning wrecker, towing and road service for each day, or portion of a day, the vehicle is stored in the vehicle pound in excess of the first twenty-four (24) hours the vehicle is impounded.
- (2) The owner of any vehicle impounded under the provisions of this section shall be duly informed as to the nature and circumstances of the violation for which such vehicle has been impounded. In case protest is made against the payment of any towing or storage fees, the designated law enforcement officer shall mark upon the receipt evidencing payment of the towing and storage fees the words “paid under protest.” In such case, it shall thereupon be the duty of the law enforcement officer having knowledge of the facts to forthwith institute the proper proceedings in any court having jurisdiction within the town, charging the owner or driver of such vehicle with the violation of the section for which the vehicle was impounded. In the event the owner or driver of the vehicle is found not guilty of the offense charged, he shall be reimbursed the sum so paid under protest.
- (3) It shall be the duty of the law enforcement officer designated by the mayor to keep record of the names of all owners of vehicles impounded, the numbers of their state license plates, the place where such vehicle was impounded, the nature and circumstances of each violation, and the disposition of each case.
- (4) Proof of the registration number of any motor vehicle concerned with a violation of this section shall be prima facie evidence in any criminal action that the registered owner was the operator thereof.

F. Duration

This Ordinance shall be effective for not more than ten (10) years from the date of adoption

ORDINANCE #244

**AN ORDINANCE AMENDING THE TOWN OF VERNON CODE OF ORDINANCES
CHAPTER XIII-40(a) DEFINITIONS**

COMMERCIAL MOTOR VEHICLES PARKING PROHIBITION ON TOWN STREETS

at which time, if the Town Council does not renew the Ordinance, the Ordinance shall be deemed repealed.

LRS:jk

INTRODUCED:	March 18, 2003
ADVERTISED:	April 8, 2003
PUBLIC HEARING:	April 15, 2003
COUNCIL ACTION:	April 15, 2003
ADVERTISED:	April 18, 2003
EFFECTIVE DATE:	May 3, 2003

ORDINANCE #245

ORDINANCE ESTABLISHING PROCEDURES AND FEES FOR LICENSING AND PERMITS FOR WORK PERFORMED WITHIN A PUBLIC RIGHT OF WAY

Amendment to Ordinance No. 142 codified in Vernon Town Code of Ordinances Article 11, Section 11-2 1, entitled "Construction".

PREAMBLE

It is in the best interests of the Town of Vernon and its citizens managing individuals and methods utilized in the performance, replacement and installation or expansion of driveways for the installation, replacement or repair of curbs, sidewalks drainage pipe utilities. In addition to the authority granted to the Town Engineer in Section 11-21 which states in part,

"(b) The Town Engineer shall publish regulations, specifications and requirements for the conduct of the work provided for by this Section as he may deem for the best interest of the Town," fees have been established in order to offset the costs associated with providing said service to the community.

The following procedures and fees are established:

- I. A license is required to perform specific work within the rights of way and will be issued by the Town Engineer or his designated agent to any person or corporation who shall meet the following conditions:
 - (a) Make proper application thereof.
 - (b) File a satisfactory bond.
 - (c) File evidence of liability insurance as specified herein; and
 - (d) Satisfy the Town Engineer or his designated agent that he or it is competent and intends to perform the work with all applicable conditions, rules, Regulations & Specifications established by the Town Engineer and the Driveway Regulation&& Specifications developed in April of 1983 and as may have been or be amended from time to time. A fee of twenty-five (\$25.00) for each license issued.
- II. A permit application must be submitted and approved by the Town Engineer prior to performance of any work by a licensed contractor within the public right of way in the Town of Vernon. Each permit application must be approved by the Town Engineer or his designated agent. No work shall be commenced or be continued unless the approved permit is posted by or in the possession of the licensee or his/its agent at the location of the work to be performed. A fee of twenty-five (\$25.00) will be charged for each permit application and license issued. No work shall be performed until the permit application is approved.
- III. This Ordinance shall be effective for a period of not more than ten (10) years from the date of adoption. If the Town Council does not act or renew this Ordinance, it shall be deemed repealed.

INTRODUCED:	April 1, 2003
ADVERTISED:	April 29, 2003
PUBLIC HEARING:	May 6, 2003
COUNCIL ACTION:	May 6, 2003
ADVERTISED:	May 8, 2003
EFFECTIVE DATE:	May 23, 2003

ORDINANCE #246

AN ORDINANCE TO REGULATE JUNK CARS P0-2003-1

BE IT ORDAINED: BY THE TOWN COUNCIL OF THE TOWN OF VERNON, Ordinance #150 is hereby amended as follows:

- a.** To amend Section One, Definitions: to add a new Sub-Section (7) “Junk” Cars:
 - (7)** “Junk Motor Vehicle” shall mean any motor vehicle which has no registration marker plates or invalid registration marker plates and **(a)** the motor vehicle is apparently abandoned, **(b)** the market value of such motor vehicle in its current condition is \$500 or less, and **(c)** the motor vehicle is so vandalized, damaged or in disrepair as to be unusable as a motor vehicle.
- b.** To amend Section IV “Removal” as follows:
 - (a)** Existing Paragraph 4 shall be re-designated Sub-Paragraph (a) of Section IV.
To add a new Sub-Paragraph (b) to Section IV as follows:
 - (b)** Nothing in this Ordinance shall be deemed to prohibit or limit the ability of any official identified in § 14-150 or § 14-151 of the Connecticut General Statutes, et seq. from taking possession of and removing a “junk motor vehicle” as defined in Section 1 above, in accord with the procedures set forth in § 14-150, et seq. of the Connecticut General Statutes.
 - (c)** Add new Section VI “Junk Motor Vehicle” Removal Program:

The Town Building Inspector is authorized to establish a program for the removal of “junk” cars consistent with the provisions of this Ordinance and Connecticut General Statutes, which program may include the imposing of a reasonable fee for the removal by the Town of Vernon of a “junk motor vehicle.” The amount of any such fee shall be approved by the Town Council.

Introduced: September 16, 2003
Advertised: September 30, 2003
Public Hearing: October 7, 2003
Council Action: October 21, 2003
Advertised: October 23, 2003
Effective Date: November 7, 2003

ORDINANCE #247

AN ORDINANCE TO ALLOW VETERANS AN ADDITIONAL EXEMPTION FROM PROPERTY TAX IF QUALIFIED UNDER CERTAIN INCOME REQUIREMENTS - LOCAL OPTION EXEMPTION PROGRAM

BE IT ORDAINED:

PURSUANT to the provisions of Section 12-81f of the Connecticut General Statutes (CGS)

- (a) Any veteran or active military duty member or widow or widower of a veteran as defined by Section 12-81(22) (C.G.S.) of the United States Armed Forces shall be entitled to an exemption from property tax in accordance with subdivision (19) of Section 12-81.
- (b) The amount of the exemption is TEN THOUSAND DOLLARS (\$10,000) to those qualifying under certain income guidelines as outlined in the Elderly Circuit Breaker program as administered by the Office of Policy and Management, State of Connecticut (OPM). The \$10,000 exemption is a reduction in assessment of real or personal property including motor vehicles. For the October 1, 2004 grand list, income received in the calendar year 2003 will be used to determine eligibility. The 2003 adjusted gross income limits are \$26,500 for unmarried persons or \$32,300 for married couples. The income limits shall be adjusted by the Vernon Tax Assessor in succeeding years as determined by OPM.
- (c) The filing deadline is October 1st. Applications are made with the assessor and applicants must submit proof of income received for the “tax year... ending immediately prior to the assessment date with respect to which such additional exemption is claimed”. Therefore, a person seeking a 2004 grand list exemption must file an application on or before October 1, 2004. The application must reflect income received in the 2003 calendar year.
- (d) Those seeking this additional exemption must file biennially (once every other year).
- (e) The provisions of State Statute 12-81f , as amended, allow only those “entitled to an exemption from property tax” pursuant to Subdivisions (19) and (22) of section 12-81 to qualify for this additional exemption.

This Ordinance will become effective for the October 1, 2004 grand list and continue on for not more than ten years from the date of adoption; if the Town Council does not review the Ordinance, the Ordinance is repealed;

Introduced:	January 6, 2004
Advertised:	January 9, 2004
Public Hearing:	January 20, 2004
Council Action:	January 20, 2004
Advertised:	January 23, 2004
Effective Date:	February 6, 2004

ORDINANCE #248

AN ORDINANCE TO APPOINT AN ADDITIONAL MEMBER TO THE BOARD OF ASSESSMENT APPEALS FOR TAX YEARS 2004—2005, 2005-2006, 2006-2007.

The Town of Vernon pursuant to Section 9-199(c) of the Connecticut General Statutes as maybe amended from time to time, hereby authorizes the appointment of one (1) additional member of the Board of Assessment Appeals for the tax year 2004, 2005 and 2006 to serve the Board during the revaluation process effective in 2005.

This Ordinance shall authorize the appointment of one (1) additional member for any revaluation subsequent to 2005 for the assessment year in which said revaluation becomes, effective for the assessment year prior to such revaluation year and for the assessment year following such revaluation.

Notwithstanding the provisions of this, please note that this will sunset in ten (10) years from the effective date of the Ordinance.

Introduced:	February 5, 2004
Advertised:	February 7, 2004
Public Hearing:	February 17, 2004
Council Action:	February 17, 2004
Advertised:	February 19; 2004
Effective Date:	March 4, 2004

ORDINANCE #249

TOWN OF VERNON

BOND ORDINANCE -B-04-01

ORDINANCE APPROPRIATING \$19,103,000 FOR ROAD, SIDEWALK AND BRIDGE RECONSTRUCTION OR IMPROVEMENTS AND AUTHORIZING THE ISSUE OF \$19,103,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION

BE IT ORDAINED,

1. That the Town of Vernon appropriate NINETEEN MILLION ONE HUNDRED THREE THOUSAND DOLLARS (\$19,103,000) for design and reconstruction of or improvements to various Town roads, sidewalks and bridges to the extent of available funds. The project will include reconstruction of pavement and reconstruction or addition of sidewalks, curbing and storm drainage facilities where necessary on Mountain Street from Prospect Street northeasterly to Town line, Webster Street from Mountain Street southerly to Lawrence Street, Lawrence Street from Prospect Street northeasterly to Snipsic Street, Prospect Street from Union Street easterly to East Main Street, High Street from Vernon Avenue northerly to Hammond Street, and Gaynor Place from Prospect Street northerly to end of road, Regan Road from West Street westerly to Talcottville Road, Bolton Road from the Bolton town line northerly to Clark Road, Center Road from Hartford Turnpike northerly to Regan Road, Deepwood Drive from Huntington Drive northerly to end of the road, Gottier Drive from Huntington Drive northerly to Deepwood Drive, Huntington Drive from Vernwood Drive westerly to Gottier Drive, Irene Drive from Huntington Drive northerly to Merline Road, Thrall Road from Talcottville Road northerly to Dart Hill Road, Hatch Hill Road from Bolton Road easterly to Coventry town line, Brandy Hill Road from Hatch Hill Road northerly to Reservoir Road, Scott Drive from Tunnel Road easterly to Cross Drive, Jan Drive from Brent Drive northerly to Scott Drive, Ironwood Drive from Phoenix Street northerly to end of road, Brookside Drive from south end of Valleyview Drive to the end of the road, Valleyview Drive from Peterson Road to Brookside Road, and Richard Road from Lake Street to Berkley Road; installation of sidewalks on Peterson Road from Center Road to West Street (one side); installation of drainage systems along Anchorage Road from Miller Road easterly to Cubles Road, Foxcroft Road from Miller Road easterly to Cubles Road, and Lynnwood Drive from Miller Road to the Bolton town line; reconstruction of the West Main Street Bridge over the Hockanum River, the Dart Hill Road Bridge over the Hockanum River, and the Bolton Road Bridge over the Tankerhoosen River. The appropriation may be spent for design and construction costs, equipment, materials, land and easement acquisition, site improvements, architects' fees, engineering fees, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing. The Town Council is authorized to determine the scope and particulars of the project. The Town Council may reduce or modify the scope of the project, and the entire appropriation may be spent on the project as so reduced or modified.

2. The Council hereby determines that the project is of a general benefit to the Town and the project and debt service on bonds and notes issued to finance the project are payable from general property taxes.

3. That the Town issue bonds or notes in an amount not to exceed NINETEEN MILLION ONE HUNDRED THREE THOUSAND DOLLARS (\$19,103,000) to finance the appropriation for the project. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

4. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project. The amount of the notes outstanding at any time shall not exceed NINETEEN MILLION ONE HUNDRED THREE THOUSAND DOLLARS (\$19,103,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be general obligations of the Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

5. That the Mayor, Town Administrator and Finance Director, or any two of them, shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day, Berry & Howard LLP is designated as bond counsel to approve the legality of the bonds or notes. The Mayor, Town Administrator and Finance Director, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, redemption provisions, form and other

ORDINANCE #249

TOWN OF VERNON

BOND ORDINANCE -B-04-01

ORDINANCE APPROPRIATING \$19,103,000 FOR ROAD, SIDEWALK AND BRIDGE RECONSTRUCTION OR IMPROVEMENTS AND AUTHORIZING THE ISSUE OF \$19,103,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION

details of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

6. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Mayor, Town Administrator and Finance Director, or any two of them, are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

7. That the Mayor, Town Administrator and Finance Director, or any two of them, are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

8. That the Mayor, on behalf of the Town, is authorized to apply for and accept federal and state grants to help finance the appropriation for the project. Any grant proceeds may be used to pay project costs or principal and interest on bonds, notes or obligations.

9. That the Mayor, Town Administrator, Finance Director and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds, notes or other obligations to finance the aforesaid appropriation.

10. The Town Administrator is authorized to expend up to \$17,972,610 of said appropriation to carry out the project, with the remaining amount of said appropriation to be spent on net interest on temporary borrowing and other legal and financing costs unless the Mayor, Town Administrator and Finance Director, or any two of them, authorize the expenditure of said remaining amount for the project.

11. This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon and after approval at referendum vote as provided in Chapter XII, Section 12 of the Town's Charter.

12. This ordinance shall be effective for not more than ten years from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed.

Introduced: August 3, 2004
Advertised: August 10, 2004
Public Hearing: August 23, 2004
Council Action: August 23, 2004
Advertised: August 31, 2004
Effective Date: November 17, 2004
Referendum Held: November 2, 2004
Passed at Referendum: November 2, 2004

ORDINANCE #250

TOWN OF VERNON

BOND ORDINANCE — B-04-02

ORDINANCE APPROPRIATING \$9,635,000 FOR VARIOUS IMPROVEMENTS TO TOWN BUILDINGS AND FACILITIES AND AUTHORIZING THE ISSUE OF \$9,635,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION

BE IT ORDAINED,

1. That the Town of Vernon appropriate NINE MILLION SIX HUNDRED THIRTY FIVE THOUSAND DOLLARS (\$9,635,000) for design and construction of various improvements to Town buildings and facilities as follows:

- Renovations to Town Hall (estimated cost: \$3,428,160) - design and construction of various renovations and improvements to Town Hall. The project will include renovations and improvements to the basement of Town Hall for storage and archival purposes; renovations and improvements to the first floor of Town Hall consisting of repair of the stairs, renovations to the entrance lobby, service areas and offices for use by the probate court and the registrar of voters and housing a large meeting room; renovations and improvements to the second floor of Town Hall for use by the Town's finance offices; renovations to the third floor of Town Hall in order to create a Town Council chambers, ceremonial Mayor's office, offices for the Town Administrator and Finance Director, and a gallery; removal of exterior fire escapes, installation of new exterior doors and new storm windows on the second and third floors, and improvements to the HVAC, electrical, plumbing, fire safety, and lighting systems at Town Hall.
- Renovations to Citizens Block Building (estimated cost: \$2,548,000) - design and construction of various renovations and improvements to the Citizens Block Building on Park Place. The project will include renovations and improvements to the Citizens Block Building consisting of removal and disposing of hazardous materials, installation of a new elevator and elevator shaft, and various other renovations to accommodate the use of the building for Town offices, community space and potential commercial retail space on the first floor.
- Various Park Improvements (estimated cost: \$912,000) - design and construction of various improvements to Valley Falls Park and Henry Park. The project will include replacement of existing restrooms at Valley Falls Park in order to meet health code and handicap accessibility requirements; and renovations and repair of Fox Hill Tower and Promenade at Henry Park consisting of, to the extent of available funds, cleaning and repairing existing masonry, replacement of capstones, repairing or replacement of concrete work, repairing the stone steps at entrance to walkway and replacing the walkway, painting, replacement of door and windows, installation of electrical and lighting systems, landscaping and other site improvements.
- Public Safety Complex (estimated cost: \$2,025,700) - design and construction of renovations to the current ambulance building on West Street and associated site work to create a public safety complex for ambulance and emergency management use. The project will include renovations to the lower level for apparatus bays and a decontamination room, and renovations of the first floor and addition of a second floor for dormitory space. The project shall be constructed substantially in accordance with preliminary plans of Preiss Breismeister, P.C. dated ____, with such changes as the Council may approve.
- Animal Shelter Improvements (estimated cost: \$158,000) - design and construction of various improvements to the Town's Animal Control Shelter on Windsorville Road. The project will include installation of fencing and the purchase and installation of a new crematory unit and building.

The appropriation may be spent for design and construction costs, equipment, furnishings, materials, land and easement acquisition, site improvements, architects' fees, engineering fees, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing. The Town Council is authorized to determine the scope and particulars of the project. The Town Council may reduce or modify the scope of the project, and the entire appropriation may be spent on the project as so reduced or modified.

2. The Council hereby determines that the project is of a general benefit to the Town and the project and debt service on bonds and notes issued to finance the project are payable from general property taxes.

ORDINANCE #250

TOWN OF VERNON

BOND ORDINANCE — B-04-02

ORDINANCE APPROPRIATING \$9,635,000 FOR VARIOUS IMPROVEMENTS TO TOWN BUILDINGS AND FACILITIES AND AUTHORIZING THE ISSUE OF \$9,635,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION

3. That the Town issue bonds or notes in an amount not to exceed NINE MILLION SIX HUNDRED THIRTY FIVE THOUSAND DOLLARS (\$9,635,000) to finance the appropriation for the project. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

4. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project. The amount of the notes outstanding at any time shall not exceed NINE MILLION SIX HUNDRED THIRTY FIVE THOUSAND DOLLARS (\$9,635,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be general obligations of the Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

5. That the Mayor, Town Administrator and Finance Director, or any two of them, shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day, Berry & Howard LLP is designated as bond counsel to approve the legality of the bonds or notes. The Mayor, Town Administrator and Finance Director, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

6. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs maybe paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Mayor, Town Administrator and Finance Director, or any two of them, are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

7. That the Mayor, Town Administrator and Finance Director, or any two of them, are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

8. That all grants received for the project shall be applied to pay the costs of the project or to reduce the amount of bonds or notes issued to finance the project, unless the Town increases the appropriation for the project and provides that such increased appropriation is to be financed by such grants. In the event of any such increased appropriation, temporary notes may be issued pursuant to this ordinance pending the receipt of such grants.

9. That the Mayor, on behalf of the Town, is authorized to apply for and accept federal and state grants to help finance the appropriation for the project. Any grant proceeds may be used to pay project costs or principal and interest on bonds, notes or obligations.

10. That the Mayor, Town Administrator, Finance Director and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds, notes or other obligations to finance the aforesaid appropriation.

11. The Town Administrator is authorized to expend up to \$9,071,860 of said appropriation

ORDINANCE #250
TOWN OF VERNON
BOND ORDINANCE — B-04-02

**ORDINANCE APPROPRIATING \$9,635,000 FOR VARIOUS IMPROVEMENTS TO
TOWN BUILDINGS AND FACILITIES AND AUTHORIZING THE ISSUE OF
\$9,635,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION**

to carry out the project, with the remaining amount of said appropriation to be spent on net interest on temporary borrowing and other legal and financing costs unless the Mayor, Town Administrator and Finance Director, or any two of them, authorize the expenditure of said remaining amount for the project.

12. This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon and after approval at referendum vote as provided in Chapter XII, Section 12 of the Town's Charter.

13. This ordinance shall be effective for not more than ten years from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed.

Introduced: August 3, 2004
Advertised: August 10, 2004
Public Hearing: August 23, 2004
Council Action: August 23, 2004
Advertised: August 31, 2004
Effective Date:
Referendum Held: November 2, 2004
Failed at Referendum: November 2, 2004

ORDINANCE #251

TOWN OF VERNON

BOND ORDINANCE - B-04-03

ORDINANCE APPROPRIATING \$1,295,000 FOR DESIGN AND CONSTRUCTION OF IMPROVEMENTS TO THE TOWN'S WASTE WATER TREATMENT FACILITY AND AUTHORIZING THE ISSUE OF \$1,295,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION

BE IT ORDAINED,

1. That the Town of Vernon appropriate ONE MILLION TWO HUNDRED NINETY FIVE THOUSAND DOLLARS (\$1,295,000) for design and construction of improvements to the Town's Waste Water Treatment Facility in order to reduce nitrogen in the Facility's effluent and to achieve operating efficiencies. The project will include feasibility studies and modifications to the plant, tanks and equipment as are necessary to satisfy applicable laws and requirements with respect to the nitrogen levels at the Facility and any orders of the Connecticut Department of Environmental Protection. The appropriation may be spent for design and construction costs, equipment, materials, site improvements, architects' fees, engineering fees, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing. The Water Pollution Control Authority is authorized to determine the scope and particulars of the project. The Water Pollution Control Authority may reduce or modify the scope of the project, and the entire appropriation may be spent on the project as so reduced or modified.

2. The Council hereby determines that the project is of a general benefit to the Town and the project and debt service on bonds and notes issued to finance the project are payable from general property taxes.

3. That the Town issue bonds or notes or obligations in an amount not to exceed ONE MILLION TWO HUNDRED NINETY FIVE THOUSAND DOLLARS (\$1,295,000) to finance the appropriation for the project. The bonds or notes or obligations shall be issued pursuant to Section 7-259 or Sections 22a-475 to 22a-483 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes or obligations shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

4. That the Town issue and renew temporary notes or interim funding obligations from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes or obligations for the project or the receipt of grants for the project. The amount of the notes or obligations outstanding at any time shall not exceed ONE MILLION TWO HUNDRED NINETY FIVE THOUSAND DOLLARS (\$1,295,000). The notes or obligations shall be issued pursuant to Sections 7-264 and 7-378 or Sections 22a-475 to 22a-483 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes or obligations shall be general obligations of the Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Sections 7-378a and 7-378b of the General Statutes with respect to any notes that or obligations do not mature within the time permitted by said Sections 7-264 or 7-378, and the Town shall comply with the provisions of Section 22a-479(c) with respect to any interim funding obligations.

5. That the Mayor, Town Administrator and Finance Director, or any two of them, shall sign any bonds or notes or obligations by their manual or facsimile signatures. The law firm of Day, Berry & Howard LLP is designated as bond counsel to approve the legality of the bonds or notes or obligations. The Mayor, Town Administrator and Finance Director, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes or obligations; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes or obligations; to provide for the keeping of a record of the bonds or notes or obligations; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes or obligations at public or private sale; to deliver the bonds or notes or obligations; and to perform all other acts which are necessary or appropriate to issue the bonds or notes or obligations.

6. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Mayor, Town Administrator and Finance Director, or any two of them, are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes or obligations authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment

ORDINANCE #251
TOWN OF VERNON
BOND ORDINANCE - B-04-03

ORDINANCE APPROPRIATING \$1,295,000 FOR DESIGN AND CONSTRUCTION OF IMPROVEMENTS TO THE TOWN'S WASTE WATER TREATMENT FACILITY AND AUTHORIZING THE ISSUE OF \$1,295,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION

earnings to the United States in future years.

7. That the Mayor, Town Administrator and Finance Director, or any two of them, are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes or obligations to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes or obligations.

8. That the Water Pollution Control Authority is authorized to construct the sewer project; to approve design and construction expenditures incurred for the sewer project; and to contract with engineers, contractors and others on behalf of the Town for said sewer project.

9. That the Water Pollution Control Authority is authorized to apply for and accept federal and state grants to help finance the appropriation for the sewer project. Any grant proceeds may be used to pay project costs or principal and interest on bonds, notes or obligations.

10. That the Mayor, on behalf of the Town, is authorized to apply for and accept state grants to finance the project and state loans to finance the project, and to enter into any grant or loan agreement prescribed by the State, and that the Mayor, the Finance Director and Water Pollution Control Authority are authorized to take any other actions necessary to obtain such grants or loans pursuant to Section 22a-479 of the Connecticut General Statutes, Revision of 1958, as amended, or to any other present or future legislation, or to implement such grant or loan agreements.

11. That all grants received for the project shall be applied to pay the costs of the project or to reduce the amount of bonds or notes issued to finance the project, unless the Town increases the appropriation for the project and provides that such increased appropriation is to be financed by such grants. In the event of any such increased appropriation, temporary notes may be issued pursuant to this ordinance pending the receipt of such grants.

12. That the Mayor, Town Administrator, Finance Director, the Water Pollution Control Authority and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds, notes or other obligations to finance the aforesaid appropriation.

13. The Water Pollution Control Authority is authorized to expend up to \$1,250,000 of said appropriation to carry out the project, with the remaining amount of said appropriation to be spent on net interest on temporary borrowing and other legal and financing costs unless the Mayor, Town Administrator and Finance Director, or any two of them, authorize the expenditure of said remaining amount for the project.

14. This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon and after approval at referendum vote as provided in Chapter XII, Section 12 of the Town's Charter.

15. This ordinance shall be effective for not more than ten years from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed.

Introduced: August 3, 2004

Advertised: August 10, 2004

Public Hearing: August 23, 2004

Council Action: August 23, 2004

Advertised: August 31, 2004

Effective Date:

Referendum Held: November 2, 2004

Passed at Referendum: November 2, 2004

ORDINANCE #252

TOWN OF VERNON

BOND ORDINANCE - B-04-04

**ORDINANCE APPROPRIATING \$1,211,000 FOR SEWER SYSTEM IMPROVEMENTS
AND AUTHORIZING THE ISSUE OF \$1,211,000 BONDS AND NOTES TO FINANCE
THE APPROPRIATION**

BE IT ORDAINED,

1. That the Town of Vernon appropriate ONE MILLION TWO HUNDRED ELEVEN THOUSAND DOLLARS (\$1,211,000) for design and construction of various improvements to the Town's sewer system. The project will include relining existing sewer pipe between Route 30 northerly to Center Road and at inlet to Tankerhoosen Pond and related repairs; various sewer repairs within the Rockville section of Vernon; replacement of certain pump equipment at the Dart Hill pump station; and replacement of certain sewer lines on a portion of Fern Street. The appropriation may be spent for design and construction costs, equipment, materials, land and easement acquisition, site improvements, engineering fees, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing. The Water Pollution Control Authority is authorized to determine the scope and particulars of the project. The Water Pollution Control Authority may reduce or modify the scope of the project, and the entire appropriation may be spent on the project as so reduced or modified.

2. The Council hereby determines that the project is of a general benefit to the Town and the project and debt service on bonds and notes issued to finance the project are payable from general property taxes.

3. That the Town issue bonds or notes or obligations in an amount not to exceed ONE MILLION TWO HUNDRED ELEVEN THOUSAND DOLLARS (\$1,211,000) to finance the appropriation for the project. The bonds or notes or obligations shall be issued pursuant to Section 7-259 or Sections 22a-475 to 22a-483 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes or obligations shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

4. That the Town issue and renew temporary notes or interim funding obligations from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes or obligations for the project. The amount of the notes or obligations outstanding at any time shall not exceed ONE MILLION TWO HUNDRED ELEVEN THOUSAND DOLLARS (\$1,211,000). The notes or obligations shall be issued pursuant to Sections 7-264 and 7-378 or Sections 22a-475 to 22a-483 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes or obligations shall be general obligations of the Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Sections 7-378a and 7-378b of the General Statutes with respect to any notes that or obligations do not mature within the time permitted by said Sections 7-264 or 7-378, and the Town shall comply with the provisions of Section 22a-479(c) with respect to any interim funding obligations.

5. That the Mayor, Town Administrator and Finance Director, or any two of them, shall sign any bonds or notes or obligations by their manual or facsimile signatures. The law firm of Day, Berry & Howard LLP is designated as bond counsel to approve the legality of the bonds or notes or obligations. The Mayor, Town Administrator and Finance Director, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes or obligations; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes or obligations; to provide for the keeping of a record of the bonds or notes or obligations; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes or obligations at public or private sale; to deliver the bonds or notes or obligations; and to perform all other acts which are necessary or appropriate to issue the bonds or notes or obligations.

6. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Mayor, Town Administrator and Finance Director, or any two of them, are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income

ORDINANCE #252

TOWN OF VERNON

BOND ORDINANCE - B-04-04

**ORDINANCE APPROPRIATING \$1,211,000 FOR SEWER SYSTEM IMPROVEMENTS
AND AUTHORIZING THE ISSUE OF \$1,211,000 BONDS AND NOTES TO FINANCE
THE APPROPRIATION**

taxation of interest on the bonds or notes or obligations authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

7. That the Mayor, Town Administrator and Finance Director, or any two of them, are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes or obligations to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes or obligations.

8. That the Water Pollution Control Authority is authorized to construct the sewer project; to approve design and construction expenditures and any land acquisition costs incurred for the sewer project; and to contract with engineers, contractors and others on behalf of the Town for said sewer project.

9. That the Water Pollution Control Authority is authorized to apply for and accept federal and state grants to help finance the appropriation for the sewer project. Any grant proceeds may be used to pay project costs or principal and interest on bonds, notes or obligations.

10. That the Mayor, on behalf of the Town, is authorized to apply for and accept state grants to finance the project and state loans to finance the project, and to enter into any grant or loan agreement prescribed by the State, and that the Mayor, the Finance Director and Water Pollution Control Authority are authorized to take any other actions necessary to obtain such grants or loans pursuant to Section 22a-479 of the Connecticut General Statutes, Revision of 1958, as amended, or to any other present or future legislation, or to implement such grant or loan agreements.

11. That all grants received for the project shall be applied to pay the costs of the project or to reduce the amount of bonds or notes issued to finance the project, unless the Town increases the appropriation for the project and provides that such increased appropriation is to be financed by such grants. In the event of any such increased appropriation, temporary notes may be issued pursuant to this ordinance pending the receipt of such grants.

12. That the Mayor, Town Administrator, Finance Director, the Water Pollution Control Authority and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds, notes or other obligations to finance the aforesaid appropriation.

13. The Water Pollution Control Authority is authorized to expend up to \$1,148,257 of said appropriation to carry out the project, with the remaining amount of said appropriation to be spent on net interest on temporary borrowing and other legal and financing costs unless the Mayor, Town Administrator and Finance Director, or any two of them, authorize the expenditure of said remaining amount for the project.

14. This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon and after approval at referendum vote as provided in Chapter XII, Section 12 of the Town's Charter.

15. This ordinance shall be effective for not more than ten years from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed.

Introduced: August 3, 2004
Advertised: August 10, 2004
Public Hearing: August 23, 2004
Council Action: August 23, 2004
Advertised: August 31, 2004
Effective Date: November 17, 2004
Referendum Held: November 2, 2004
Passed at Referendum: November 2, 2004

ORDINANCE #253

TOWN OF VERNON

BOND ORDINANCE - B-04-05

ORDINANCE APPROPRIATING \$2,079,000 FOR DESIGN AND INSTALLATION OF ENHANCEMENTS TO THE TOWN'S TELECOMMUNICATIONS INFRASTRUCTURE AND AUTHORIZING THE ISSUE OF \$2,079,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION

BE IT ORDAINED,

1. That the Town of Vernon appropriate TWO MILLION SEVENTY NINE THOUSAND DOLLARS (\$2,079,000) for design and installation of enhancements to the Town's telecommunications infrastructure. The project will include the installation of fiber optic cable and a wireless ethernet system to interconnect various town and school facilities to the extent of available funds. The appropriation may be spent for design and construction costs, equipment, materials, land and easement acquisition, site improvements, architects' fees, engineering fees, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing. The Town Council is authorized to determine the scope and particulars of the project. The Town Council may reduce or modify the scope of the project, and the entire appropriation may be spent on the project as so reduced or modified.

2. The Council hereby determines that the project is of a general benefit to the Town and the project and debt service on bonds and notes issued to finance the project are payable from general property taxes.

3. That the Town issue bonds or notes in an amount not to exceed TWO MILLION SEVENTY NINE THOUSAND DOLLARS (\$2,079,000) to finance the appropriation for the project. The bonds or notes shall be issued pursuant to Section 7-3 69 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

4. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project. The amount of the notes outstanding at any time shall not exceed TWO MILLION SEVENTY NINE THOUSAND DOLLARS (\$2,079,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be general obligations of the Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

5. That the Mayor, Town Administrator and Finance Director, or any two of them, shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day, Berry & Howard LLP is designated as bond counsel to approve the legality of the bonds or notes. The Mayor, Town Administrator and Finance Director, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

6. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Mayor, Town Administrator and Finance Director, or any two of them, are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

7. That the Mayor, Town Administrator and Finance Director, or any two of them, are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may

ORDINANCE #253

TOWN OF VERNON

BOND ORDINANCE - B-04-05

ORDINANCE APPROPRIATING \$2,079,000 FOR DESIGN AND INSTALLATION OF ENHANCEMENTS TO THE TOWN'S TELECOMMUNICATIONS INFRASTRUCTURE AND AUTHORIZING THE ISSUE OF \$2,079,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION

include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

8. That all grants received for the project shall be applied to pay the costs of the project or to reduce the amount of bonds or notes issued to finance the project, unless the Town increases the appropriation for the project and provides that such increased appropriation is to be financed by such grants. In the event of any such increased appropriation, temporary notes may be issued pursuant to this ordinance pending the receipt of such grants.

9. That the Mayor, on behalf of the Town, is authorized to apply for and accept federal and state grants to help finance the appropriation for the project. Any grant proceeds may be used to pay project costs or principal and interest on bonds, notes or obligations.

10. That the Mayor, Town Administrator, Finance Director and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds, notes or other obligations to finance the aforesaid appropriation.

11. The Town Administrator is authorized to expend up to \$1,960,000 of said appropriation to carry out the project, with the remaining amount of said appropriation to be spent on net interest on temporary borrowing and other legal and financing costs unless the Mayor, Town Administrator and Finance Director, or any two of them, authorize the expenditure of said remaining amount for the project.

12. This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon and after approval at referendum vote as provided in Chapter XII, Section 12 of the Town's Charter.

13. This ordinance shall be effective for not more than ten years from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed.

Introduced: August 3, 2004
Advertised: August 10, 2004
Public Hearing: August 23, 2004
Council Action: August 23, 2004
Advertised: August 31, 2004
Effective Date:
Referendum Held: November 2, 2004
Failed at Referendum: November 2, 2004

ORDINANCE #254

TOWN OF VERNON

BOND ORDINANCE - B-04-06

ORDINANCE APPROPRIATING \$2,170,000 FOR TANKERHOOLEN LAKE AND RIVER IMPROVEMENTS AND AUTHORIZING THE ISSUE OF \$2,170,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION

BE IT ORDAINED,

1. That the Town of Vernon appropriate TWO MILLION ONE HUNDRED SEVENTY THOUSAND DOLLARS (\$2,170,000) for improvements to Tankerhoosen Lake and Tankerhoosen River. The project will include dredging of Tankerhoosen Lake in order to secure the lake from additional deterioration, and channel widening of and removal of debris and deposits from the Tankerhoosen River in order to alleviate flooding problems for homes on Susan Road and Frederick Road. The appropriation may be spent for design and construction costs, equipment, materials, land and easement acquisition, site improvements, architects' fees, engineering fees, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing. The Town Council is authorized to determine the scope and particulars of the project. The Town Council may reduce or modify the scope of the project, and the entire appropriation may be spent on the project as so reduced or modified.

2. The Council hereby determines that the project is of a general benefit to the Town and the project and debt service on bonds and notes issued to finance the project are payable from general property taxes.

3. That the Town issue bonds or notes in an amount not to exceed TWO MILLION ONE HUNDRED SEVENTY THOUSAND DOLLARS (\$2,170,000) to finance the appropriation for the project. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

4. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project. The amount of the notes outstanding at any time shall not exceed TWO MILLION ONE HUNDRED SEVENTY THOUSAND DOLLARS (\$2,170,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be general obligations of the Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

5. That the Mayor, Town Administrator and Finance Director, or any two of them, shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day, Berry & Howard LLP is designated as bond counsel to approve the legality of the bonds or notes. The Mayor, Town Administrator and Finance Director, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

6. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Mayor, Town Administrator and Finance Director, or any two of them, are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

7. That the Mayor, Town Administrator and Finance Director, or any two of them, are authorized to make representations and enter into written agreements for the benefit of holders of

ORDINANCE #254

TOWN OF VERNON

BOND ORDINANCE - B-04-06

ORDINANCE APPROPRIATING \$2,170,000 FOR TANKERHOUSEN LAKE AND RIVER IMPROVEMENTS AND AUTHORIZING THE ISSUE OF \$2,170,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION

the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

8. That all grants received for the project shall be applied to pay the costs of the project or to reduce the amount of bonds or notes issued to finance the project, unless the Town increases the appropriation for the project and provides that such increased appropriation is to be financed by such grants. In the event of any such increased appropriation, temporary notes may be issued pursuant to this ordinance pending the receipt of such grants.

9. That the Mayor, Town Administrator, Finance Director and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds, notes or other obligations to finance the aforesaid appropriation.

10. The Town Administrator is authorized to expend up to \$2,034,000 of said appropriation to carry out the project, with the remaining amount of said appropriation to be spent on net interest on temporary borrowing and other legal and financing costs unless the Mayor, Town Administrator and Finance Director, or any two of them, authorize the expenditure of said remaining amount for the project.

11. This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon and after approval at referendum vote as provided in Chapter XII, Section 12 of the Town's Charter.

12. This ordinance shall be effective for not more than ten years from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed.

Introduced: August 3, 2004
Advertised: August 10, 2004
Public Hearing: August 23, 2004
Council Action: August 23, 2004
Advertised: August 31, 2004
Effective Date:
Referendum Held: November 2, 2004
Failed at Referendum: November 2, 2004

ORDINANCE #255

TOWN OF VERNON

BOND ORDINANCE - B-04-07

ORDINANCE APPROPRIATING \$2,129,000 FOR PURCHASE OF DEVELOPMENT RIGHTS AND ACQUISITION OF LAND FOR MUNICIPAL AND RECREATIONAL PURPOSES AND AUTHORIZING THE ISSUE OF \$2,129,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION

BE IT ORDAINED,

1. That the Town of Vernon appropriate TWO MILLION ONE HUNDRED TWENTY NINE THOUSAND DOLLARS (\$2,129,000) for land acquisition. The project shall include purchase of development rights and acquisition of land for municipal and recreational purposes pursuant to the Town's Ordinance establishing a Reserve for Land Acquisition and Preservation. Such funds shall be used for the purchase of developments rights and/or the acquisition of land but only after referral of the proposed purchase or acquisition to the Town Planning and Zoning Commission for a report pursuant to Section 8-24 of the General Statutes and after public hearing as required by said ordinance and approval by the Town Council. The appropriation may be spent for survey fees, feasibility and planning studies related to potential acquisition, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing.

2. The Council hereby determines that the project is of a general benefit to the Town and the project and debt service on bonds and notes issued to finance the project are payable from general property taxes.

3. That the Town issue bonds or notes in an amount not to exceed TWO MILLION ONE HUNDRED TWENTY NINE THOUSAND DOLLARS (\$2,129,000) to finance the appropriation for the project. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

4. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project. The amount of the notes outstanding at any time shall not exceed TWO MILLION ONE HUNDRED TWENTY NINE THOUSAND DOLLARS (\$2,129,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be general obligations of the Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

5. That the Mayor, Town Administrator and Finance Director, or any two of them, shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day, Berry & Howard LLP is designated as bond counsel to approve the legality of the bonds or notes. The Mayor, Town Administrator and Finance Director, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

6. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Mayor, Town Administrator and Finance Director, or any two of them, are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

7. That the Mayor, Town Administrator and Finance Director, or any two of them, are

ORDINANCE #255

TOWN OF VERNON

BOND ORDINANCE - B-04-07

ORDINANCE APPROPRIATING \$2,129,000 FOR PURCHASE OF DEVELOPMENT RIGHTS AND ACQUISITION OF LAND FOR MUNICIPAL AND RECREATIONAL PURPOSES AND AUTHORIZING THE ISSUE OF \$2,129,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION

authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

8. That all grants received for the project shall be applied to pay the costs of the project or to reduce the amount of bonds or notes issued to finance the project, unless the Town increases the appropriation for the project and provides that such increased appropriation is to be financed by such grants. In the event of any such increased appropriation, temporary notes may be issued pursuant to this ordinance pending the receipt of such grants.

9. That the Mayor, on behalf of the Town, is authorized to apply for and accept federal and state grants to help finance the appropriation for the project. Any grant proceeds may be used to pay project costs or principal and interest on bonds, notes or obligations.

10. That the Mayor, Town Administrator, Finance Director and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds, notes or other obligations to finance the aforesaid appropriation.

11. The Town Administrator is authorized to expend up to \$2,000,000 of said appropriation to carry out the project, with the remaining amount of said appropriation to be spent on net interest on temporary borrowing and other legal and financing costs unless the Mayor, Town Administrator and Finance Director, or any two of them, authorize the expenditure of said remaining amount for the project.

12. This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon and after approval at referendum vote as provided in Chapter XII, Section 12 of the Town's Charter.

13. This ordinance shall be effective for not more than ten years from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed.

Introduced: August 3, 2004
Advertised: August 10, 2004
Public Hearing: August 23, 2004
Council Action: August 23, 2004
Advertised: August 31, 2004
Effective Date:
Referendum Held: November 2, 2004
Failed at Referendum: November 2, 2004

ORDINANCE #256

ORDINANCE CONCERNING THE DESIGNATION OF SCENIC ROADS

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VERNON:

SECTION 1. PURPOSE AND AUTHORITY

The scenic and rural roads of Vernon are a cherished and irreplaceable resource critical for the protection of Vernon's natural heritage. The scenic values of many of Vernon's roads have been destroyed or are in danger of being destroyed because of past or potential alterations to their right-of-way. These changes have had an adverse impact on the quality of Vernon's aesthetic and historic environment, an environment that is beneficial to both residents and visitors alike.

It is the purpose of this ordinance to balance the need to preserve and protect the scenic and historic values of rural roads with the need to maintain them in good and sufficient repair and passable condition.

Pursuant to Connecticut General Statute Section 7-149a, the Town may, by ordinance, designate Town roads or portions of Town roads as "Scenic Roads." The power to designate such Scenic Roads is delegated hereby this said ordinance to the Planning and Zoning Commission (PZC). No State highway or portion thereof may be designated as a Scenic Road under this ordinance.

SECTION 2. CRITERIA FOR SCENIC ROAD DESIGNATION

The Vernon Planning and Zoning Commission (hereafter referred to as "Commission") shall consider designating as a Scenic Road only those town roads, which are free of intensive commercial development and intensive vehicular traffic and meet at least one of the following criteria:

1. It is unpaved;
2. It is bordered by mature trees or stone walls;
3. The traveled portion is no more than twenty feet (20') wide;
4. It offers scenic views, which for purposes of this ordinance shall mean it affords vistas of marshes, shoreline, forests with mature trees, ridgelines or notable geologic or other natural features;
5. It passes through agricultural land or abuts land on which is located an historic building or structure listed on the National Register of Historic Places or the State Register of Historic Places, compiled pursuant to Connecticut General Statutes (CGS);
6. It blends naturally into the surrounding terrain, or
7. It parallels or crosses over brooks, streams, lakes or ponds.

SECTION 3. PROCEDURE FOR SCENIC ROAD DESIGNATION

- A. Any party seeking to have a road or a portion of a road designated as a "Scenic Road" may file an application for such designation with the Commission. When a road is to be considered for designation as a Scenic Road, the Commission shall schedule a public hearing on the application.

Hearing notices and deadlines shall be made in compliance with the provisions of Sections 8-26d and 8-26e of the Connecticut General Statutes. The Commission shall notify the Vernon Town Council, the Vernon Public Works Director, the Conservation Commission and all owners of lot frontage abutting the road or portion of the road under consideration for a Scenic Road.

- B. Following the public hearing, the Commission shall vote on the proposed designation. No road or portion of a road may be designated as a Scenic Road under this ordinance unless owners of a majority of lot frontage abutting the road or portion of the road agree to the designation by filing a Written statement of approval with the Vernon Town Clerk. The Commission shall send notice of said designation to the owners of lots with frontage abutting the road. Said notice shall provide that the owners shall have sixty (60) days to either agree or disagree with the designation. Those owners who fail to file a written statement with the Town Clerk shall be considered to be in agreement with the designation, provided that any abutter who fails to respond shall not be deemed to have waived their right to appeal said designation under subsection d of this ordinance.
- C. The Scenic Road designation may be rescinded by the Commission, using the same procedures, and having the written concurrence of the majority of owners with lot frontage abutting the Scenic Road.

ORDINANCE #256

ORDINANCE CONCERNING THE DESIGNATION OF SCENIC ROADS

- D. Any person who is aggrieved by a designation, of a road or portion of a road as a Scenic Road may appeal such designation in the manner and utilizing the same standards of review provided for appeals from the decisions of Planning Commissions under Section 8-8 of the Connecticut General Statutes.

SECTION 4. PROCEDURES FOR SCENIC ROAD ALTERATION AND IMPROVEMENT

- A. Subject to the notice and hearing requirements set forth in this ordinance, any road or portion of any road designated as a Scenic Road shall be maintained by the Town of Vernon: in good and sufficient repair and in passable condition.
- B. Any party, including the Town of Vernon, proposing to carry out an activity within a Scenic Road right-of-way (ROW) must apply to the Commission, which shall schedule a public hearing on the proposal. Hearing notices and deadlines shall be made in compliance with the provisions of Sections 8-26d and 8-26e of the Connecticut General Statutes.
- C. No road which has been designated as a Scenic. Road under this ordinance shall be altered or improved, except for good cause as determined by the Commission. “Alterations or improvements” include, but are not limited to, widening of the right-of-way (ROW) or the traveled portion of the road, paving, changes of grade, straightening, removal of stone walls and mature trees. “Good cause” means maintaining the Scenic Road in good and sufficient repair and in passable condition. In the case of a natural disaster where the Scenic Road becomes impassable or posts a danger to public safety, it can be repaired to pre-emergency conditions. Examples of “good cause” include, but are not limited to, correcting drainage problems; removing dead and decaying trees and branches of trees; straightening of curves that pose a danger for vehicles traveling on them; repairing existing bridges, guardrails, guideposts and other engineering structures with similar materials that compliment the scenic character of the road; trimming tree branches and brush that overhang or encroach on the traveled portion of the road; and removing obstacles that prevent vehicles from traveling on the road. The Commission shall state the reasons for its approval of such alterations and improvements in its minutes.

Emergency, routine, and minor maintenance on any road that has been designated as a Scenic Road under this ordinance shall be continued by the Town of Vernon without the necessity of Town Council vote, review by the Planning & Zoning Commission (PZC) or public hearing. Such work includes the removal of dead, diseased, damaged, or dangerous trees and branches of trees; trimming of tree branches that encroach on the traveled portion of the road below the height needed to allow school busses, emergency vehicles, and Town road maintenance vehicles to pass; trimming or removal of brush and removal of boulders or other obstacles that encroach on the traveled portion of the road; necessary trimming for utility lines; trimming of brush to enhance and to protect scenic views, stone walls, and mature trees; correction of drainage problems; striping, gravelling, filling, retreatment including, but not limited to, overlay paving and chip sealing and repair of existing roadway surfaces; grading; snowplowing; sanding and emergency repairs to the Scenic Road in the case of a natural disaster that makes it impassable or unsafe for public traffic.

- D. Nothing in this Ordinance shall be deemed to prohibit a person owning or occupying land abutting a Scenic Road from maintaining and repairing the land which abuts the Scenic Road if the maintenance or repair occurs on land not within the right-of-way, or provide minor maintenance in the right-of-way, paved or unpaved, of the Scenic Road.

SECTION 5. EXPIRATION

- A. This Ordinance shall expire ten (10) years from the date of its passage and ten (10) years from the date of each renewal unless renewed by the Vernon Town Council prior to each said expiration.

Introduced: December 7, 2004
Advertised: December 14, 2004
Public Hearing: December 21, 2004
Council Action: December 21, 2004
Advertised: December 27, 2004
Effective Date: January 11, 2005

ORDINANCE #257

ORDINANCE APPROPRIATING \$34,657,000 FOR ROCKVILLE HIGH SCHOOL ADDITIONS AND RENOVATIONS AND AUTHORIZING THE ISSUE OF \$34,657,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION

BE IT ORDAINED

1. That the Town of Vernon appropriate THIRTY FOUR MILLION SIX HUNDRED FIFTY-SEVEN THOUSAND DOLLARS (\$34,657,000) for Rockville High School additions and renovations. The project shall include design and construction of additions and renovations to Rockville High School, consisting of (1) an approximately 2,950 square foot new kitchen, an approximately 25,490 square foot new auditorium; and a new front entrance; (2) renovations to the existing building, including expansion and refurbishment of the interior athletic facility; reconfiguration and modernization of the Library/Media Center; reconfiguration of the "A" wing upper and lower classrooms and offices, the main office complex and the adult education offices, Various renovations to ensure compliance with applicable code provisions, including fire safety, handicap accessibility, and emergency system requirement; expansion of cafeteria; replacement of all windows and exterior doors replacement of existing boilers; installation of closed circuit television system; removal and replacement of asbestos floor tiles; hazardous material abatement and other miscellaneous renovations and (3) various site work, including expansion of athletic fields through the reduction in the number of student parking lot spaces; creation of a loop drive around the school; expansion of staff and visitor parking; creation of a new bus drop off; reconfiguration of entrance and exit drive and the animal enclosure area; creation of a turn around and car drop off. The appropriation may be spent for design and construction costs, equipment, furnishings, materials, site improvements any necessary land or easement acquisition, architects' fees, engineering fees, other consultants' fees, legal fees, net temporary interest and other financing costs, and other expenses related to the project. The Building Committee established for the project is authorized to determine the scope and particulars of the project. The Building Committee established for the project may reduce or modify the scope of the project and the entire appropriation may be spent on the project as so reduced or modified.

2. The Council hereby determines that the project is of a general benefit to the Town and the project and debt service on bonds and notes issued to finance the project are payable from general properly taxes.

3. That the town issue bonds or notes in an amount not to exceed THIRTY FOUR MILLION SIX HUNDRED FIFTY-SEVEN THOUSAND (\$34,657,000) finance the appropriation for the project The amount of bone or notes authorized to be issued shall be reduced by the amount of grants received by the Town for the project. The bonds or notes shall be issued pursuant to Sections 7-369 and 10-289 of the General Statutes of Connecticut Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

4. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project or the receipt of grants for the project. The amount of the notes outstanding at any time shall not exceed THIRTY FOUR MILLION SIX HUNDRED FIFTY-SEVEN THOUSAND (\$34,657,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be general obligations of the Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378

5. That the Mayor, Town Administrator and Finance Director, or any two of them, shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day, Berry & Howard LLP is designated as bond counsel to approve the legality of the bonds or notes. The Mayor, Town Administrator and Finance Director, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes, to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

6. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Mayor, Town Administrator and Finance Director, or any two of them, are authorized to amend such declaration of official intent as

ORDINANCE #257

ORDINANCE APPROPRIATING \$34,657,000 FOR ROCKVILLE HIGH SCHOOL ADDITIONS AND RENOVATIONS AND AUTHORIZING THE ISSUE OF \$34,657,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION

they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years

7. That the Mayor, Town Administrator and Finance Director, or any two of them, are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

8. That all grants received for the project shall be applied to pay the costs of the project or to reduce the amount of bonds or notes issued to finance the project, unless the Town increases the appropriation for the project and provides that such increased appropriation is to be financed by such grants. In the event of any such increased appropriation, temporary notes may be issued pursuant to this ordinance pending the receipt of such grants.

9. That the Town Council shall appoint members of the School Building Committee for the project. The Committee is vested with the following powers and duties: (i) to approve design and construction expenditures for the project; (ii) to contract with architects, engineers, contractors and others in the name and on behalf of the Town to complete the project; and (iii) to exercise such other powers as are necessary or appropriate to complete the project. The Town Council shall fill any vacancies on the Committee and shall choose the chairperson and secretary of the Committee. Committee members shall not receive any compensation for their services. Necessary expenses of the Committee shall be included in the cost of the project. The records of the Committee shall be filed with the Town Clerk and open to public inspection during normal business hours. Upon completion of the project, the Committee shall make a complete report and accounting to the Town Council and the Town.

10. That the Board of Education is authorized to apply for and accept state grants for the project. The Board of Education is authorized to file applications with the State Board of Education, to execute grant agreements for the project, and to file such documents as may be required by the State Board of Education to obtain grants for the costs of financing the project. Any grant proceeds may be used to pay project costs or principal and interest on bonds, notes or temporary notes.

11. That the Mayor, Town Administrator and Finance Director, or any two of them, the Board of Education, the School Building Committee established for the project and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds, notes or other obligations to finance the aforesaid appropriation.

12. The School Building Committee for the project is authorized to expend up to \$32,218,700 of said appropriation to carry out the project, with the remaining amount of said appropriation to be spent on net interest on temporary borrowing and other legal and financing costs unless the Mayor, Town Administrator and Finance Director, or any two of them, authorize the expenditure of said remaining amount for the project.

13. This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon and after approval at referendum vote as provided in Chapter XII, Section 12 of the Town's Charter.

14. This ordinance shall be effective for not more than ten years from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed.

Introduced: December 28, 2004
Advertised: January 1, 2005
Public Hearing: January 11, 2005
Council Action: January 11, 2005.
Advertised: January 29, 2005
Effective: April 13, 2005
Passed at Referendum: March 29, 2005

ORDINANCE #258

ORDINANCE APPROPRIATING \$11,519,000 FOR VERNON CENTER MIDDLE SCHOOL RENOVATIONS AND AUTHORIZING THE ISSUE OF \$11,519,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION

BE IT ORDAINED,

1. That the Town of Vernon appropriate ELEVEN MILLION FIVE HUNDRED NINETEEN THOUSAND DOLLARS (\$11,519,000) for Vernon Center Middle School renovations. The project shall include design and construction of renovations to Vernon Center Middle School, consisting of (1) renovations to the existing building, including creation of a new entrance canopy; modification of drainage at entrance of the building; renovations and expansion of the main office area, health office and guidance complex; reconfiguration and expansion of the Library/Media Center; renovations of the locker rooms, the wood shops and the music area; installation of new air conditioning system in the second and third floor classroom wings and the media center and main office; various renovations to ensure compliance with applicable code provisions, including fire safety, handicap accessibility, and emergency systems requirements; replacement of all windows; replacement of existing boilers, replacement of existing casework in classrooms; replacement of seats in the auditorium that have not yet been replaced; removal and replacement of asbestos floor tiles; and hazardous material abatement; and (2) various site work consisting of replacement of existing fencing and installation of new fencing; reconditioning of soccer field; drainage renovations; expansion of the drive; and addition of new parking spaces for handicap and visitor use. The appropriation maybe spent for design and construction costs, equipment, furnishings, materials, site improvements, any necessary land or easement acquisition, architects' fees, engineering fees, other consultants' fees, legal fees, net temporary interest and other financing costs, and other expenses related to the project. The Building Committee established for the project is authorized to determine the scope and particulars of the project. The Building Committee established for the project may reduce or modify the scope of the project, and the entire appropriation may be spent on the project as so reduced or modified.

2. The Council hereby determines that the project is of a general benefit to the Town and the project and debt service on bonds and notes issued to finance the project are-payable from general property taxes.

3. That the Town issue bonds or notes in an amount not to exceed ELEVEN MILLION FIVE HUNDRED NINETEEN THOUSAND DOLLARS (\$11,519,000) to finance the appropriation for the project. The amount of bonds or notes authorized to be issued shall be reduced by the amount of grants received by the Town for the project. The bonds or notes shall be issued pursuant to Sections 7-369 and 10-289 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

4. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project or the receipt of grants for the project. The amount of the notes outstanding at any time shall not exceed ELEVEN MILLION FIVE HUNDRED NINETEEN THOUSAND DOLLARS. (\$11,519,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be general obligations of they Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

5. That the Mayor, Town Administrator and Finance Director, or any two of them, shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day, Berry & Howard LLP is designated as bond counsel to approve the legality of the bonds or notes. The Mayor, Town Administrator and Finance Director, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, redemption, provisions, form and other details of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds; or notes; to provide for the keeping of a record of the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

6. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs maybe paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Mayor, Town Administrator and Finance Director, or any two of them, are authorized to amend such declaration of official intent as

ORDINANCE #258

ORDINANCE APPROPRIATING \$11,519,000 FOR VERNON CENTER MIDDLE SCHOOL RENOVATIONS AND AUTHORIZING THE ISSUE OF \$11,519,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION

they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

7. That the Mayor, Town Administrator and Finance Director, or any two of them, are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

8. That all grants received for the project shall be applied to pay the costs of the project or to reduce the amount of bonds or notes issued to finance the project, unless the Town increases the appropriation for the project and provides that such increased appropriation is to be financed by such grants. In the event of any such increased, appropriation, temporary notes may be issued pursuant to this ordinance pending, the receipt of such grants.

9. That the Town Council shall appoint members of the School Building Committee for the project. The Committee is vested with the following powers and duties: (i) to approve design and construction expenditures for the project; (ii) to contract with architects, engineers, contractors and others in the name and on behalf of the Town to complete the project; and (iii) to exercise such other powers as are necessary or appropriate to complete the project. The Town Council shall fill any vacancies on the Committee and shall choose the chairperson and secretary of the Committee. Committee members shall not receive any compensation for their services. Necessary expenses of the Committee shall be included in the cost of the project. The records of the Committee shall be filed with the Town Clerk and open to public inspection during normal business hours. Upon completion of the project, the Committee shall make a complete report and accounting to the Town Council and the Town.

10. That the Board of Education is authorized to apply for and accept state grants for the project. The Board of Education is authorized to file applications with the State Board of Education, to execute grant agreements for the project, and to file such documents as may be required by the State Board of Education to obtain grants for the costs of financing the project. Any grant proceeds may be used to pay project costs or principal and interest on bonds, notes or temporary notes.

11. That the Mayor, Town Administrator, and Finance Director, or any two of them, the Board of Education, the School Building Committee established for the project and other proper officers of the Town are authorized to, take all other action which is necessary or desirable to complete the project and to issue bonds, notes or other obligations to finance the aforesaid appropriation.

12. The School Building committee for the project is authorized to expend up to \$10,713,400 of said appropriation to carry out the project, with the remaining amount of said appropriation to be spent on net interest on temporary borrowing and other legal and financing costs unless the Mayor; Town Administrator and Finance Director, or any two of them, authorize the expenditure of said remaining amount for the project.

13. This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon and after approval at referendum vote as provided in Chapter XII, Section 12 of the Town's Charter.

14. This ordinance shall be effective for not more than ten years from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed.

Introduced: December 28, 2004
Advertised: January 1, 2005
Public Hearing: January 11, 2005
Council Action: January 11, 2005
Advertised: January 29, 2005
Effective: April 13, 2005
Passed at Referendum: March 29, 2005

ORDINANCE #259

ORDINANCE APPROPRIATING \$2,382,000 FOR TALCOTTVILLE SCHOOL RENOVATIONS AND AUTHORIZING THE ISSUE OF \$2,382,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION

BE IT ORDAINED,

1. That the Town of Vernon appropriate TWO MILLION THREE HUNDRED EIGHTY-TWO THOUSAND DOLLAR (\$2,382,000) for Talcottville school renovations. The project shall include design and construction of renovations to Talcottville School, consisting of (1) the addition of an elevator in order to utilize the basement level of the building for educational programs, addition of three classrooms to the basement level and the addition of one classroom to the upper level of the building; reconfiguration of the existing kitchen; renovations of the locker room facilities, various renovations to ensure compliance with applicable code provisions, including fire safety, handicap accessibility, and emergency systems requirements, replacement of all windows; repair of cracks in the foundation; installation of new gutters in the "1880 wing" of the building, installation of a closed circuit television system, installation of an intercom system; removal and replacement of existing asbestos floor tiles, hazardous material abatement; and (2) site work consisting of relocating the parking spaces closer to the building. The appropriation may be spent for design and construction costs, equipment, furnishings, materials, site improvements, any necessary land or easement acquisition, architects' fees, engineering fees, other consultants' fees, legal fees, net temporary interest and other financing costs, and other expenses related to the project. The Building Committee established for the project is authorized to determine the scope and particulars of the project. The Building Committee established for the project may reduce or modify the scope of the project, and the entire appropriation may be spent on the project as so reduced or modified.

2. The Council hereby determines that the project is of a general benefit to the Town and the project and debt service on bonds and notes issued to finance the project are payable from general property taxes.

3. That the Town issue bonds or notes in an amount not to exceed TWO MILLION THREE HUNDRED EIGHTY-TWO THOUSAND DOLLARS (\$2,382,000) to finance the appropriation for the project. The amount of bonds or notes authorized to be issued shall be reduced by the amount of grants received by the Town for the project. The bonds or notes shall be issued pursuant to Sections 7-369 and 10-289 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

4. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project or the receipt of grants for the project. The amount of the notes outstanding at any time shall not exceed TWO MILLION THREE HUNDRED EIGHTY-TWO THOUSAND DOLLARS (\$2,382,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be general obligations of the Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

5. That the Mayor, Town Administrator and Finance Director, or any two of them, shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day, Berry & Howard LLP is designated as bond counsel to approve the legality of the bonds or notes. The Mayor, Town Administrator and Finance Director; or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes, to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes, to provide for the keeping of a record of the bonds or notes, to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

6. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Mayor, Town Administrator and Finance Director, or any two of them, are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant

ORDINANCE #259

ORDINANCE APPROPRIATING \$2,382,000 FOR TALCOTTVILLE SCHOOL RENOVATIONS AND AUTHORIZING THE ISSUE OF \$2,382,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION

to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

7. That the Mayor, Town Administrator and Finance Director, or any two of them, are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

8. That all grants received for the project shall be applied to pay the costs of the project or to reduce the amount of bonds or notes issued to finance the project, unless the Town increases the appropriation for the project and provides that such increased appropriation is to be financed by such grants. In the event of any such increased appropriation, temporary notes may be issued pursuant to this ordinance pending the receipt of such grants.

9. That the Town Council shall appoint members of the School Building Committee for the project. The Committee is vested with the following powers and duties: (i) to approve design and construction expenditures for the project; (ii) to contract with architects, engineers, contractors and others in the name and on behalf of the Town to complete the project; and (iii) to exercise such other powers as are necessary or appropriate to complete the project. The Town Council shall fill any vacancies on the Committee and shall choose the chairperson and secretary of the Committee. Committee members shall not receive any compensation for their services. Necessary expenses of the Committee shall be included in the cost of the project. The records of the Committee shall be filed with the Town Clerk and open to public inspection during normal business hours. Upon completion of the project, the Committee shall make a complete report and accounting to the Town Council and the Town.

10. That the Board of Education is authorized to apply for and accept state grants for the project. The Board of Education is authorized to file applications with the State Board of Education, to execute grant agreements for the project, and to file such documents as may be required by the State Board of Education to obtain grants for the costs of financing the project. Any grant proceeds may be used to pay project costs or principal and interest on bonds, notes or temporary notes.

11. That the Mayor, Town Administrator and Finance Director or any two of them, the Board of Education, the School Building Committee established for the project and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds, notes or other obligations to finance the aforesaid appropriation.

12. The School Building Committee for the project is authorized to expend up to \$2,177,100 of said appropriation to carry out the project, with the remaining amount of said appropriation to be spent on net interest on temporary borrowing and other legal and financing costs unless the Mayor, Town Administrator and Finance Director, or any two of them, authorize the expenditure of said remaining amount for the project.

13. This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon and after approval, at referendum vote as provided in Chapter XII, Section 12 of the Town's Charter.

14. This ordinance shall be effective for not more than ten years from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed.

Introduced: December 28, 2004

Advertised: January 1, 2005

Public Hearing: January 11, 2005

Council Action: January 11, 2005

Advertised: January 29, 2005

FAILED AT REFERENDUM: March 29, 2005 (Ordinance not in effect)

ORDINANCE #260

ORDINANCE APPROPRIATING \$22,146,000 FOR VARIOUS ELEMENTARY SCHOOL ADDITIONS AND RENOVATIONS AND AUTHORIZING THE ISSUE OF \$22,146,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION

BE IT ORDAINED,

1. That the Town of Vernon appropriate TWENTY TWO MILLION ONE HUNDRED FORTY-SIX THOUSAND DOLLARS (\$22,146,000) for various elementary school additions and renovations. The project shall include design and construction of additions and renovations to the Town's elementary schools as follows:
 - (a) Center Road School - (estimated cost, \$4,109,200) (1) expansion of main office conference room; installation of security doors; various renovations to ensure compliance with applicable code provisions, including fire safety, handicap accessibility, and emergency systems requirements; installation of new air conditioning system in the second and third floor classroom wing and in the Media Center; replacement of all windows; modernization of existing elevator; removal and replacement of asbestos floor tiles; and hazardous material abatement; and (2) site work consisting of renovations to playgrounds to allow ADA compliance; addition of parking spaces; regrading and repavement of walkways beneath bridges.
 - (b) Skinner School - (estimated cost: \$4,268,400) (1) expansion and modernization of the Library/Media Center; relocation of two classrooms; renovation of the main office and health office; and construction of renovations to Talcottville School, consisting of (1) the addition of an elevator in order to utilize the basement level of the building for educational programs; addition of three classrooms to the basement level and the addition of one classroom to the upper level of the building; reconfiguration of the existing kitchen; renovations of the locker room facilities; various renovations to ensure compliance with applicable code provisions, including fire safety, handicap accessibility, and emergency systems requirements; replacement of all windows; repair of cracks in the foundation; installation of new gutters in the "1880 wing" of the building; installation of a closed circuit television system; installation of an intercom system; removal and replacement of existing asbestos floor tiles; hazardous material abatement; and (2) site work consisting of relocating the parking spaces closer to the building. The appropriation may be spent for design and construction costs, equipment, furnishings, materials, site improvements, any necessary land or easement acquisition, architects' fees, engineering fees, other consultants' fees, legal fees, net temporary interest and other financing costs, and other expenses related to the project. The Building Committee established for the project is authorized to determine the scope and particulars of the project. The Building Committee established for the project may reduce or modify the scope of the project, and the entire appropriation may be spent on the project as so reduced or modified.
2. The Council hereby determines that the project is of a general benefit to the Town and the project and debt service on bonds and notes issued to finance the project are payable from general property taxes.
3. That the Town issue bonds or notes in an amount not to exceed TWO MILLION THREE HUNDRED EIGHTY-TWO THOUSAND DOLLARS (\$2,382,000) to finance the appropriation for the project. The amount of bonds or notes authorized to be issued shall be reduced by the amount of grants received by the Town for the project. The bonds or notes shall be issued pursuant to Sections 7-369 and 10-289 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.
4. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project or the receipt of grants for the project. The amount of the notes outstanding at any time shall not exceed TWO MILLION THREE HUNDRED EIGHTY-TWO THOUSAND DOLLARS (\$2,382,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be general obligations of the Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.
5. That the Mayor, Town Administrator and Finance Director, or any two of them, shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day,

ORDINANCE #260

ORDINANCE APPROPRIATING \$22,146,000 FOR VARIOUS ELEMENTARY SCHOOL ADDITIONS AND RENOVATIONS AND AUTHORIZING THE ISSUE OF \$22,146,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION

Berry & Howard LLP is designated as bond counsel to approve the legality of the bonds or notes. The Mayor, Town Administrator and Finance Director, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to, designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

6. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Mayor, Town Administrator and Finance Director, or any two of them, are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation, of interest on the bonds or notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.
 7. That the Mayor, Town Administrator and Finance Director, or any two of them, are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such various renovations to ensure compliance with applicable code provisions, including fire safety, handicap accessibility, and emergency systems requirements; reconstruction of front canopy; installation of new rear canopy; replacement of gymnasium/cafe partition; replacement of boilers; modifications to chimney draft to address air quality issues; removal and replacement of asbestos floor tiles; and hazardous material abatement; and (2) site work consisting of renovations to playgrounds to allow ADA compliance; and creation of a new parent pick-up and drop-off area at the rear of the school.
- (c) Northeast School - (estimated cost: \$3,297,900) (1) modernization of kitchen; expansion and modernization of the Library/Media Center; various renovations to ensure compliance with, applicable code provisions, including fire safety, handicap accessibility and emergency systems requirements, replacement of walls containing asbestos in certain classrooms; improvements to ventilation system to address air quality issues; replacement of boilers; replacement of corroded water lines; chimney repairs; installation, of concrete cap over dirt base of tunnels; repair roof where needed; removal and replacement of asbestos floor tiles; and hazardous material abatement; and (2) site work consisting of renovations to playgrounds to allow ADA compliance; modifications to storm drainage system; modifications to entrance drive; and installation of additional parking spaces.
- (d) Maple Street School - (estimated cost: \$3,474,200) (1) expansion of main office area; creation of art room in classroom; renovation of lavatories and the health office; renovation of the corridor of the Union Street wing of the school; various code improvements to ensure compliance with applicable code provisions, including fire safety, handicap accessibility, and emergency systems requirements; replacement of casework in all classrooms; replacement of all exterior doors; repointing of exterior masonry; replacement of boilers; restoration of clock tower; removal and replacement of asbestos floor tiles; hazardous material abatement; and other miscellaneous improvements; and (2) regrading and drainage improvements primarily in the rear of the building; and creation of new automobile turnaround and parent pick-up and drop-off area.
- (e) Lake Street School - (estimated cost: \$5,409,900) (1) addition to the main office complex and reconfiguration of existing main office complex; an approximately 3,000 square foot addition for the Library/Media Center; reconfiguration of existing Library/Media Center; various renovations to ensure compliance with applicable code provisions, including fire safety, handicap accessibility and emergency systems requirements; reroofing flat roof sections

ORDINANCE #260

ORDINANCE APPROPRIATING \$22,146,000 FOR VARIOUS ELEMENTARY SCHOOL ADDITIONS AND RENOVATIONS AND AUTHORIZING THE ISSUE OF \$22,146,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION

where needed; replacement of all exterior doors; installation of suspended ceilings to increase energy efficiency; improvements to ventilation system in order to address air quality issues; creation of a single boiler room and the installation of two boilers as replacements of the five existing boilers; removal and replacement of asbestos floor tiles; and hazardous material abatements; and (2) site work consisting of renovations to playgrounds to allow ADA compliance; creation of additional parking spaces; and drainage improvements.

The appropriation may be spent for design and, construction costs, equipment, furnishings, materials, site improvements, any necessary land or easement acquisition, architects' fees, engineering fees, other consultants' fees, legal fees, net temporary interest and other financing costs, and other expenses related to the project. The Building Committee established for the project is authorized to determine the scope and particulars of the project. The Building Committee established for the project may reduce or modify the scope of the project, and the entire appropriation may be spent on the project as so reduced or modified.

2. The Council hereby determines that the project is of a general benefit to the Town and the project and debt service on bonds and notes issued to finance the project are payable from general property taxes.
3. That the Town issue bonds or notes in an amount not to exceed TWENTY TWO MILLION ONE HUNDRED FORTY-SIX THOUSANDS DOLLARS (\$22,146,000) to finance the appropriation for the project. The amount of bonds or notes authorized to be issued shall be reduced by the amount of grants received by the Town for the project. The bonds or notes shall be issued pursuant to Sections 7-369 and 10-289 of the General Statutes of Connecticut; Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.
4. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project or the receipt of grants for the project. The amount of the notes outstanding at any time shall not exceed TWENTY TWO MILLION ONE HUNDRED FORTY-SIX THOUSAND DOLLARS (\$22,146,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be general obligations of the Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.
5. That the Mayor, Town Administrator and Finance Director, or any two of them, shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day, Berry & Howard LIP is designated as bond counsel to approve the legality of the bonds or notes. The Mayor, Town Administrator and Finance Director, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to Issue the bonds or notes.
6. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Mayor, Town Administrator and Finance Director, or any two of them, are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

ORDINANCE #260

ORDINANCE APPROPRIATING \$22,146,000 FOR VARIOUS ELEMENTARY SCHOOL ADDITIONS AND RENOVATIONS AND AUTHORIZING THE ISSUE OF \$22,146,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION

7. That the Mayor, Town Administrator and Finance Director, or any two of them, are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.
8. That all grants received for the project shall be applied to pay the costs of the project or to reduce the amount of bonds or notes issued to finance the project, unless the Town increases the appropriation for the project and provides that such increased appropriation is to be financed by such grants. In the event of any such increased appropriation, temporary notes may be issued pursuant to this ordinance pending the receipt of such grants.
9. That the Town Council shall appoint members of the School Building Committee for the project. The Committee is vested with the following powers and duties: (I) to approve design and construction expenditures for the project; (II) to contract with architects, engineers, contractors and others in the name and on behalf of the Town to complete the project; and (III) to exercise such other powers as are necessary or appropriate to complete the project. The Town Council shall fill any vacancies on the Committee and shall choose the chairperson and secretary of the Committee. Committee members shall not receive any compensation for their services. Necessary expenses of the Committee shall be included in the cost of the project. The records of the Committee shall be filed with the Town Clerk and open to public inspection during normal business hours. Upon completion of the project, the Committee shall make a complete report and accounting to the Town Council and the Town.
10. That the Board of Education is authorized to apply for and accept state grants for the project. The Board of Education is authorized to file applications with the State Board of Education, to execute grant agreements for the project, and to file such documents as may be required by the State Board of Education to obtain grants for the costs of financing the project. Any grant proceeds may be used to pay project costs or principal and interest on bonds, notes or temporary notes.
11. That the Mayor, Town Administrator and Finance Director, or any two of them, the Board of Education, the School Building Committee established for the project and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds, notes or other obligations to finance the aforesaid appropriation,
12. The School Building Committee for the project is authorized to expend up to \$20,559,600 of said appropriation to carry out the project, with the remaining amount of said appropriation to be spent on net interest on temporary borrowing and other legal and financing costs unless the Mayor, Town Administrator and Finance Director, or any two of them, authorize the expenditure of said remaining amount for the project.
13. This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon and after approval at referendum vote as provided In Chapter XII, Section 12 of the Town's Charter.
14. This ordinance shall be effective for not more than ten years from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed.

Introduced: December 28, 2004
Advertised: January 1, 2005
Public Hearing: January 11, 2005
Council Action: January 11, 2005
Advertised: January 29, 2005
Effective Date: April 13, 2005
Passed at Referendum: March 29, 2005

ORDINANCE #261

TOWN OF VERNON MEDICAL SELF-INSURANCE FUND

A. Statement of Purpose

- 1) The Town of Vernon Medical Self-Insurance Fund (otherwise known throughout this document as the Fund) shall be used for the accumulation of all assets towards the payment of medical claims inclusive of employee health, dental and prescription benefits.
- 2) The Town of Vernon, as both a provider and subscriber of health, dental and prescription benefits, creates this fund to more efficiently and effectively meet its health care objectives for employees and retirees.
- 3) The Fund shall include and account separately for the general government utilization, education utilization and proprietary funds utilization. The Fund shall be reported in the Town of Vernon Financial Report as an Internal Service Fund in accordance with the Governmental Accounting Standards Board (GASB) and shall remain in compliance with GASB Code as it may be amended from time to time.

B. Definition

Fiscal period is defined as the Town's Fiscal Year July 1st to June 30th. Assets of the fund are the property of the Town of Vernon.

C. Budget

- 1) Annually and not less, the Town of Vernon shall conduct an actuarial study of historical cost information to determine that the internal service fund revenues and expenses are equalized. The annual budget shall provide for an equalization of revenues and expenses. The total charge by the Medical Self-Insurance Fund to the other funds, general government, education and proprietary funds, and to the covered participants within each fund, shall be conducted annually and shall equal the individual anticipated fund expenses.
- 2) Annual charges shall also include incurred but not reported (IBNR) medical claims that are incurred in the prior fiscal year but not reported until the new fiscal year.
- 3) Additionally, the Medical Self-Insurance Fund charge shall also include the reasonable reserve for unexpected catastrophic losses.
- 4) Deficits as they may accrue annually resulting from expenditures exceeding inter-fund charge shall be made whole within the succeeding two (2) fiscal periods by adjusting the actuarial determined charge accordingly.
- 5) The unrestricted net assets of the Fund shall be maintained at a percentage of estimated expenditures for the ensuing fiscal year, as so determined annually.

D. Description of Services

- 1) The services that may be paid from the Fund include payments for special services for claims administrated and actuarial reports; stop loss insurance premiums; employee medical claims; medical claims for retirees; legal and defense costs; investigation costs and judgments; and employee wellness programs.
- 2) Claims and expenses are to be recognized in accordance with generally accepted accounting principles for governmental units inclusive of the Governmental Accounting Standards Board (GASB) and the State of Connecticut Office of Policy and Management.
- 3) Claims shall be administered by a third party administrator.

E. Sources of Funds

The primary sources of revenue are inter-fund premiums (charges), employee contributions, employee cost sharing for dependents, retiree contributions, investment income and other sources such as insurance subrogation recovery.

F. Dissolution of Funds

Should the Town of Vernon return to a fully insured program from an outside vendor, any undesignated balances shall be prorated against future period premiums over a three (3) year period. If the Town of Vernon discontinues medical coverage for employees, funds will be distributed to the respective capital and non-recurring expenditure accounts of the general government and education; and directly to the participating proprietary funds.

G. Reporting

Annually, and not less, the Finance Officer, who shall maintain fiduciary control of the Fund,

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TOWN OF VERNON MEDICAL SELF-INSURANCE FUND

shall report to the Town Council, Board of Education and Water Pollution Control Authority as to the experience and performance of the Fund for the subject fiscal period and the expectation of the rate of funding for the following fiscal year. At this time the Finance Officer will also ascertain the unrestricted net assets percentage rate to be maintained by each fund, general government, education, and proprietary, for the ensuing fiscal period.

H. Term Limit

In accordance with the Vernon Town Charter, Chapter V, Section 5, this ordinance will be effective for a period of not more than ten (10) years from the date of this adoption.

Introduced: June 21, 2005
Advertised: July 12 & 13, 2005
Public Hearing: July 19, 2005
Council Action: July 19, 2005
Advertised: July 23, 2005
Effective Date: August 7, 2005

ORDINANCE #262

AN ORDINANCE REGARDING FINANCING OBLIGATIONS OF THE BOLTON LAKES REGIONAL WATER POLLUTION CONTROL AUTHORITY AND THE PAYMENT AND GUARANTEE OBLIGATIONS OF ITS CONSTITUENT MUNICIPALITIES OF BOLTON AND VERNON

I. DEFINITIONS

For the purposes of this ordinance, the following terms shall have the meanings set forth in this section:

“BLRWPCA” means the Bolton Lakes Regional Water Pollution Control Authority, as established by the Enacting Ordinance, or any successor thereto.

“Bolton” means the Town of Bolton, Connecticut.

“Bonds” means any bonds, notes, temporary notes or other obligations issued, renewed or refinanced by the BLRWPCA pursuant to the provisions of CGS §§ 22a-500 to 22a-519, inclusive, including but not limited to Interim Funding Obligations, Project Loan Obligations, and obligations incurred in connection with any United States Department of Agriculture loan program.

“CGS” means the Connecticut General Statutes, as the same may be amended from time to time.

“DEP” means the Connecticut Department of Environmental Protection.

“Enacting Ordinance” means the Ordinance Creating The Bolton Lakes Regional Water Pollution Control Authority, which Ordinance was adopted by Bolton on April 1, 2003 and by Vernon on April 5, 2003.

“Financing Ordinance” shall mean this Ordinance Regarding Financing Obligations Of The Bolton Lakes Regional Water Pollution Control Authority And The Payment And Guarantee Obligations Of Its Constituent Municipalities Of Bolton And Vernon.

“Interim Funding Obligation” has the same meaning as set forth in CGS § 22a-475 (17).

“Jurisdictional Area” means the area over and within which the BLRWPCA has regulatory jurisdiction pursuant to the Enacting Ordinance.

“2003 Study Construction Phase” means all of the sewer construction activities that are planned to occur in the Lakes District and the Southwestern District in accordance with the report entitled “Bolton Lakes Wastewater Management Study, Towns of Vernon & Bolton, Connecticut, January 22, 2003, Revised May 2003”, by Fuss & O’Neill, Inc., as that, report may be amended prior to the beginning of such construction.

“2003 Study Construction Phase Bonds” means Bonds issued to finance design, construction and other, costs (including, temporary interest and other financing costs) related to the 2003 Study Construction Phase of the Regional Sewerage System. The 2003 Study Construction Phase Bonds maybe issued and renewed from time-to-time, in one or more series, through public or private sale and under one or more programs.

“Project Loan Obligation” has the same meaning as set forth in CGS § 22a-475 (28).

“Regional Sewerage System” and “System” mean the sewerage system to be constructed, maintained and operated by the BLRWPCA pursuant to the Enacting Ordinance.

“Towns” means Bolton and Vernon.

“Vernon” means the Town of Vernon, Connecticut.

Capitalized terms used herein not otherwise defined shall have the same meaning ascribed to them by the Enacting Ordinance, unless the context otherwise demands.

II. STATEMENT OF PURPOSE

The Enacting Ordinance was adopted by Bolton and Vernon to address regional concerns for safe wastewater disposal and groundwater protection. The Enacting Ordinance contemplates the construction of a Regional Sewerage System and provides terms for the proportional allocation of costs to Bolton and Vernon. It also contemplates that, after the Regional Sewerage System is constructed and becomes operational, benefit assessments and connection and use charges will be implemented by the BLRWPCA in accordance with CGS § 22a-506, 7-249, 7-255 and other applicable state laws. Such assessments and charges will be designed to recover, to the extent lawfully possible, the costs of construction and operation of the System and to reimburse any general funds of the Towns used in such construction and operation. It is anticipated that the BLRWPCA, in addition to pledging its full faith and credit, shall pledge its revenue derived from the maintenance and operation of its wastewater system to secure the punctual payment of all principal and interest on any 2003 Study Construction

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Phase Bonds issued by the BLRWPCA in connection with the 2003 Study Construction Phase of the Regional Sewerage System.

Before the Regional Sewerage System becomes operational, the BLRWPCA will lack the legal authority to levy such assessments and charges and, therefore, must rely on other revenue sources to fund the planning, design, construction and preliminary operation of the System and the administrative operations of the BLRWPCA. Such sources may include grants, loans, advances of Town funds and proceeds of the issuance of the Bonds. It is contemplated that costs of the BLRWPCA, to the extent not funded from other sources, will be apportioned between the Towns.

It is anticipated that in order for the BLRWPCA to finance the design, construction and other costs of the 2003 Study Construction Phase of the Regional Sewerage System through the issuance of the 2003 Study Construction Phase Bonds, the payment of principal and interest on the 2003 Study Construction Phase Bonds will need to be guaranteed by the Towns, such guarantee to constitute a pledge of the Towns full faith and credit, as authorized by CGS § 22a-509(b). It will be to the ultimate benefit of the Towns that the BLRWPCA be enabled to secure such financing and, therefore, it is essential that the Towns agree to provide such financial security for the obligations to be incurred by the BLRWPCA.

This Financing Ordinance is intended to further the goals and objectives of the Enacting Ordinance by providing additional mechanisms and procedures in connection with funding the design and construction of the Regional Sewerage System, for aid and cooperation in the planning, undertaking, construction and operation of the Regional Sewerage System and for the administrative and operational costs of the BLRWPCA.

III. FINANCING AND BONDING OBLIGATIONS'

A. Section I of the Enacting Ordinance, "DEFINITIONS" is amended by:

- (1) Changing the defined term "Initial Phase" to "2003 Study Construction Phase".
- (2) Adding the following definitions:
 - a. "Benefited Properties" are those properties that have the legal right to make a connection to and use the Regional Sewerage System, regardless of whether such connection has actually been made for such properties."
 - b. "Wastewater Flow Percentage" shall mean the percentage of the total, average daily wastewater flow to the Regional Sewerage System that would originate from a particular Town if all Benefited Properties within that Town were connected to the System. For the purposes of this calculation, each residential dwelling unit shall be presumed to supply an average of 250 gallons of wastewater per day to the System, regardless of actual flows. Average daily flows from other uses shall be estimated by the users; provided, that the Directors appointed to the BLRWPCA by either Town may require such user to install a flow meter to verify the flows."

B. Section VIII of the Enacting Ordinance, "CAPITAL IMPROVEMENTS" is amended by:

- (1) Amending the title of the Section to read: "ASSIGNMENT OF CAPITAL AND NON-CAPITAL COSTS TO TOWNS".
- (2) Amending the title and text of sub-Section A thereof to read as follows:
 - A. Proportional Assignment of Capital Costs. The aggregate cost of all capital improvements, to the extent not defrayed from other sources, shall be proportionally assigned to the Towns in accordance with the proportion of benefit that each Town receives from such capital improvements. For purposes of the 2003 Study Construction Phase of the Regional Sewerage System, the proportion of cost to be borne by each Town shall be determined by each Town's respective Wastewater Flow Percentage. The Wastewater Flow Percentages, in turn, will be estimated on the basis of the properties and uses that will be connected to, or would be benefited by, the Regional Sewerage System upon completion of the 2003 Study Construction Phase of the Regional Sewerage System as set, out in the report entitled "Bolton Lakes Wastewater Management Study, Towns of Vernon & Bolton, Connecticut, January 22, 2003, Revised May 2003", by Fuss & O'Neill, Inc., as that report may be amended prior to the beginning of such construction and approved by a majority of the Directors of the

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BLRWPCA appointed by each Town.

(3) Amending the title and text of sub-Section B thereof to read as follows:

B. Method of Determination of Proportional Assignment of Capital Costs. The BLRWPCA shall have the power to determine the Benefited Properties and Wastewater Flow Percentages available to each Town from any capital improvements that are made after completion of the 2003 Study Construction Phase. However, no such determination may be made except upon the approval of a majority of the Directors appointed by each Town. If the BLRWPCA cannot make such a determination, it shall hire or appoint a qualified engineering professional or firm to determine the proper proportions, and such determination, will be binding upon the BLRWPCA.

(4) Adding sub-Section C thereto, to read as follows:

C. Proportional Assignment of Non-Capital Expenses. The non-capital costs of the operation and administration of the BLRWPCA, including without limitation debt service payments with respect to borrowings by the BLRWPCA, to the extent not defrayed from other sources: (1) prior to the initial proportional assignment of capital costs pursuant to sub-Sections A and B above, shall be allocated 71% to Bolton and 29% to Vernon; and (2) following the initial proportional assignment of capital costs pursuant to sub-Sections A and B above, shall be allocated between the Towns on the basis of the proportional assignments of capital costs pursuant to sub-Sections A and B above for all then existing capital improvements of the BLRWPCA.

C. Section XII of the Enacting Ordinance, "EFFECTIVE DATE" is amended by:

(1) Amending the text to read as follows:

"This Ordinance shall take effect fifteen days after publication This Ordinance shall be effective in Vernon for not more than ten years from the date of adoption at which time, if the Vernon Town Council does not or has not acted to renew the Ordinance, the Ordinance shall be deemed repealed in Vernon."

D. (1) Approval of the Entrance into Agreements by Towns in Connection With the 2003 Study Construction Phase Bonds. In accordance with the provisions of CGS § 22a-509(b), Bolton and Vernon are hereby each authorized to enter into one or more agreements with the BLRWPCA, for such periods and containing such terms and conditions as the authorized officials of each Town, as set out in this Section C, shall determine to be necessary or convenient to aid and cooperate in the financing by the BLRWPCA of the 2003 Study Construction Phase through the issuance of the 2003 Study Construction Phase Bonds, including, but not limited to, the guarantee by such Town of the punctual payment of its proportionate share of the principal and interest on the 2003 Study Construction Phase Bonds and the pledge of the full faith and credit of such Town to the payment thereof, as further described below.

(2) **Obligation to Guarantee 2003 Study Construction Phase Bonds.** The adoption of this Financing Ordinance by both Towns shall constitute the specific concurrence of each Town to enter into one or more agreements to guarantee the punctual payment of its proportionate share, as determined in accordance with sub-Section (2)(a) below, of all principal and interest on any 2003 Study Construction Phase Bonds issued by the BLRWPCA in connection with the 2003 Study Construction Phase of the Regional Sewerage System and such Town's pledge of its full faith and credit to the payment thereof in accordance with the following terms and conditions:

(a) **Guarantee Obligation to be Proportional.** The proportion of guarantee obligations of each Town shall be the same as the proportion assigned to each Town for the cost of capital improvements for the 2003 Study Construction Phase of the Regional Sewerage System pursuant to Section VIII.A of the Enacting Ordinance, as amended hereby.

(b) **Nature of Guarantee and Pledge.** Each Town shall pledge to and agree with the owners of the 2003 Study Construction Phase Bonds, and may pledge to and agree with those persons who may enter into contracts with the BLRWPCA, pursuant to the provisions of sections CGS § 22a-500 to 22a-519, inclusive, that it will not limit, or

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alter the rights, vested in the bond owners, the BLRWPCA or, if applicable, any contracting party pursuant to such guarantee agreement until the 2003 Study Construction Phase Bonds, together with the interest thereon are fully met and discharged and, if applicable, such contracts are fully performed on the part of the BLRWPCA, provided that such limitation or alteration may occur if and when adequate provision shall be made by law for the protection of the owners of the 2003 Study Construction Phase Bonds or, if applicable, those entering into such contracts with the BLRWPCA. The BLRWPCA may include this pledge and undertaking of the Towns in the 2003 Study Construction Phase Bonds or such contracts. To the extent provided in such agreement or agreements, the obligations of each Town thereunder shall be obligatory upon the Town and the inhabitants and property thereof.

(c) Annual Appropriations. In each year that 2003 Study Construction Phase Bonds are outstanding, each Town shall appropriate an amount of money which shall be sufficient to meet the Town's guarantee obligations in connection with such 2003 Study Construction Phase Bonds, and shall have available on or before the date or dates on which any payment shall be due on the 2003 Study Construction Phase Bonds, an amount of money which, together with other revenues available for such purpose, shall be sufficient to meet the Town's guarantee obligations in connection with such 2003 Study Construction Phase Bonds.

(3) Authorized Officials. The First Selectman and the Treasurer or Deputy Treasurer of Bolton, and the Mayor, Town Administrator and Finance Director, or any two of them, of Vernon, are hereby authorized to enter into any agreements and to execute any documents on, behalf of such official's respective Town which are necessary or desirable to carry out the provisions of this Section C, including without limitation the guarantee agreements with respect to the 2003 Study Construction Phase Bonds contemplated by and approved in this Section C; and such officials are each individually authorized to take all other action which is necessary or desirable to carry out the provisions of this Financing Ordinance.

E. Approval of the Entrance into Agreements by Towns in Connection With Certain Other Matters. In accordance with the provisions of CGS § 22a-509(b), Bolton and Vernon are hereby each authorized to enter into one or more agreements with the BLRWPCA, for such periods and containing such terms and conditions as, with respect to Bolton, its Board of Selectmen, and with respect to Vernon, its Town Council, shall determine to be necessary or convenient to aid and cooperate in the planning, undertaking, construction or operation of the System.

IV. SEVERABILITY

If any section, paragraph, subdivision, clause, or provision of this Ordinance is adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

V. EFFECTIVE DATE

This Financing Ordinance shall take effect on the later to occur of the following: (1) approval of this ordinance by the Board of Selectmen of Bolton and by the eligible voters of Bolton acting at referendum; or (2) approval of this ordinance by the Town Council of Vernon and by the eligible voters of Vernon acting at referendum. This Ordinance shall be effective in Vernon for not more than ten years from the date of adoption at which time, if the Vernon Town Council does not or has not acted to renew the Ordinance, the Ordinance shall be deemed repealed in Vernon.

Introduced: July 19, 2005
Advertised: August 10, 2005
Public Hearing: August 16, 2005
Council Action: August 16, 2005
Advertised: August 25, 2005
Referendum: September 27, 2005
Effective Date: October 14, 2005

ORDINANCE # 263

AN ORDINANCE ESTABLISHING A LOCAL HISTORIC PROPERTIES COMMISSION AND DESIGNATING HISTORIC PROPERTIES AND DISTRICTS.

PREAMBLE:

It is the intent of the Council of the Town of Vernon to consolidate INTO ONE ORDINANCE the ESTABLISHMENT OF THE HISTORIC PROPERTIES COMMISSION AND THE DESIGNATION OF Historic Properties and Districts that were enacted by Ordinance # 185 and #236 and to add a new district known as the Village of Talcottville Historic District which was ratified by an election on December 14, 2005 and a new Historic Property.

BE IT ORDAINED:

By the Council of the Town of Vernon, hereby repeals Ordinance # 185 – “An Ordinance Establishing A Local Historic Properties Commission and Designating a Historic Property” and Ordinance # 236 – An Ordinance Amending Ordinance # 185 Entitled “An Ordinance Establishing A Local Historic Properties Commission and Designating a Historic Property” and substitutes the following provisions:

SECTION 1 - INTENT

It is the intent of this ordinance to promote the educational, cultural, economic and general welfare of the Town of Vernon through the preservation and protection of Historic Properties within the Town; and to preserve and protect its architectural and historical integrity.

SECTION 2 - PURPOSE

The purpose of this ordinance is to carry out the provisions of Sections 7-147p through 7-147y of the Connecticut General Statutes concerning historic properties as amended, herein referred to as the Act.

SECTION 3 - COMMISSION

a. Establishment

A Historic Properties Commission is hereby established which shall have such powers and limitations and perform such functions as shall be Prescribed under the General Statutes of Connecticut and as provided in this Ordinance.

b. Composition

The commission shall consist of five regular members and at least three alternate members, all of whom shall be electors of the town holding no salaried town office. All shall serve without compensation.

c. Terms

The terms of the original members of the Commission shall be such that the term of at least one regular member and one alternate member shall expire each year. Their successors shall be appointed for terms respectively of five years for regular members and three years for alternate members, except that an appointment to fill a vacancy shall be for the duration of the unexpired term. The present Commission is to remain in place.

d. Officers

Within thirty (30) days after appointment of the original members of the Commission, and annually thereafter, the regular members shall meet and elect officers as specified in the Act. Alternate members shall not participate in the vote for election of officers of the Commission.

e. Appointment

Members shall be appointed within 30 days of the passage of this Ordinance. Appointments shall be made by the Mayor with approval by the majority of the Town Council.

f. Quorums

Three members of the commission shall constitute a quorum for the transaction of its business or the performance of its functions and the concurring vote of a majority of those constituting a quorum shall be necessary for the adoption of any recommendation, motions, or other acts of the Commission; except that the affirmative vote of at least three members shall be necessary for the approval of a certificate of appropriateness.

g. Designation of Alternates

When a member of the Commission is unavailable to act at a particular time due to absence, sickness, conflict of interest or other good reason, the Chairman shall designate an alternate member to act in place of such member, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible.

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h. Notice, Hearings, and Approvals

- i) The Historic Properties Commission shall hold a public hearing upon each application for the certificate of appropriateness unless the Commission determines that such application involves items not subject to approval by the Commission. The Commission shall fix a reasonable time and place for such hearing. Notice of the time and place of such hearing shall be given by publication in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the Town of Vernon not more than fifteen days and not less than five days before such hearing.
- ii) Within not more than sixty-five days after the filing of an application, the Commission shall pass upon such application and shall give written notice of its decision to the applicant. Failure of the Commission to act within said sixty-five days shall constitute approval and no other evidence of approval shall be needed.
- iii) Evidence of approval shall be by certificate of appropriateness issued by the Commission.
- iv) When a certificate of appropriateness has been denied, the Commission shall place upon its records and in the notice to the applicant the reasons for its determination.
- v) All hearings and meetings of the Commission at which decisions are made shall be open to the public. The Commission shall keep a permanent record of its resolutions, transactions and determinations and of the vote of each member participating thereon.

i. Commission Action

In its deliberations" the Commission shall act only for the purpose of controlling the erection, demolition or alternation of buildings, structures or parking, visible from the public right of way, which are incongruous with the historical or architectural aspects of the properties.

j. Adoption of Rules

The Commission shall adopt rules of procedure which it deems necessary to carry out the intent of section 7-147p through 7-147y of the General statutes and the intent expressed in Section 1 above. The Commission shall adopt guidelines not inconsistent with the provisions of sections 7-147p through 7-147y, inclusive, to provide guidance to property owners as to factors to be considered in preparing an application for a certificate of appropriateness. Such guidelines shall not be such as to bind the Historic Properties Commission to any uniform or necessarily traditional style throughout the properties, but shall look both to the protection of the old and to the interest and distinctiveness of this community.

SECTION 4 - COMMISSION DUTIES

a. Relationship to Other Commissions

The Commission and other Town Commissions and offices whose areas of concern may overlap or affect each other shall maintain liaison for information and coordination in matter with which the Commission may be dealing.

b. Annual Report

The Commission shall make an annual report of its activities to the Town Council.

c. Cooperation and Coordination

The Commission may:

- i) provide information to the property owners and others involving the preservation of the property;
- ii) initiate planning and zoning proposals;
- iii) cooperate with other regulatory agencies and civic organizations and groups interested in historic preservation;
- v) render advice on sidewalk construction and repair, tree planting, street improvements and the erection or alteration of public buildings not otherwise under its control where they affect the Historic Property, and
- vi) furnish information and assistance in connection with any capital improvement program involving the Historic Property.

SECTION 5 - CITIZEN INVOLVEMENT

For the purpose of encouraging the responsiveness, securing the support, and drawing on the resources of the owners of historic properties and other interested residents of the area who are not

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members of the Historic Properties Commission, and apart from the provision in the Act for formal appeals from the Commission decisions by aggrieved parties, and other than the required public hearings by the Commission upon: applications for certificates of appropriateness, the Commission shall hold meetings with said owners and other interested residents when such person makes a written request to the Commission for such meeting to discuss matters of policy or other matters that may be an issue between property owners and the Commission. The Commission shall call meetings so requested within 65 days, shall not be bound by the meetings, but in formulating policy shall be responsive to the sentiments of the Community insofar as its best judgment suggests and the powers and limitations derived from the General Statutes permit.

SECTION 6 - ENFORCEMENT

Regulations and orders of the Commission issued, pursuant to the Act or to this Ordinance shall be enforced by the Zoning Enforcement Official.

SECTION 7 - DESIGNATION OF HISTORIC PROPERTIES

- a. Properties that are designated Historic Properties are to be described by recording in land records of Town of Vernon that gives a description of the property and the fact that it has been declared a Historic Property pursuant to the provisions of the Connecticut General Statutes Section 7-147p through 7-147y and the provisions of this Ordinance.
- b. The following property owned by the Town of Vernon known as Skinner-Hammond House is designated a Historic Property as follows:

7.B.1 SKINNER-HAMMOND HOUSE, 765 HARTFORD TURNPIKE

BEGINNING at an iron pin on the northerly side of Dart Road, so-called, which iron pin is at the Southwest corner of the premises here-in described and is 266.42 feet Easterly from a Connecticut Highway Department monument at the intersection of the Northerly side of Dart Road and the Easterly side of West Street, so-called; thence from said point of beginning N.5 12' 30" E., a distance of 116.63 feet to an iron pin; thence S. 88 22' 40" E., a distance of 165.69 feet to a Connecticut Highway Department bound on the Northerly side of Connecticut Highway Route #30; thence S. 55 36'55" W., a distance of 194.0 feet along the Northerly side of Connecticut Highway Route #30 to an iron pin; thence N. 84 47' 30" W., a distance of 130.0 feet along the Northerly side of Dart Road; so-called, to the point and place of beginning.

7.B.2 THE THRALL FARM, 312 BOLTON ROAD

BEGINNING at a point in the Northerly line of Bolton Road and in the Southwesterly comer of tract herein described, said point being about fifty-seven (57) feet Westerly from the Westerly line of the house on said property extended to the North line of Bolton Road and about two hundred eight-five (285) feet Easterly from Bamforth Road, the last two distances being measured in said Northerly line of Bolton Road; thence N 20° 50' E a distance of three hundred forty-two and six-tenths (342.6) feet to a point; thence S 56° 27' E a distance of two hundred eighty-five and three-tenths (285.3) feet to a steel pin; thence S 33° 33' W a distance of three hundred thirty-four and two tenths (334.2) feet to a steel pin set in said Northerly line of Bolton Road; thence N 56° 27' W a distance of two hundred nine and nine-tenths (209.9) feet to point of beginning. Being bounded Westerly, Northerly and Easterly by land now or formerly of Maxwell M. Belding and Southerly by Bolton Road.

Said premises contain approximately 1.90 acres and are described as Lot No.1, as shown on a map entitled, "Part of the property of Maxwell M. Belding 'The Thrall Farm' Vernon, Conn. Nov., 1952 Revised: Jan. 1953 Revised: Apr. 1957 Scale: 1" = 100' Robert H. Chambers, C.E. Surveyor - Civil Engineer Rockville, Conn.", which map is on file in the Town Clerk's Office in said Rockville, reference to which is hereby made for further description.

7.B.3 DR. CHARLES C. BEACH HOUSE, 507 BOLTON ROAD

BEGINNING at a point marked by a one-inch pipe set in the general westerly line of Bolton Road, which point marks the southeasterly comer of the premises herein conveyed and the northeasterly comer of land now or formerly of Eleanor P. Rusher; thence in line of land of said Rusher S. 83° 40' 40" W. two hundred eighty-nine and twenty-six one-hundredths (289.26) feet to a bound stone; thence turning and running N. 12° 52' 40" W; along land now or formerly of Samuel B. Jones and William D. Lyon, a distance of five hundred (500) fee to a point marked by an iron pipe which is southerly eleven and seventy-eight one-hundredths (11.78) feet from an old bound stone; thence turning and running N. 84° 2' E. along land now or formerly of Alvin R. and Marguerite P. Reinhart et al, two hundred seventy and twenty-eight one-hundredths (270.28) feet to an iron pipe in the said westerly line of Bolton Road; thence turning and running in said westerly road line and along the course of an old stone wall S. 14° 8' E. two hundred twenty (220) feet to a point; thence continuing in said westerly road line and in part along an old stone wall S. 14° 30' E. two hundred eighty and fifty-six one-hundredths (280.56) feet to

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the point and place of beginning.

Containing three and eighteen one-hundredths (3.18) acres of land.

7.B.4 VERNON GRANGE NO. 52, 734 HARTFORD TURNPIKE

FIRST PIECE:

BEGINNING at an iron stake, which stake is situated at the northeast corner of land of Florence Williams, and at the northwest corner of that tract herein conveyed and in the southerly line of the state highway running from Vernon Center to Lanz's Comer, so-called, runs thence in the southerly line of said highway, northeasterly 8 rods, more or less, to an iron stake; thence southeasterly in line of other land of said Baker and at right angles to said southerly line of said highway, 10 rods, more or less, to iron stake; thence southwesterly still in line of said Baker, said line being parallel to the southerly line of said highway, 8 rods, more or less, to an iron stake; thence northwesterly in line of land of said Williams and in a line at right angles to said southerly line of said highway, 10 rods, more or less, to place of beginning, containing one-half acre of land, more or less.

As said southerly line of said State Highway in description above is not positively ascertained, it is understood and agreed that the intent of this deed, regardless of stakes set supposedly in the southerly line of said highway, to convey all land between the stakes and all other land, if any, northeasterly of said stakes set approximately in line of said highway and the actual line of said highway.

SECOND PIECE:

BEGINNING at a point in the northwesterly corner of land now or formerly of the Grantor herein and the northeasterly corner of the land herein conveyed in the southerly line of Connecticut Route No. 15 running from Vernon Center to Tolland, thence running southerly along land now or formerly of the Grantor herein and land of William and Helen Young, in part by each, a distance of four hundred (400) feet (said first mentioned point being 20 feet south of the southerly edge of the concrete pavement), thence running southwesterly along land now or formerly of Bell, a distance of two hundred and fifty (250) feet to an iron pipe; thence running northerly in a line making an interior angle with the last mentioned boundary 80° 39' along land of said Bell, a distance of four hundred forty and two-tenths (440.2) feet to a point marked by an iron pin in said southerly line of said highway (which point is 20 feet south of the southerly edge of the concrete pavement); thence running easterly along said southerly line of highway, a distance of two hundred fifty (250) feet to point of beginning.

EXCEPTING THEREFROM that certain piece of parcel of land as described in a deed from the Grantor herein to G. Nelson Skinner, William Morgon Johnson. Wallace H. Thrall and Seymour Bron, Directors of Vernon Fire District, dated August 26, 1959 and recorded in Volume 115, Page 449 of the Vernon Land Records, and that certain piece or parcel of land as described in a deed from the Grantor herein to the Town of Vernon, dated September 30, 1974 and recorded in Volume 255, Page 236 of the Vernon Land Records.

Together with the right to drain storm water over land of the Town of Vernon, dated September 30, 1974 and recorded in Volume 255, Page 236.

7.B.5 JONAS SPARKS HOUSE, 150 PHOENIX STREET

BEGINNING at an iron bar set in the apparent general southeasterly line of Phoenix Street, which iron bar marks the westerly most corner of the premises herein described and a northwesterly corner of land now or formerly of Noel R. and Suzanne C. Roberts; thence running in a general northeasterly direction along Phoenix Street, a distance of 151.44 feet to a point; thence turning by an interior angle of 171 ° 51' 25" and continuing in line of Phoenix Street, a distance of 86.93 feet to an iron bar; thence turning by an interior angle of 90° 00' 00" and running along land now or formerly of Jean M. Merz, being Parcel "B" on the map above referred to, a distance of 168.49 feet to a point; thence turning by an interior angle of 144° 12' 05" and running still along land of said Merz, a distance of 146.28 feet to an iron bar set in line of said Roberts, thence turning by an interior angle of 68° 44' 40" and running westerly along line of said Roberts, a distance of 87.82 feet to an iron bar; thence turning by an interior angle of 175° 08' 40" and running still along line of said Roberts, a distance of 88.69 feet to an iron bar; thence turning by an interior angle of 180° 24' 45" and running still along line of said Roberts through one iron bar, a distance of 129.43 feet to the iron bar which marks the point and place of beginning. Said last described line forms an interior angle with the first described line with Phoenix Street of 69° 25".

Said parcel contains .96 of an acre.

7.B.6 LEONARD ROGERS HOUSE, 100 SOUTH STREET

BEGINNING at the southeast corner of the premises herein described which point is at the intersection of the northerly line of South Street and the westerly line of Fox Hill Drive; thence from said point of beginning westerly along the northerly line of South Street forming an interior angle of

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95° 37' with the westerly line of Fox Hill Drive, a distance of one hundred eighty-nine and ten one-hundredths (189.10) feet to a point; thence northerly forming an interior angle of 81 °25' with the last mentioned line, a distance of one hundred twenty-five and thirty-six one-hundredths (125.36) feet along the easterly line of land of the City of Rockville known as Henry Park to a steel pin; thence easterly forming an interior angle of 91° 35' with the last mentioned line, a distance of one hundred eighty-one and seventy-five one-hundredths (181.75) feet along the southerly line of land now or formerly of the Estate of Mary F. Brow to a steel pin; thence southerly along the westerly line of Fox Hill Drive forming an interior angle of 91 ° 23' with the last mentioned line, a distance of one hundred two and thirty one-hundredths (102.30) feet to the point and place of beginning.

7.B.7 VALLEY FALLS FARM – A, 346 VALLEY FALLS ROAD

FIRST PIECE:

BEGINNING at point in the apparent general southerly line of the highway leading from Bolton Road to Valley Falls which point is the northwesterly comer of the premises herein described and the northeasterly comer of other land of the Releasee herein and which point is three hundred sixteen (316) feet westerly; in said southerly road line from the northwesterly corner of land now or formerly of Alvin R. and Marguerite P. Reinhart; thence generally south in line of other land of the releasee herein three thousand twenty-six (3,026) feet, more or less, to an iron pin about six (6) feet south of a forty-two (42) inch hemlock; thence easterly in line of land now or formerly of Antonio Caruolo about one thousand six hundred seventy (1,670) feet, more or less, to a point in the westerly line of Bolton Road; thence generally north in said westerly road line one hundred forty (140) feet, more or less, to a point in the southerly line of land now or formerly of Donald Cummings; thence in line of land of said Cummings along three (3) courses as follows: (1) Northwesterly two hundred seventy-five (275) feet, more or less, to a point; (2) Northerly three hundred sixty-nine (369) feet, more or less to a point; and (3) Northwesterly one hundred sixty-nine (169) feet, more or less, to a point; thence continuing northerly in line of land of said Cummings and in line of land now or formerly of John Noel, in part on each, four hundred two (402) feet, more or less, to a point in line of land now or formerly of Peter Durieko; thence continuing Northerly in line of land of said Dureiko three hundred (300) feet to a point in line of land now or formerly of Maurice Dureiko; thence continuing northerly in land of said Dureiko, two hundred eighty-three and thirty-eight one hundredths (283.38) feet to a point in line of land of now or formerly of John Rusher; thence westerly in line of land of said Rusher two hundred thirty-nine (239) feet to a point; thence northwesterly continuing in line of land of said Rusher one hundred ninety-seven and ninety-two one-hundredths (197.92) feet to a point; thence northerly still continuing in line of land of said Rusher three hundred fifty-five and seventy-five one-hundredths (355.75) feet to a point in line of land now or formerly of one Orfitelli; thence northerly easterly and northerly in line of land of said Orfitelli five hundred thirty (530) feet to a point in the southerly line of land now or formerly of the said Alvin R. and Marquerite P. Reinhart; thence northerly in line of land of said Reinhart three hundred forty eight (348) feet, more or less to a point in the southerly line of Valley Falls Road; thence westerly in said southerly Road Line three hundred sixteen (316) feet to the point and place of beginning.

Containing 63 acres, more or less.

SECOND PIECE:

BEGINNING at a point in the apparent general southerly line of the highway leading from Bolton Road to Valley Falls, which point is the northeasterly corner of the premises herein described and the northwesterly corner of other land of the grantors herein, and which point is three hundred sixteen (316) feet westerly in said southerly road line from the northwesterly corner of land now or formerly of Alvin R. and Marguerite P. Reinhart; thence generally south in line of other land of the grantors herein three thousand (3,000) feet, more or less, to an iron pin about six (6) feet south of a forty-two inch hemlock; thence southerly along the westerly line of land now or formerly of the heirs and devisees of P.J. O'Leary about eight hundred thirty (830) feet to an angle point; thence southerly by a slight angle to the right still along the westerly line of/and now or formerly of the heirs and devisees of P. J. O'Leary about nine hundred fifty (950) feet to an iron pin in the northerly line of land now or formerly of Douglas Roberts; thence westerly in the northerly line of land now or formerly of said Roberts about four hundred ten (410) feet to an iron pin; thence southerly in the westerly line of land now or formerly of said Roberts about four hundred thirty (430) feet to an iron pin; thence westerly along the northerly line of land now or formerly of said Roberts about five hundred twenty-two and five-tenths (522.5) feet to an iron pin marking the northeast corner of a strip of land now or formerly of Edith D. Beach; thence westerly along the northerly line of land now or formerly of said Beach in a prolongation of the last described line about two hundred thirty-seven and five tenths (237.5) feet to the easterly line of right of way of the New York, New Haven & Hartford Railroad Company, an iron pin is located ten (10) feet west of this point; thence northerly in the easterly line of the right of way of said Railroad about forty-three hundred (4300) feet to the easterly line of land now or formerly of George Webster; thence northerly in the easterly line of land now or formerly of said Webster passing through

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an iron pin, two stone heaps and a thirty-six (36) inch elm about one thousand forty (1,040) feet to an iron pin in the approximate southerly line of the highway leading from said Bolton Road to Valley Falls; thence easterly in the southerly line of said highway about nine hundred four (904) feet to the point and place of beginning.

Containing one hundred thirty (130) acres, more or less.

7.B.8 VALLEY FALLS FARM – B, 345 VALLEY FALLS ROAD

BEGINNING at an iron pin in the approximate northerly line of a highway leading from Bolton Road to Valley Falls at the southeast corner of land now formerly of Fred Belding, et al; thence northerly in the easterly line of land now or formerly of said Belding, et al, about 195 feet to an iron pin; thence, easterly in the southerly line of land now or formerly of said Belding, et al, about 86 feet to an iron pin; thence northerly in the southerly line of land now or formerly of said Belding, et al, about 291 feet to an iron pin marking the southwest corner of land now or formerly of Perry Lathrop; thence easterly in the southerly line of land now or formerly of said Lathrop about 390 feet to an iron pin; thence, northerly in the eastern line of land now or formerly of said Lathrop about 139 feet to an iron pin; thence, easterly in the southerly line of land now or formerly of said Lathrop about 202 feet to an iron pin in the approximate westerly line of Bolton Road; thence southerly in the westerly line of Bolton Road about 648 feet to the northerly line of a highway leading from Bolton Road to Valley Falls; thence, westerly in the northerly line of said highway to Valley Falls about 953 feet to the point of beginning.

[Reference is made to map entitled “Boundary Survey Prepared for The Darico Farm and Valley Falls Park”, Scale: 1” = 40’, Date: May 2001, by JC Sommers Associates Inc., Land Surveyors, Vernon, Connecticut]

**7.B.9 TALCOTTVILLE HISTORIC PROPERTIES
(Portions of Main Street and Elm Hill Road included)**

BEGINNING at a point being the northwesterly corner of property known as #126 Main Street,
Thence running northeasterly along the southerly street line of Main Street approximately two hundred and sixty-five feet (265) to the northwesterly corner of property known as #120 Main Street,
Thence running northwesterly across Main Street approximately sixty (60) feet to the southeasterly corner of property known as #107-109 Main Street,
Thence running northwesterly approximately one hundred and thirty-five (135) feet to the southwest corner of property known as #107-109 Main Street,
Thence running northeasterly along the westerly property lines of properties known as #107-109 Main Street and #97 Main Street, approximately four hundred (400) feet, to the northwesterly corner of #97 Main Street,
Thence running northwesterly along the southerly boundary of properties known as #85 Main Street and #79 Main Street one hundred and forty-three (143) feet, to the centerline of the Tankerhoosen River,
Thence running northeasterly along the centerline on the Tankerhoosen River approximately on thousand (1000) feet to the southwesterly corner of property known as #17 Main Street,
Thence running northerly and northeasterly along the westerly boundary lines of properties known as #17 and #19 Main Street approximately three hundred and seventeen (317) feet to the southwesterly corner of property known as #11 Main Street,
Thence running northerly along the westerly boundary line of property known as #11 Main Street approximately one hundred and fifty-one (151) feet to the northwesterly corner of property known as #11 Main Street, said corner also bounding on the southerly non-access line of property of the State of Connecticut also known as Interstate Eighty-four (I-84),
Thence running easterly and northeasterly along said non-access line approximately three thousand five hundred (3,500) feet to the westerly street line of Dobson Road,
Thence running southeasterly along the westerly street line of Dobson Road approximately three hundred (300) feet to the northwesterly corner of property known as #5 Dobson Road,
Thence running southeasterly along the westerly boundary of said #5 Dobson Road approximately two hundred (200) feet to the northerly boundary of property of the State of Connecticut also known as Vernon Rails to Trails, formerly known as the New York, New Haven and Hartford Railroad Co.,
Thence running southwesterly and southerly along said boundary of the State of Connecticut approximately two thousand eight hundred (2800) feet to the northerly street line of Elm Hill Road,

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Thence running southwesterly across Elm Hill Road approximately fifty (50) feet to the Southeast corner of property known as #43 Elm Hill Road,

Thence running southwesterly along the westerly boundary of said property of the State of Connecticut approximately one hundred and thirty-five (135) feet to the southeasterly corner of property known as #43 Elm Hill Road,

Thence running northwesterly approximately forty-seven (47) feet to the southwesterly corner of property known as #43 Elm Hill Road,

Thence running northeasterly approximately one hundred and thirty-five (135) feet to the northwesterly corner of property known as #43 Elm Hill Road,

Thence running northwesterly along the southerly street line of Elm Hill Road approximately two hundred (200) feet to the northeasterly corner of property known as #31 Elm Hill Road,

Thence running southwesterly along the easterly boundary of property known as #31 Elm Hill Road approximately one hundred and sixty (160) feet to the southeasterly corner of property known as #31 Elm Hill Road,

Thence running southwesterly along a line which is the extension of the previously described course approximately two hundred (200) feet to the northern boundary of property known as the Mount Hope Cemetery,

Thence running southerly, northerly and westerly around the perimeter of the property known as Mount Hope Cemetery approximately one thousand four hundred (1400) feet to the northeasterly corner of property known as #106 Main Street,

Thence running southwesterly along the rear boundary line of properties known as #106, #110, #116, #120 and #126 Main Street approximately six hundred and fifty (650) feet to the southwesterly corner of the property known as #126 Main Street,

Thence running northwesterly along the westerly boundary of property known as #126 Main Street approximately one hundred and seventy-five (175) feet to the northwesterly corner of property known as #126 Main Street, said point being the point of beginning.

SECTION 8 - EFFECTIVE DATE

This Ordinance shall take effect 30 days from its passage.

SECTION 9 - TERMINATION OF HISTORIC PROPERTY STUDY COMMITTEE

Upon this ordinance becoming effective, all Historic Property Study Committees established to date are terminated.

Introduced:	January 3, 2006
Advertised:	January 7 or 8, 2006 in Journal Inquirer
Public Hearing:	January 17, 2006
Council Action:	January 17, 2006
Advertised:	January 21, 2006 in Journal Inquirer
Effective Date:	February 20, 2006

ORDINANCE #264

AN ORDINANCE TO WAIVE INTEREST ON PROPERTY TAX DUE FOR ANY VERNON REAL PROPERTY OWNERS WHOSE SPOUSE IS ON ACTIVE DUTY IN IRAQ AND WHO FURTHER, IS SERVING IN THE MIDDLE EAST.

Be it ordained:

Pursuant to the provisions of Public Act 05-3 (Section 9) of The June 2005 Special Session.

- a) Any person who is domiciled with and the spouse of a member of the armed services of the United States or of any state or of any reserve component there of who has been called to active service in the armed forces of the United States for military operation that are authorized by the President. of the United States that entail military action in Iraq and who is serving in the Middle East on the final day that payment of such property tax or installment or part there of is due shall not be charged any interest for period of one year on any property tax or installment or part there of that is payable for real property assessed on the Vernon 2003 grand list.
- b) The Vernon Collector of Revenue is authorized to require written proof of the above described status in order .to implement the above described waiver of interest.

This ordinance shall be effective for real property accrued on the 2003 grand list. If the Vernon Town Council does not renew this ordinance, more than ten years from date of its adoption, the ordinance is repealed.

Introduced:	August 16, 2005
Advertised:	September 7, 2005
Public Hearing:	September 20, 2005
Council Action:	September 20, 2005
Advertised:	September 22, 2005
Effective Date:	October 7, 2005

ORDINANCE #265

AN ORDINANCE CONCERNING IDENTIFICATION OF A LANDLORD. [NEW]

Be it ordained by the Town of Vernon that

Section 1. (a) As used in this section, “address” means a location as described by the full street number, if any, the street name, the city or town, and the state, and not a mailing address such as a post office box; “dwelling unit” means any house or building, or portion thereof, which is rented, leased or hired out to be occupied, or is arranged or designed to be occupied, or is occupied, as the home or residence of one or more persons, living independently of each other, and doing their own cooking upon the premises, and having a common right in the halls, stairways or yards; and “agent in charge” means one who manages real estate, including, but not limited to, the collection of rents and supervision of property.

(b) A nonresident owner of occupied or vacant rental real property shall maintain on file in the office of the tax assessor, the current residential address of the nonresident owner of such property, if the owner is an individual, or the current residential address of the agent in charge of the building, if the nonresident owner is a corporation, partnership, trust or other legally recognized entity owning rental real property in the state. If such residential address changes, notice of the new residential address shall be provided by such nonresident owner or agent in charge of the building to the office of the tax assessor not more than twenty-one days after the date that the address change occurred. If the nonresident owner or agent fails to file an address under this section, the address to which the tax collector mails property tax bills for the rental real property shall be deemed to be the nonresident owner or agent’s current address. Such address may be used for compliance with the provisions of subsection (c) of this section.

(c) Service of state or municipal orders relating to maintenance of such rental real property or compliance with state law and local codes concerning such real property directed to the nonresident owner or agent at the address on file, or deemed to be on file in accordance with the provisions of this section, shall be sufficient proof of service of notice of such orders in any subsequent criminal or civil action against the owner or agent for failure to comply with the orders. The provisions of this section shall not be construed to limit the validity of any other means of giving notice of such orders that may be used by the state or the Town of Vernon.

(d) Any person who violates any provision of this section shall have committed an infraction.

Section 2. Notwithstanding the provisions of section 51-464p of the general statutes, there is hereby established a civil penalty for a violation of Section 1 of this ordinance in the sum of two hundred fifty dollars for the first violation and not more than one thousand dollars for any subsequent violation. Any person who is assessed a civil penalty pursuant to this section may appeal therefrom to the Superior Court. An appeal shall be instituted not later than thirty days after the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for small claims case pursuant to section 52-259 of the general statutes, at the Superior Court facility designated by the Chief Court Administrator, which shall entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.

Section 3. This ordinance shall be effective for not more than ten (10) years from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed.

This ordinance may be reviewed by the Town Council annually and at such time the Town Council may proceed to amend or repeal said ordinance as it so chooses.

Introduced:	April 18, 2006
Advertised:	April 25, 2006
Public Hearing:	May 2, 2006
Council Action:	May 2, 2006
Advertised:	May 5, 2006
Effective:	May 20, 2006

ORDINANCE #266

AN ORDINANCE CONCERNING PARKING DURING PERIODS OF SNOW REMOVAL AND CONSTRUCTION OF PUBLIC WORKS IMPROVEMENTS

Ordinance No 117 is hereby repealed and there is substituted in lieu thereof of the following ordinance:

AN ORDINANCE CONCERNING PARKING DURING PERIODS OF SNOW REMOVAL AND CONSTRUCTION OF PUBLIC WORKS IMPROVEMENTS

BE IT ORDAINED BY THE TOWN OF VERNON THAT

a. No person shall park a motor vehicle within the limits of a public highway in the Town of Vernon in such a manner as to interfere with, impede or obstruct the removal of snow from said highway, or the sanding of said highway, during any storm or for [eight (B)] twelve (12) hours after such storm has subsided.

b. Nothing in Paragraph a. herein shall restrict the parking by a physician on emergency call. [nor prevent a vehicle, which has become disabled to such an extent that it is impossible or impracticable to remove it, from remaining for a reasonable time for the purpose of making repairs thereto or of obtaining sufficient assistance to remove it.]

c. Whenever any motor vehicle is found parked in violation of this ordinance, it may be removed and conveyed by, or under the direction of, any law enforcement officer having jurisdiction in the Town of Vernon, by means of towing or otherwise, to a vehicle pound designated by the [Mayor] Town Administrator of said Town. Before any designated place or garage shall be authorized to be a vehicle pound, or before towing, such garage shall furnish to the [Mayor] Town Administrator of said Town satisfactory evidence of insurance coverage to protect the Town of Vernon from any claims for damages arising from the towing or storage of any impounded vehicle. Before the owner or person in charge of such vehicle shall be permitted to remove the same from such vehicle pound, he shall furnish to the [Mayor or to such] law enforcement officer [as the Mayor shall designate] evidence of his identity, ownership or right to possession, and shall sign a receipt for the same, and he shall pay the costs of [removal and storage] a fine imposed under Section 1-9, of the Code of Ordinances, Town of Vernon, and costs of removal and storage fees, but not exceeding the maximum rates and charges on file with the Commissioner of Motor Vehicles for the State of Connecticut Wrecker, Towing and Road Service Rates for each day, or portion of a day, said vehicle is stored in the vehicle pound in excess of the first 24 hours said vehicle is impounded.

The owner of any impounded vehicle shall be duly informed as to the nature and circumstances of the violation on account of which such vehicle has been impounded. In case protest is made against the payment of any fine, towing or storage fees, the designated law enforcement officer shall mark upon the receipt evidencing payment of the ~ towing and storage fees the words "paid under protest". In such case, it shall thereupon be the duty of the law enforcement officer having knowledge of the facts to forthwith issue a citation pursuant to Section 1-9 of the Code of Ordinance, Town of Vernon, [institute the proper proceedings in any Circuit Court having jurisdiction within said Town], charging the owner or driver of such vehicle with the violation of the ordinance on account of which the vehicle was impounded. In the event the owner or driver of said vehicle is found not guilty of the offense charged, he shall be reimbursed the sum of the fine so paid under protest and towing and storage fees.

It shall be the duty of the law enforcement officer designated by the [Mayor] Town Administrator to keep a record of the names of all owners of vehicles impounded, the numbers of their state license plates, the place where such vehicle was impounded, the nature and circumstances of each violation, and the disposition of each case.

d. Proof of the registration number of any motor vehicle concerned with a violation of this ordinance shall be prima facie evidence in any [criminal] enforcement action that the registered owner was the operator thereof.

e. The Chief of Police is authorized to suspend parking specifically permitted by signs and prohibit parking temporarily in any area where, in his opinion, it is necessary in.

Introduced: April 18, 2006
Advertised: April 25, 2006
Public Hearing: May 2, 2006
Council Action: May 2, 2006
Advertised: May 5, 2006
Effective: May 20, 2006

ORDINANCE #267

AN ORDINANCE RELATING TO REMOVAL OF SNOW AND ICE

BE IT ORDAINED:

(1) That Ordinance #20 entitled "Ordinance Relating to Removal, of Snow and Ice from Sidewalks; Ordinance #166 entitled "Ordinance Amending Ordinance #20 entitled "Ordinance Relating to Removal of Snow and Ice from Sidewalks" and Ordinance #190, codified as Section 11-1 of the Code of Ordinances Town of Vernon are hereby repealed and the following is substituted in lieu thereof:

(2) *Required.* The owner, lessee or occupant [owners, occupant or occupants, corporate or otherwise] of any building, or lot of land bordering on any street, square or public place within the town, where there is a sidewalk, [graded, or graded and paved] shall cause to be removed therefrom any and all snow, sleet and ice, and shall cause such sidewalk to be made safe for travel and use by covering the same with sand or other suitable substance within eight (8) hours after said snow or sleet shall have fallen, or said sidewalk shall have become slippery by reason of ice forming thereon, or within eight (8) hours after sunrise when said snow or sleet shall have fallen after 8:00 p.m., [in the night season,] or said sidewalk shall have become slippery by reason of ice forming thereon after 8:00 p.m.[in the night season.]

(3) *Exceptions permitted.* The Town Council may issue exceptions to the above provisions only in such case where the Town of Vernon or the State of Connecticut has erected a physical barrier at least three feet in height preventing a landowner from directly accessing the sidewalk from his property.

(4) *Placement of snow or ice on streets, etc., prohibited* No person shall place or cause to be placed any snow or ice onto any [traveled] portion of a public street, highway, sidewalk or throughway under the jurisdiction of the Town so as to create a hazard to vehicular or pedestrian traffic or hamper or impede the removal of snow and ice by the Town.

(5) *Penalty for violation.* Any person, or in the case of a corporation the officers thereof, who shall violate any provision of this Ordinance shall be fined [not more than fifty dollars (\$50.00) for each offense] in accordance with Section 1-9 of the Code of Ordinances, Town of Vernon.

(6) *Duration.* This ordinance shall be effective for not more than ten (10) years from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed.

This ordinance may be reviewed by the Town Council annually and at such time the Town Council may proceed to amend or repeal said ordinance as it so chooses.

Introduced:	April 18, 2006
Advertised:	April 25, 2006
Public Hearing:	May 2, 2006
Council Action:	May 2, 2006
Advertised:	May 5, 2006
Effective:	May 20, 2006

ORDINANCE #268

AN ORDINANCE ESTABLISHING A DESIGN REVIEW ADVISORY COMMISSION WITHIN THE TOWN OF VERNON

1. Establishment; purpose:

There is hereby established a Design Review Advisory Commission by the Town of Vernon for the purpose of maintaining a high standard of community development, protecting the public health, safety, convenience and welfare, protecting the value of all real property within the community, promoting aesthetically pleasing development and preserving the special character of existing neighborhoods.

For the purpose of this ordinance, "Commission": shall mean the Design Review Advisory Commission.

The Commission shall be subject to all applicable Freedom of Information rules, regulations and laws.

2. Members; terms; qualifications; offices; vacancies;

2.1 Members and terms of office: The commission shall be composed of five regular members and four alternate members who each shall be appointed upon the recommendation of the Mayor and the approval of the Town Council. The term of office for members and alternates shall be three years. All present members of the Design Review Advisory Commission shall become members of the Design Review Advisory Commission in their terms shall continue until such time as their term may presently expire or until December 31, 2008 or whichever comes later. Thereafter, December 31, 2008 no member shall serve on the board for more than two full consecutive terms.

2.2 Qualifications: At least two regular members shall be qualified by reason of education, training or experience in architecture, landscape architecture, city planning, historic preservation or related graphic arts, or any one of the related fields to the above. One regular member shall be a real estate development or construction professional and at least one alternate member shall have specific training or experience in architecture, city planning, historic preservation, construction, or other related businesses or professions. All other alternate members will not require any specific qualifications. All regular and alternate members shall be residents or electors of 'the Town of Vernon.

2.3 Officers: The Chairperson and Vice Chairperson of the Commission shall be elected by a majority of the members of the Commission for a term of two (2) years. Commission members shall not serve as Chairperson or Vice Chairperson for more than two (2) years.

2.4 Vacancies: Any vacancy shall be filled for the remainder of the unexpired term as original appointments are herein provided. Any regular member or alternate member who misses 50% or more of the scheduled meetings in any calendar year shall be removed by the commission consistent with Chapter 8, section 11 of the Vernon Town Charter entitled "Removal".

3. Meetings

The commission shall meet at least twice a month or as often as is deemed necessary. Quorum shall consist of at least three members. In making recommendations on applications pending before it, the commission shall act in accordance with the Zoning Regulations adopted by the Planning and Zoning Commission. The commission shall report at least annually to the Town Council and the Planning and Zoning Commission on its activities.

4. Procedures:

4.1 Submission: An application for a special permit site plan approval, subdivision, or modification to an already approved plan, or plan approved special permit or approved site plan when said modification or special permit or site plan involves significant architectural features, shall submit an extra set of all materials with said application for the commission's review and any said other material as the commission may require.

4.2 Forwarding to Commission: The Town Planner upon receipt of an application, forward a copy of all completed application material to the Commission.

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**AN ORDINANCE ESTABLISHING A DESIGN REVIEW ADVISORY COMMISSION
WITHIN THE TOWN OF VERNON**

- 4.3 Faction by the Commission:** At least seven (7) days prior to a hearing by the Planning and Zoning Commission on the request for a special permit, site plan approval, or modification to an already approved plan or special permit or site plan application, the Commission shall submit a written report, including special recommendations and suggestions, to the applicant, the Town Planner, and the Planning and Zoning commission. Failure of the Commission to comply with the time requirements of this subsection shall not delay the town's action on the application, unless such delay is requested by the applicant.
- 4.4** A representative of the Commission shall attend each meeting of the Planning and Zoning Commission at which an application involving design review is heard.
- 4.5 Preliminary Considerations:** An applicant may request preliminary consideration by the Commission of his general plans prior to seeking a special permit, site plan approval, or modification to an already approved plan, or special permit or site plan. When seeking preliminary consideration, the applicant shall submit a plan showing the proposed structures, improvement and packing, together with a general description of his plans. The Commission shall submit comments, together with its recommendations and suggestions, to the applicant no later than twenty (20) days after receipt thereof.

Note: Chapter V Section 5 of the Town of Vernon Charter, as amended November 6, 1990, provides that each ordinance adopted by the Town Council shall provide that the ordinance will be effective for a period of not more than ten (10) years from the date of adoption. If the Town Council does not act to renew the ordinance, the ordinance is repealed.

INTRODUCED	May 16, 2006
ADVERTISED:	May 30, 2006
PUBLIC HEARING	June 6, 2006
COUNCIL ACTION:	June 6, 2006
ADVERTISED	June 9, 2006
EFFECTIVE:	June 24, 2006

ORDINANCE # 269

**ORDINANCE FOR ADOPTION OF THE INTERNATIONAL PROPERTY
MAINTENANCE CODE**

An ordinance of the Town of Vernon adopting the 2003 edition of the International Property Maintenance Code, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the TOWN OF VERNON; providing for the issuance of permits and collection of fees therefore; repealing Ordinance No.1105 and 139, as codified in § 6-16 through 6-259 inclusive, except for § 6-39 of the Code of Ordinances of the Town of Vernon and all other ordinances and parts of the ordinances in conflict therewith.

The **Town Council** of the **Town of Vernon** does ordain as follows:

Section 1. That a certain document, three (3) copies of which are on file in the office of the Town Clerk of The Town of Vernon, being marked and designated as the International Property Maintenance Code, 2003 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Town of Vernon, in the State of Connecticut for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Town of Vernon are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

A.) 101.1 Title.

These regulations shall be known as the Property Maintenance Code of the Town of Vernon, herein referred to as “this code”.

**SECTION 103
CODE OFFICIAL**

B.) 103.1 General.

The Building Official is hereby designated as the Code Official.

103.2 Reserved For Future Use.

103.3 Reserved For Future Use.

103.4 Liability.

The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

1033 Reserved For Future Use.

C.) 111.1 Application for appeal.

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Building Code Board of Appeals which, in addition to the hearing appeals from the administration of the Building Code, shall also hear appeals from decisions of the Code Official under the Property Maintenance Code, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was

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served. An Application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, or that the strict application of any requirement of this code would cause an undue hardship.

111.2 Membership of board.

The board of appeals shall consist of those members appointed to the Building Code Board of Appeals pursuant to the Charter of the Town of Vernon, Chapter VIII, §~ 4 and 6 and § 29-266 of the General Statutes.

111.2.1 Alternate members.

Alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member shall be appointed pursuant to Chapter VIII, § 6 of the Charter of the Town of Vernon.

111.2.2 Reserved for future use.

111.2.3 Reserved for future use.

111.2.4 Reserved for future use.

111.2.5 Reserved for future use.

111.3 Reserved for future use.

111.4 Reserved for future use.

111.4.1 Reserved for future use.

111.5 Reserved for future use.

111.6 Reserved for future use.

111.6.1 Reserved for future use.

111.6.2 Reserved for future use.

111.7 Reserved for future use.

111.8 Reserved for future use.

111.9 Court review.

Any person, whether or not a previous party of the appeal, shall have the right to appeal from a Property Maintenance Code decision of the Building Code Board of Appeals in accordance with the provisions of § 8-208a of the General Statutes.

D.) 106.3 Prosecution of violation.

Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be liable for a fine not to exceed one hundred dollars per violation in accordance with Section 1-9 of the Code of Ordinances, Town of Vernon.. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

E.) 106.4 Violation penalties.

Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws.

F.) 303.14 Insect screens.

304.14 Insect screens.

Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

ORDINANCE # 269

ORDINANCE FOR ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE

- Exception: (1) Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.
- (2) Screens shall not be required for windows and doors enclosing habitable spaces that contain central heating and air conditioning equipment that provide mechanical ventilation.

G.) 602.3 Heat supply.

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.
2. In areas where the average monthly temperature is above 30° F (-1 °C) a minimum temperature of 68°F (20°C) shall be maintained.

H.) 602.4 Occupiable workspaces.

Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65°F (18°C) during the period the spaces, are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which person are primarily engaged in vigorous physical activities.
3. Warehouse, storage rooms and similar areas that are not occupied on a constant basis.

702.1 General.

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the 2005 Connecticut State Fire Safety Code

702.2 Aisles.

The required width of aisles in accordance with 2005 Connecticut State Fire Safety Code shall be unobstructed.

702.3 Locked doors.

All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the 2005 Connecticut State Fire Safety Code.

704.1 General.

All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the 2005 Connecticut State Fire Safety Code.

Section 3. That-if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Town of Vernon hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or .existing, under any act or

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ordinance hereby repealed as cited in Section 13 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. That the TOWN CLERK OF VERNON is hereby ordered and directed to cause this ordinance to be published.

Section 6. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.

Section 7. That Ordinance No. 150, entitled “An Ordinance Regarding the Removal of Abandoned or Inoperable Motor Vehicles” and codified as §~ 13-56 through 13-62,inclusive, of the Code of Ordinances, Town of Vernon is hereby **added** as Section 901.

Section 8. That Ordinance No. 163, entitled “An Ordinance Requiring the Assignment of Street Numbers and Requiring Affixing Thereof to Buildings” codified as § 3-2 of the Code of Ordinances, Town of Vernon is hereby added as Section 1001.

Section 9. That Ordinance No. 221, entitled “An Ordinance Amending The Vernon Code on Buildings”, as amended by Ordinance Nos. 223 and 230, and codified as § 3-4 of the Code of Ordinances, Town of Vernon is hereby added as Section 1101.

Section 10. That Ordinance No. 221 entitled “An Ordinance Revising The Penalty For Maintaining Blight Buildings” is hereby added as Section 1201.

Section 11. Pursuant to section 47a-55 of the general statutes the building official is hereby designated as another authority to exercise concurrent jurisdiction with the North Central Health District to enforce the provisions of chapter 833a of the general statutes within the town.

Section 12. That the Town Clerk of Vernon shall certify to the adoption of this ordinance, and cause the same to be published as required by law; and this ordinance shall take effect and be in force from and after its approval as required by law.

Section 13. That Ordinance Number 105, entitled “Housing Ordinance Regulating Supplied Facilities, Maintenance and Occupancy of Dwellings, Dwelling, Units, Rooming Houses and Rooming Units”, amended by Ordinance No. 139, entitled “An Ordinance Amending Ordinance # 105, entitled Housing Ordinance Regulating Supplied Facilities, Maintenance and Occupancy of Dwellings, Dwelling, Units, Rooming Houses and Rooming Units” which Ordinances are codified as, § 6-16 through 6-259, inclusive, except § 6-37 of the Code of Ordinances of the Town of Vernon, and all other ordinances or parts in conflict herewith are hereby repealed.

Sec. 14. Duration.

This ordinance shall be effective for not more than ten (10) years from the date Of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed.

This ordinance may be reviewed by the Town Council annually and at such time the Town Council may proceed to amend or repeal said ordinance as it so chooses.

Introduced:	June 6, 2006
Advertised:	June 13, 2006
Public Hearing:	June 20, 2006
Town Council Action:	June 20, 2006
Advertised:	June 22, 2006
Effective Date:	July 7, 2006

ORDINANCE #270

AN ORDINANCE ESTABLISHING THE PROCEDURE FOR THE SALE OF TOWN-OWNED REAL ESTATE

1. Ordinance shall be known and may be cited as “An Ordinance Establishing the Procedure For the Sale of Town-Owned Real Estate”.
2. **Procedures** — The sale of any parcel of Town-owned real estate with an assessed value of \$50,000 00 or more, except hereafter noted, shall be subject to the stipulations of this ordinance.
3. With any proposal to sell Town-owned real estate, whether by the Town or a prospective buyer, shall be forwarded, upon notification, to the following Town entities for comments and recommendations to the Town Council within thirty (30) days of notice of formal notice to sell the Town-owned real estate.
 - A. The Building Official
 - B. The Director of Public Works
 - C. Health Officer
 - D. Conservation Commission
 - E. Director of Parks and Recreation
 - F. Town Assessor
 - G. Town Planner
 - H. Water Pollution Control Authority
 - I. Inland Wetlands Commission
4. That abutters of the Town-owned real estate under consideration for sale, regardless of the amount of assessed value, shall be notified by the Town Clerk’s Office of the specific Town Council meeting date, time and place of which the proposed sale may be discussed notwithstanding anything to the contrary stated in this ordinance.
5. That the Mayor may make a recommendation to the Town Council regarding the sale of Town-owned real estate. For the purpose of making such a recommendation, the Mayor, may with the approval of the Town Council, appoint a three (3) member sub-committee of the Council.
6. Should the Town Council consider taking action upon the proposed sale of Town-owned real estate, the proposal shall be referred, to the Planning and Zoning Commission, with recommendations under the provisions of Connecticut General Statute 8-24.
7. That after compliance with the provisions of Connecticut General Statute 8-24, should the Town Council vote to dispose of Town-owned real estate, the Administrator shall contract with a qualified professional real estate appraiser for the preparation of an appraisal of the fair market value of the real estate under consideration.
8. That the Town Council may vote to approve a minimum sale price for said property and may authorize the Town Administrator to list the property with qualified realtors or the Town Council may vote to authorize the Town Administrator to conduct a Request for Proposals. If the Town Council seeks to sell the real estate to the highest bidder then the Town Administrator shall seek sealed bids or hold a public auction and in either of the latter two cases, to give at least ten (10) days public notice to potential bidders by publication at least once in a newspaper having circulation in the Town of Vernon of the date, time, and place of the opening of sealed bids or the public auction and inspection for the purpose of said property. If the Town Council decides that it is in the best interest of the Town to seek Request for Proposals in substitution of the highest bidder sale process, the Town Administrator shall seek a reuse plan from interested and qualified buyers as part of its Request for Proposal
9. After completion of either the highest bidder process or the Request for Proposal process, the Town Council may by a simple majority vote of its members present, subject to Connecticut General Statutes 8-24 authorize the sale of said property and shall refer the matter to the Town Attorney for the necessary documents to be executed by the purchaser and the Mayor.
10. In case of a public auction or the scaled bid process, no bid shall be valid at less than minimum sale price approved by the Town Council.
11. The sale of said property shall be accomplished by Quit Claim Deed executed by the

ORDINANCE #270

**AN ORDINANCE ESTABLISHING THE PROCEDURE FOR
THE SALE OF TOWN-OWNED REAL ESTATE**

Mayor.

12. Legal and transaction expenses incurred by the Town in connection with the Sale of Town-owned real estate shall be borne by the purchaser and shall be included in the sale price.
13. This ordinance shall be effective for a period of not more than ten (10) years from the date of adoption. If the Town Council does nothing to renew the ordinance, the ordinance is repealed.

Introduced:	June 20, 2006
Advertised:	July 5, 2006
Public Hearing:	July 11, 2006
Council Action:	July 11, 2006
Advertised:	July 13, 2006
Effective:	July 23, 2006

ORDINANCE #271

AN ORDINANCE ESTABLISHING A LOCAL HISTORIC PROPERTIES COMMISSION AND DESIGNATING HISTORIC PROPERTIES AND DISTRICTS.

PREAMBLE:

It is the intent of the Council of the Town of Vernon to consolidate into one Ordinance the establishment of the Historic Properties Commission and the Designation of Historic Properties and Districts that were enacted by Ordinance # 185 and #236 and to add a new district known as the Village of Talcottville Historic District which was ratified by an election on December 14, 2005 and a new Historic Property.

BE IT ORDAINED:

By the Council of the Town of Vernon, hereby repeals Ordinance # 185 — “An Ordinance Establishing A Local Historic Properties Commission and Designating a Historic Property” and Ordinance # 236 — An Ordinance Amending Ordinance # 185 Entitled “An Ordinance Establishing A Local Historic Properties Commission and Designating a Historic Property” and substitutes the following provisions:

SECTION 1 - INTENT

It is the intent of this ordinance to promote the educational, cultural, economic and general welfare of the Town of Vernon through the preservation and protection of Historic Properties within the Town; and to preserve and protect its architectural and historical integrity.

SECTION 2 - PURPOSE

The purpose of this ordinance is to carry out the provisions, of Sections 7-147p through 7-147y of the Connecticut General Statutes concerning, historic properties as amended, herein referred to as the Act.

SECTION 3 - COMMISSION

a. Establishment

A Historic Properties Commission is hereby established which shall have such powers and limitations and perform such functions as shall be Prescribed under the General Statutes of Connecticut and as provided in this Ordinance.

b. Composition

The commission shall consist of five regular members and at least three alternate members, all of whom shall be electors of the town holding no salaried town office. All shall serve without compensation.

c. Terms

The terms of the original members of the Commission shall be such that the term of at least one regular member and one alternate member shall expire each year. Their successors shall be appointed for terms respectively of five years for regular members and three years for alternate members, except that an appointment to fill a vacancy shall be for the duration of the unexpired term. The present Commission is to remain in place.

d. Officers

Within thirty (30) days after appointment of the original members of the Commission, and annually thereafter, the regular members shall meet and elect officers as specified in the Act. Alternate members shall not participate in the vote for election of officers of the Commission.

e. Appointment

Members shall be appointed within 30 days of the passage of this Ordinance. Appointments shall be made by the Mayor with approval by the majority of the Town Council.

f. Quorums

Three members of the commission shall constitute a quorum for the transaction of its business or the performance of its functions and the concurring vote of a majority of those constituting a quorum shall be necessary for the adoption of any recommendation, motions, or other acts of the Commission; except that the affirmative vote of at least three members shall be necessary for the approval of a certificate of appropriateness.

g. Designation of Alternates

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AN ORDINANCE ESTABLISHING A LOCAL HISTORIC PROPERTIES COMMISSION AND DESIGNATING HISTORIC PROPERTIES AND DISTRICTS.

Where a member of the Commission is unavailable to act at a particular time due to absence, sickness, conflict of interest or other good reason, the Chairman shall designate an alternate member to act in place of such member, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible.

h. Notice, Hearings, and Approvals

- i) The Historic Properties Commission shall hold a public hearing upon each application for the certificate of appropriateness unless the Commission determines that such application involves items not subject to approval by the Commission. The Commission shall fix a reasonable time and place for such hearing. Notice of the time and place of such hearing shall be given by publication in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the Town of Vernon not more than fifteen days and not less than five days before such hearing.
- ii) within not more than sixty-five days after the filing of an application, the Commission shall pass upon such application and shall give written notice of its decision to the applicant. Failure of the Commission to act within said sixty-five days shall constitute approval and no other evidence of approval shall be needed.
- iii) Evidence of approval shall be by certificate of appropriateness issued by the Commission.
- iv) When a certificate of appropriateness has been denied, the Commission shall place' upon its records and in the notice to the applicant the reasons for its determination.
- v) All hearings and meetings of the Commission at which decisions are made shall be open to the public. The Commission shall keep a permanent record of its resolutions, transactions and determinations and of the vote of each member participating thereon.

i. Commission Action

In its deliberations" the Commission shall act only for the purpose of controlling the erection, demolition or alternation of buildings, structures or parking, visible from the public right of way, which are incongruous with the historical or architectural aspects of the properties.

j. Adoption of Rules

The Commission shall adopt rules of procedure which it deems necessary to carry out the intent of section 7-147p through 7-147y of the General statutes and the intent expressed in Section 1 above. The Commission shall adopt guidelines not inconsistent with the provisions of sections 7-147p through 7-147y, inclusive, to provide guidance to property owners as to factors to be considered in preparing an application for a certificate of appropriateness. Such guidelines shall not be such as to bind the Historic Properties Commission to any uniform or necessarily traditional style throughout the properties, but shall look both to the protection of the old and to the interest and distinctiveness of this community.

SECTION 4- COMMISSION DUTIES

a. Relationship to Other Commissions

The Commission and other Town Commissions and offices whose areas of concern may overlap or affect each other shall maintain liaison for information and coordination in matter with which the Commission may be dealing.

b. Annual Report

The Commission shall make an annual report of its activities to the Town Council.

c. Cooperation and Coordination

The Commission may:

- i) provide information to the property owners and others involving the preservation of the property;
- ii) initiate planning and zoning proposals;
- iii) cooperate with other regulatory agencies and civic organizations and groups interested in historic preservation;

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AN ORDINANCE ESTABLISHING A LOCAL HISTORIC PROPERTIES COMMISSION AND DESIGNATING HISTORIC PROPERTIES AND DISTRICTS.

- iv) render advice on sidewalk construction and repair, tree planting, street improvements and the erection or alteration of public buildings not otherwise under its control where they affect the Historic Property, and
- v) furnish information and assistance in connection with any capital improvement program involving the Historic Property.

SECTION 5- CITIZEN INVOLVEMENT

For the purpose of encouraging the responsiveness, securing the support, and drawing on the resources of the owners of historic properties and other interested residents of the area who are not members of the Historic Properties Commission, and apart from the provision in the Act for formal appeals from the Commission decisions by aggrieved parties, and other than the required public hearings by the Commission upon: applications for certificates of appropriateness, the Commission shall hold meetings with said owners and other interested residents when such person makes a written request to the Commission for such meeting to discuss matters of policy or other matters that may be an issue between property owners and the Commission. The Commission shall call meetings so requested within 65 days, shall not be bound by the meetings, but in formulating policy shall be responsive to the sentiments of the Community insofar as its best judgment suggests and the powers and limitations derived from the General Statutes permit.

SECTION 6 - ENFORCEMENT

Regulations and orders of the Commission issued, pursuant to the Act or, to this Ordinance shall be enforced by the Zoning Enforcement Official.

SECTION 7 - DESIGNATION OF HISTORIC PROPERTIES

- a. Properties that are designated Historic Properties are to be described by recording in land records of Town of Vernon that gives a description of the property ‘and the fact that it has been declared a Historic Property pursuant to the provisions of the Connecticut General Statutes Section 7-147p through 7-147y and the provisions of this Ordinance.
- b. The following property owned by the Town of Vernon known as Skinner-Hammond House is designated a Historic Property as follows:

7.B.1 SKINNER-HAMMOND HOUSE, 765 HARTFORD TURNPIKE

BEGINNING at an iron pin on the northerly side of Dart Road, so-called, which iron pin is at the Southwest corner of the premises here-in described and is 266.42 feet Easterly from a Connecticut Highway Department monument at the intersection of the Northerly side of Dart Road and the Easterly side of West Street, so-called; thence from said point of beginning N.5 12’ 30” E., a distance of 116.63 feet to an iron pin; thence S.88 22’ 40” E., a distance of 165.69 feet to a Connecticut Highway Department bound on the Northerly side of Connecticut Highway Route #30; thence S.55 36’ 55” W., a distance of 194.0 feet along the Northerly side of Connecticut Highway Route #30 to an iron pin; thence N.84 47’ 30” W., a distance of 130.0 feet along the Northerly side of Dart Road; so-called, to the point and place of beginning.

7.B.2 THE THRALL FARM, 312 BOLTON ROAD

BEGINNING at a point in the Northerly line of Bolton Road and in the Southwesterly corner of tract herein described, said point being about fifty-seven (57) feet Westerly from the Westerly line of the house on said property extended to the North line of Bolton Road and about two hundred eight-five (285) feet Easterly from Bamforth Road, the last two distances being measured in said Northerly line of Bolton Road; thence N 20° 50’ E a distance of three hundred forty-two and six-tenths (342.6) feet to a point; thence S 56° 27’ E a distance of two hundred eighty-five and three-tenths (285.3) feet to a steel pin; thence S 33° 33’ W a distance of three hundred thirty-four and two tenths (334.2) feet to a steel pin set in said Northerly line of Bolton Road; thence N 56° 27’ W a distance of two hundred nine and nine-tenths (209.9) feet to point of beginning. Being bounded Westerly, Northerly and Easterly by land now or formerly of Maxwell M. Belding and Southerly by Bolton Road.

Said premises, contain approximately 1.90 acres and are described as Lot No.1, as shown on a map entitled, “Part of the property of Maxwell M. Belding ‘The Thrall Farm’ Vernon, Conn. Nov., 1952 Revised: Jan. 1953 Revised: Apr. 1957 Scale: 1” = 100’ Robert H. Chambers, C.E.

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**AN ORDINANCE ESTABLISHING A LOCAL HISTORIC PROPERTIES
COMMISSION AND DESIGNATING HISTORIC PROPERTIES AND DISTRICTS.**

Surveyor - Civil Engineer Rockville, Conn.”, which map is on file in the Town Clerk’s Office in said Rockville, reference to which is hereby made for further description.

7.B.3 DR. CHARLES C. BEACH HOUSE, 507 BOLTON ROAD

BEGINNING at a point marked by a one-inch pipe set in the general westerly line of Bolton Road, which point marks the southeasterly corner of the premises herein conveyed and the northeasterly corner of land now or formerly of Eleanor P. Rusher; thence in line of land of said Rusher S. 83° 40’ 40” W. two hundred eighty-nine and twenty-six one-hundredths (289.26) feet to a bound stone; thence turning and running N. 12° 52’ 40” W; along land now or formerly of Samuel B. Jones and William D. Lyon, a distance of five hundred (500) feet to a point marked by an iron pipe which is southerly eleven and seventy-eight one-hundredths (11.78) feet from an old bound stone; thence turning and running N. 84° 2’ B. along land now or formerly of Alvin R. and Marguerite P. Reinhart et al, two hundred seventy and twenty-eight one-hundredths (270.28) feet to an iron pipe in the said westerly line of Bolton Road; thence turning and running in said westerly road line and along the course of an old stone wall S. 14° 8’ E. two hundred twenty (220) feet to a point; thence continuing in said westerly road line and in part along an old stone wall S. 14° 30’ B. two hundred eighty and fifty-six one-hundredths (280.56) feet to the point and place of beginning.

Containing three and eighteen one-hundredths (3.18) acres of land.

7.B.4 VERNON GRANGE NO. 52, 734 HARTFORD TURNPIKE

FIRST PIECE:

BEGINNING at an iron stake, which stake is situated at the northeast corner of land of Florence Williams, and at the northwest corner of that tract herein conveyed and in the southerly line of the state highway running from Vernon Center to Lanz’s Corner, so-called, runs thence in the southerly line of said highway, northeasterly 8 rods, more or less, to an iron stake; thence southeasterly in line of other land of said Baker and at right angles to said southerly line of said highway, 10 rods, more or less, to iron stake; thence southwesterly still in line of said Baker, said line being parallel to the southerly line of said highway, 8 rods, more or less, to an iron stake; thence northwesterly in line of land of said Williams and in a line at right angles to said southerly line of said highway, 10 rods, more or less, to place of beginning, containing one-half acre of land, more or less.

As said southerly line of said State Highway in description above is not positively ascertained, it is understood and agreed that the intent of this deed, regardless of stakes set supposedly in the southerly line of said highway, to convey all land between the stakes and all other land, if any, northeasterly of said stakes set approximately in line of said highway and the actual line of said highway.

SECOND PIECE:

BEGINNING at a point in the northwesterly corner of land now or formerly of the Grantor herein and the northeasterly corner of the land herein conveyed in the southerly line of Connecticut Route No. 15 running from Vernon Center to Tolland, thence running southerly along land now or formerly of the Grantor herein and land of William and Helen Young, in part by each, a distance of four hundred (400) feet (said first mentioned point being 20 feet south of the southerly edge of the concrete pavement), thence running southwesterly along land now or formerly of Bell, a distance, of two hundred and fifty (250) feet to an iron pipe; thence running northerly in a line making an interior angle with the last mentioned boundary 80° 39’ along land of said Bell, a distance of four hundred forty and two-tenths (440.2) feet to a point marked by an iron pin in said southerly line of said highway (which point is 20 feet south of the southerly edge of the concrete pavement); thence running easterly along said southerly line of highway, a distance of two hundred fifty (250) feet to point of beginning.

EXCEPTING THEREFROM that certain piece of parcel of land as described in a deed from the Grantor herein to G. Nelson Skinner, William Morgon Johnson. Wallace H. Thrall and Seymour Bron, Directors of Vernon Fire District, dated August 26, 1959 and recorded in Volume 115, Page 449 of the Vernon Land Records, and that certain piece or parcel of land as described in a deed from the Grantor herein to the Town of Vernon, dated September 30, 1974 and recorded in Volume 255, Page 236 of the Vernon Land Records.

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Together with the right to drain storm water over land of the Town of Vernon, dated September 30, 1974 and recorded in Volume 255, Page 236.

7.B.5 JONAS SPARKS HOUSE, 150 PHOENIX STREET

BEGINNING at an iron bar set in the apparent general southeasterly line of Phoenix Street, which iron bar marks the westerly most corner of the premises herein described and a northwesterly corner of land now or formerly of Noel R. and Suzanne C. Roberts; thence running in a general northeasterly direction along Phoenix Street, a distance of 151.44 feet to a point; thence turning by an interior angle of 171° 5 1' 25" and continuing in line of Phoenix Street, a distance of 86.93 feet to an iron bar; thence turning by an interior angle of 90° 00' 00" and running along land now or formerly of Jean M. Merz, being Parcel "B" on the map above referred to, a distance of 168.49 feet to a point; thence turning by an interior angle of 144° 12' 05" and running still along land of said Merz, a distance of 146.28 feet to an iron bar set in line of said Roberts, thence turning by an interior angle of 68° 44' 40" and running westerly along line, of said Roberts, a distance of 87.82 feet to an iron bar; thence turning by an interior angle of 175° 08' 40" and running still along line of said Roberts, a distance of 88.69 feet to an iron bar; thence turning by an interior angle of 180° 24' 45" and running still along line of said Roberts through one iron bar, a distance of 129.43 feet to the iron bar which marks the point and place of beginning. Said last described line forms an interior angle with the first described line with Phoenix Street of 69° 25".

Said parcel contains .96 of an acre.

7.B.6 LEONARD ROGERS HOUSE, 100 SOUTH STREET

BEGINNING at the southeast corner of the premises herein described which point is at the intersection of the northerly line of South Street and the westerly line of Fox Hill Drive; thence from said point of beginning westerly along the northerly line of South Street forming an interior angle of 95° 37' with the westerly line of Fox Hill Drive, a distance of one hundred eighty-nine and ten one-hundredths (189.10) feet to a point; thence northerly forming an interior angle of 81° 25' with the last mentioned line, a distance of one hundred twenty-five and thirty-six one-hundredths (125.36) feet along the easterly line of land of the City of Rockville known as Henry Park to a steel pin; thence easterly forming an interior angle of 91° 35' with the last mentioned line, a distance of one hundred eighty-one and seventy-five one-hundredths (181.75) feet along the southerly line of land now or formerly of the Estate of Mary F. Brow to a steel pin; thence southerly along the westerly line of Fox Hill Drive forming an interior angle of 91° 23' with the last mentioned line, a distance of one hundred two and thirty one-hundredths (102.30) feet to the point and place of beginning,

7.B.7 VALLEY FALLS FARM - A, 346 VALLEY FALLS ROAD

FIRST PIECE:

BEGINNING at point in the apparent general southerly line of the highway leading from Bolton Road to Valley Falls which point is the northwesterly corner of the premises herein described and the northeasterly corner of other land of the Releasee herein and which point is three hundred sixteen (316) feet westerly; in said southerly road line from the northwesterly corner of land now or formerly of Alvin R. and Marguerite P. Reinhart; thence generally south in line of other land of the releasee herein three thousand twenty-six (3,026) feet, more or less, to an iron pin about six (6) feet south of a forty-two (42) inch hemlock; thence easterly in line of land now or formerly of Antonio Caruolo about one thousand six hundred seventy (1,670) feet, more or less, to a point in the westerly line of Bolton Road; thence generally north in said westerly road line one hundred forty (140) feet, more or less, to a point in the southerly line of land now or formerly of Donald Cummings; thence in line of land of said Cummings along three (3) courses as follows: (1) Northwesterly two hundred seventy-five (275) feet, more or less, to a point; (2) Northerly three hundred sixty-nine (369) feet, more or less to a point; and (3) Northwesterly one hundred sixty-nine (169) feet, more or less, to a point; thence continuing northerly in line of land of said Cummings and in line of land now or formerly of John Noel, in part on each, four hundred two (402) feet, more or less, to a point in line of land now or formerly of Peter Dureiko; thence continuing Northerly in line of land of said Dureiko three hundred (300) feet to a point in line of land now or formerly of Maurice Dureiko; thence continuing northerly in land of said Dureiko, two hundred eighty-three and thirty-eight one hundredths (283.38) feet to a point in line of land of now or formerly of John Rusher; thence westerly in line of land of said

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Rusher two hundred thirty-nine (239) feet to a point; thence northwesterly continuing in line of land of said Rusher one hundred ninety-seven and ninety-two one-hundredths (197.92) feet to a point; thence northerly still continuing in line of land of said Rusher three hundred fifty-five and seventy-five one-hundredths (355.75) feet to a point in line of land now or formerly. of one Orfitelli; thence northerly easterly and northerly in line of land of said Orfitelli five hundred thirty (530) feet to a point in the southerly line of land now or formerly of the said Alvin R. and Marquerite P. Reinhart; thence northerly in line of land of said Reinhart three hundred forty eight (348) feet, more or less to a point in the southerly line of Valley Falls Road; thence westerly in said southerly Road Line three hundred sixteen (316) feet to the point and place of beginning.

Containing 63 acres, more or less.

SECOND PIECE:

BEGINNING at a point in the apparent general southerly line of the highway leading from Bolton Road to Valley Falls, which point is the northeasterly corner of the premises herein described and the northwesterly corner of other land of the grantors herein, and which point is three hundred sixteen (316) feet westerly in said southerly road line from the northwesterly corner of land now or formerly of Alvin R. and Marguerite P. Reinhart; thence generally south in line of other land of the grantors herein three thousand (3,000) feet, more or less, to an iron pin about six (6) feet south of a forty-two inch hemlock; thence southerly along the westerly line of land now or formerly of the heirs and devisees of P.J. O’Leary about eight hundred thirty (830) feet to an angle point; thence southerly by a slight angle to the right still along the westerly line of/and now or formerly of the heirs and devisees of P.J. O’Leary about nine hundred fifty (950) feet to an iron pin in the northerly line of land now or formerly of Douglas Roberts; thence westerly in the northerly line of land now or formerly of said Roberts about four hundred ten (410) feet to an iron pin; thence southerly in the westerly line of land now, or formerly of said Roberts about four hundred thirty (430) feet to an iron pin; thence westerly along the northerly line of land now or formerly of said Roberts about five hundred twenty-two and five-tenths (522.5) feet to an iron pin marking the northeast corner of a strip of land now or formerly of Edith D. Beach; thence westerly along the northerly line of land now or formerly of said Beach in a prolongation of the last described line about two hundred thirty-seven and five tenths (237.5) feet to the easterly line of right of way of the New York, New Haven & Hartford Railroad Company, an iron pin is located ten (10) feet west of this point; thence northerly in the easterly line of the right of way of said Railroad about forty-three hundred (4300) feet to the easterly line of land now or formerly of George Webster; thence northerly in the easterly line of land now or formerly of said Webster passing through an iron pin, two stone heaps and a thirty-six (36) inch elm about one thousand forty (1,040) feet to an iron pin in the approximate southerly line of the highway leading from said Bolton Road to Valley Falls; thence easterly in the southerly line of said highway about nine hundred four (904) feet to the point and place of beginning.

Containing one hundred thirty (130) acres, more or less.

7.B.8 VALLEY FALLS FARM - B, 345 VALLEY FALLS ROAD

BEGINNING at an iron pin in the approximate northerly line of a highway leading from Bolton Road to Valley Falls at the southeast corner of land now formerly of Fred Belding, et al; thence northerly in the easterly line of land now or formerly of said Belding, et al, about 195 feet to an iron pin; thence, easterly in the southerly line of land now or formerly of said Belding, et al, about 86 feet to an iron pin; thence northerly in the southerly line of land now or formerly of said Belding, et al, about 291 feet to an iron pin marking the southwest corner of land now or formerly of Perry Lathrop; thence easterly in the southerly line of land now ,or formerly of said Lathrop about 390 feet to an iron pin; thence, northerly in the eastern line of land now or formerly of said Lathrop about 139 feet to an iron pin; thence, easterly in the southerly line of land now or formerly of said Lathrop about 202 feet to an iron pin in the approximate westerly line of Bolton Road; thence southerly in the westerly line of Bolton Road about 648 feet to the northerly line of a highway leading from Bolton Road to Valley Falls; thence, westerly in the northerly line of said highway to Valley Falls about 953 feet to the point of beginning.

[Reference is made to map entitled “Boundary Survey Prepared for The Darico Farm and Valley Falls Park”, Scale: 1” = 40’, Date: May 2001, by JC Sommers Associates Inc., Land Surveyors, Vernon, Connecticut]

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7.B.9. COUNTY HOME SCHOOL HISTORIC PROPERTY

BEGINNING at a C-DOT Monument in the northwesterly line of Hartford Turnpike a.k.a. Conn. Rte. #30, said C-DOT Monument being located approximately 235 feet northeasterly of the present center line of Center Road as measured along the approximate northwesterly line of said Hartford Turnpike; **Thence** along the northwesterly line of said Hartford Turnpike S30°-13'-36"W for a distance of 77.53 feet to another C-DOT Monument; **Thence** still along the northwesterly line of Hartford Turnpike S32°-56'-00"W for a distance of 90.49 feet to a point; **Thence** southwesterly along the arc of a curve to the right having a radius of 30.00 feet, a central angle of 106°-41'-15", a length of 55.86 feet and a chord of S86°-16'-38"W for a distance of 48.13 feet to a point in the northeasterly line of Center Road; **Thence** along the northeasterly line of Center Road N40°-22'-45"W for a distance of 177.50 feet to a point; **Thence** still along the northeasterly line of Center Road N39°-10'-45"W for a distance of 29.00 feet to a point; **Thence** N51°-16'-30"E for a distance of 190.00 feet to a point; **Thence** S44°-55'-45"E for a distance of 145.00 feet to a point; **Thence** S34°-13'-25"E for a distance of 33.66 feet to the point of **BEGINNING**. The last three courses and distances are through land of the Town of Vernon.

Historic area contains 41,736 Sq. Ft. / 0.9581 Acres.

MAP REFERENCE

"PERIMETER SURVEY DELINEATING PROPOSED LIMITS OF HISTORIC AREA 709 HARTFORD TURNPIKE VERNON, CT TOWN OF VERNON ENGINEERING DEPARTMENT 14 PARK PLACE VERNON, CT 06066 SCALE: 1"=40' DATE: MARCH 9, 2006 SHEET: 1 OF 1 FILE: Q:\ 709 Old School (Modified).DWG REVISIONS: 5/15/06 — 11 X 17 DRAWING", which map/plan is to be recorded in the office of the Vernon Town Clerk and made part of the Vernon Land Records for further reference.

7.B.10 TALCOTTVILLE HISTORIC DISTRICT

(Portions of Main Street and Elm Hill Road included)

BEGINNING at a point being the northwesterly corner of property known as #126 Main Street, **Thence** running northeasterly along the southerly street line of Main Street approximately two hundred and sixty-five feet (265) to the northwesterly corner of property known as #120 Main Street,

Thence running northwesterly across Main Street approximately sixty (60) feet to the southeasterly corner of property known as #107-109 Main Street,

Thence running northwesterly approximately one hundred and thirty-five (135) feet to the southwest corner of property known as #107-109 Main Street,

Thence running northeasterly along the westerly property lines of properties known as #107-109 Main Street and #97 Main Street, approximately four hundred (400) feet, to the northwesterly corner of #97 Main Street,

Thence running northwesterly along the southerly boundary of properties known as #85 Main Street and #79 Main Street one hundred and forty-three (143) feet, to the centerline of the Tankerhoosen River,

Thence running northeasterly along the centerline on the Tankerhoosen River approximately on thousand (1000) feet to the southwesterly corner of property known as #17 Main Street,

Thence running northerly and northeasterly along the westerly boundary lines of properties known as #17 and #19 Main Street approximately three hundred and seventeen (317) feet to the southwesterly corner of property known as #11 Main Street,

Thence running northerly along the westerly boundary line of property known as #11 Main Street approximately one hundred and fifty-one (151) feet to the northwesterly corner of property known as #11 Main Street, said corner also bounding on the southerly non-access line of property of the State of Connecticut also known as Interstate Eighty-four (I-84),

Thence running easterly and northeasterly along said non-access line approximately three thousand five hundred (3,500) feet to the westerly street line of Dobson Road,

Thence running southeasterly along the westerly street line of Dobson Road approximately three hundred (300) feet to the northwesterly corner of property known as #5 Dobson Road,

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Thence running southeasterly along the westerly boundary of said #5 Dobson Road approximately two hundred (200) feet to the northerly boundary of property of the State of Connecticut also known as Vernon Rails to Trails, formerly known as the New York, New Haven and Hartford Railroad' Co.,

Thence running southwesterly and southerly along said boundary of the State of Connecticut approximately two thousand eight hundred (2800) feet to the northerly street line of Elm Hill Road,

Thence running southwesterly across Elm Hill Road approximately fifty (50) feet to the Southeast corner of property known as #43 Elm Hill Road,

Thence running southwesterly along the westerly boundary of said property of the State of Connecticut approximately one hundred and thirty-five (135) feet to the southeasterly corner of property known as #43 Elm Hill Road,

Thence running northwesterly approximately forty-seven (47) feet to the southwesterly corner of property known as #43 Elm Hill Road,

Thence running northeasterly approximately one hundred and thirty-five (135) feet to the northwesterly corner of property known as #43 Elm Hill Road,

Thence running northwesterly along the southerly street line of Elm Hill 'Road approximately two hundred (200) feet to the northeasterly corner of property known as #31 Elm Hill Road,

Thence running southwesterly along the easterly boundary of property known as #31 Elm Hill Road approximately one hundred and sixty (160) feet to the southeasterly corner of property known as #31 Elm Hill Road,

Thence running southwesterly along a line which is the extension of the previously described course approximately two hundred (200) feet to the northern boundary of property known as the Mount Hope Cemetery,

Thence running southerly, northerly and westerly around the perimeter of the property known as Mount Hope Cemetery approximately one thousand four hundred (1400) feet to the northeasterly corner of property known as #106 Main Street,

Thence running southwesterly along the rear boundary line of properties known as #106, #110, #116, #120 and #126 Main Street approximately six hundred and fifty (650) feet to the southwesterly corner of the property known as #126 Main Street,

Thence running northwesterly along the westerly boundary of property known as #126 Main Street approximately one hundred and seventy-five (175) feet to the northwesterly corner of property known as #126 Main Street, said point being the point of beginning.

SECTION 8 - EFFECTIVE DATE

This Ordinance shall take effect 30 days from its passage.

SECTION 9 - TERMINATION OF HISTORIC PROPERTY STUDY COMMITTEE

Upon this ordinance becoming effective, all Historic Property Study Committees established to date, excluding the Vernon Center Kindergarten Building Study Committee, are terminated.

SECTION 10 - SUNSET PROVISION

Consistent with the Vernon Town Charter, Chapter V - The Town Council, Section 5, this Ordinance shall expire ten (10) years from the date that this Ordinance is adopted by the Vernon Town Council.

Introduced:	October 17, 2006
Advertised:	November 9, 2006
Public Hearing:	November 21, 2006
Council Action:	November 21, 2006
Advertised:	November 29, 2006
Effective Date:	December 14, 2006

ORDINANCE # 272

AN ORDINANCE CONCERNING LANDLORD REGISTRATION

Be it Ordained by the Town of Vernon that:

Sec. 1. Definitions.

- (a) *Address* as used in this Section, means a location as described by the full street number, if any, the street name, the city or town, and the state, and not a mailing address such as a post office box.
- (b) *Dwelling unit* as used in this Section, means any house or building, or portion thereof, which is rented, leased or hired out to be occupied, or is arranged or designed to be occupied, or is occupied, as the home or residence of one or more persons, living independently of each other, and doing their cooking upon the premises, and having a common right in the halls, stairways or yards.
- (c) *Agent in charge* as used in this Section, means one who manages real estate, including but not limited to, the collection of rents and supervision of property.

Sec. 2. Registration--Required.

- (a) Any owner of occupied or vacant rental real property shall be required to file and maintain on file in the office of the tax assessor the current residential address of the owner of such property, his or her telephone number and a cell and fax number if any, if the owner is an individual. If the owner is a corporation, partnership, trust, or other legal recognized entity, then the current residential address of the agent in charge of the building, his or her telephone number and a cell and fax number if any, shall be filed in the office of tax assessor.
- (b) The town clerk shall provide notice to all new property owners, outlining the provisions of this Ordinance.
- (c) If such residential address changes, notice of the new residential address shall be provided by such owner or agent in charge of the building to the tax assessor not more than twenty-one days after the date that the address change occurred.
- (d) If the owner or agent fails to maintain on file an address as required by this section, the address to which the town mails property tax bills for the rental real property shall be deemed to be the owner or agent's current address. Such address may be used for compliance with the provisions of subsection (e) of this section. The tax assessor shall provide a list of all new filings on a town-wide common database for distribution to all town departments.
- (e) Service of state or municipal orders relating to maintenance of such rental real property or compliance with state law and local codes concerning such real property directed to the owner or agent at the address on file, or deemed to be on file in accordance with the provisions of this section, shall be sufficient proof of service of notice of such orders in any subsequent criminal or civil action against the owner or agent for failure to comply with the orders.
- (f) Any person who violates any provision of this section shall have committed an infraction.

Sec. 3. Penalty.

- (a) The tax assessor shall provide the building official with a list of all non-compliant owners or agents.
- (b) Any person who shall violate any provisions of Section 2 of this Ordinance shall be fined in accordance with Section 1-9 of the Code of Ordinances, Town of Vernon and An Ordinance Establishing Civil Penalties For A Violation of § 47a-6a and this Ordinance.
- (c) The Building Official, or his designee, shall send notice of the assessment to the owner of the property which is the subject of the violation. The building official, or his designee, shall be the enforcement agent for purposes of this Ordinance.
- (d) Any person who is assessed a civil penalty pursuant to this section may appeal therefrom to the superior court. An appeal shall be instituted not later than thirty days after the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to section 52-259 of the Connecticut general statutes, at the superior court facility designated by the chief court administrator, which shall entitle such person to a hearing in accordance with the

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AN ORDINANCE CONCERNING LANDLORD REGISTRATION

rules of the judges of the superior court.

Sec. 4. Severability of provisions of sections 1 through 3.

If any provision of sections 1 through 3 or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of sections 1 through 3 which can be given effect without the invalid provisions or application, and to this end all the provisions of section 1 through 3 are hereby declared to be severable.

Sec. 5. Effective date.

This ordinance shall be effective for not more than ten (10) years from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed.

This ordinance may be reviewed by the Town Council annually and at such time the Town Council may proceed to amend or repeal said ordinance as it so chooses.

Sec. 6. An Ordinance Entitled “An Ordinance Concerning Identification of a Landlord”, Ordinance No. 265, is hereby Repealed.

INTRODUCTION:	10-17-2006
ADVERTISED:	11-9-06
PUBLIC HEARING:	11-21-06
COUNCIL ACTION:	11-21-06
ADVERTISED:	11-29-06
EFFECTIVE DATE:	12-14-06

ORDINANCE NO. 273

AN ORDINANCE AMENDING ORDINANCE # 181 ENTITLED “AN ORDINANCE CONCERNING FINES AND PARKING VIOLATIONS”, AND §13-39 OF THE CODE OF ORDINANCES, TOWN OF VERNON

Be it Ordained by the Town of Vernon that:

Ordinance # 181, §13-39 of the Code of Ordinances, and §13-37(i), 13-38, 13-80, and 13-81(h) are hereby repealed and they are substituted in lieu thereof with the following;

Sec. 1.

The Traffic Authority of the town of Vernon, pursuant to Connecticut General Statutes Section 14-307, shall cause to be marked any area designated for limitations on parking and shall cause to be promulgated all necessary rules and regulations in order to implement this ordinance.

Sec. 2

The Traffic Authority shall periodically review and recommend to the Town Council for adoption by ordinance a schedule of fines not to exceed \$99.00, for the following offenses;

- a) overtime parking;
- b) parking within to feet of a fire hydrant;
- c) parking within 25 feet of a corner or a stop sign;
- d) parking within a bus stop area;
- e) parking within a loading or unloading zone;
- f) parking so as to obstruct a driveway;
- g) parking on the wrong side of a street;
- h) parking on a sidewalk;
- i) parking more than 12 inches from the curb;
- j) parking in a designated no parking area;
- k) double parking;
- l) parking in an intersection;
- m) parking in a handicapped area;
- n) overnight parking;
- o) failure to remove snow from sidewalks; and,
- p) violation of the temporary no parking ordinance # 117 in effect during snow removal and capital improvement projects.

Adoption of such fines in excess of \$20.00 by the Town Council shall be done after a public hearing, except as to parking in handicapped area any fine for which may be adopted without such public hearing.

Sec. 3.

The following are the parking offenses and fines for violation thereof:

VIOLATION	FINE	AFTER 15 DAYS
Overnight Parking	15.00	30.00
Overtime	15.00	30.00
Within 10’ of hydrant	30.00	60.00
25’ from stop sign/corner	15.00	30.00
Bus Stop Area	20.00	40.00
Loading or unloading zone	15.00	30.00
Obstructing driveway	30.00	60.00
Wrong side of street	15.00	30.00
On sidewalk	30.00	60.00
More than 12” from curb	15.00	30.00
No Parking Area	15.00	30.00
Double Parking	15.00	30.00
In an intersection	30.00	60.00
In “Fire Lane”	50.00	99 00
Failure to remove snow from walk	20.00	40.00
Temp. No Parking Area snow removal and capital improvements	20.00	40.00
Handicapped Area	99.00	99.00

Sec. 4.

The fine for violation of this ordinance shall be payable until the fourteenth (14th) day after the date of issuance of a ticket or summons showing a violation and fine. If the required fine is not paid during that period, the fine due and payable from the fifteenth (15th) day through

ORDINANCE NO. 273

AN ORDINANCE AMENDING ORDINANCE # 181 ENTITLED “AN ORDINANCE CONCERNING FINES AND PARKING VIOLATIONS”, AND §13-39 OF THE CODE OF ORDINANCES, TOWN OF VERNON

the thirtieth (30th) day after issue shall be double the amount indicated. If payment is not received within thirty (30) days after issue, a warrant shall be issued for the arrest of the person named on the ticket or summons and said person shall be subject to the maximum penalties provided by law. The ticket or summons issued to the violator shall indicate the offense charged, and a warning showing the consequences of late payment as set forth herein.

Sec. 5.

Section 13-37 (i) of the Code of Ordinances is hereby repealed and the following substituted in lieu thereof:

(i) Any person who violates any provisions, of this section shall be fined in accordance with Section 3 of this ordinance, in addition to any other charges set forth in subsection (c) of this section.

Sec. 6.

Section. 13-38 of the Code of Ordinances is hereby repealed and the following is substituted in lieu thereof:

Sec. 13-38. Nighttime parking.

Any person leaving a vehicle parked upon a public highway or Street in the town between 3:30 a.m. and 5:00 a.m. shall be fined in accordance with Section 3 of this ordinance. Exemptions may be granted by the police department in the event of fire, sickness or emergency.

Sec. 7.

Section 13-80 of the Code of Ordinances is hereby repealed and the following is substituted in lieu thereof:

Sec. 13-80. Unlawful parking.

No person shall park, or permit to stand, a motor vehicle in a fire lane which has been established in accordance with this article except when the operator remains in the vehicle and is in the actual process of picking up or discharging passengers. Any person violating this section shall be fined in accordance with Section, 3 of this ordinance. The registered owner of a motor vehicle shall be presumed to be the operator of such vehicle.

Sec. 8

Section 13-81 (b) of the Code of Ordinances is hereby repealed and the following is substituted in lieu thereof:

(b) Whenever a vehicle is found standing in violation of section 13-80, a police officer shall serve upon the owner or operator of such vehicle, or place upon such vehicle, a notice directing the owner or operator thereof to appear at the police department prior to a time specified in said notice. If any person receiving the notice shall appear as directed, and shall pay an amount as specified in Section 3 of this ordinance, such payment shall bar a prosecution for violation of section 13-80.

Sec. 9.

This ordinance shall, be effective for not more than ten (10) years from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed. This ordinance may be reviewed by the Town Council annually and at such time the Town Council may proceed to amend or repeal said ordinance as so chooses.

Town Clerk note:

The Ordinance, as amended, will include Part' II, Chapter 1 General Provisions, Section 1-9 General Penalty of the Code of Ordinances.

INTRODUCED: January 16, 2007
ADVERTISED: January 30, 2007
PUBLIC HEARING: February 6, 2007
COUNCIL ACTION: February 6, 2007
ADVERTISED: February 10, 2007
EFFECTIVE: February 25, 2007

ORDINANCE # 274

AN ORDINANCE AMENDING SECTIONS 2-5(A) AND 13-39 OF THE CODE OF ORDINANCES, TOWN OF VERNON

Be it Ordained by the Town of Vernon that:

Sections 2-5(a) and 11-39 of the Code of Ordinances, are hereby repealed and the following is substituted in lieu thereof

Sec. 1.

Section 2-5(a) of the Code of Ordinances is hereby repealed and the following is substituted in lieu thereof:

Sec. 2-5 Hearing procedure for citation.

(a) The mayor shall appoint, subject to confirmation by the Town Council, a citation hearing officer to conduct the hearings authorized by ordinances of the Town except those hearings specified in Sec. 13-39 of the Code of Ordinances, Town of Vernon. The citation hearing officer may not be an employee of the Town and shall serve without compensation, but may be reimbursed for actual expenses incurred in performing the duties of this office to the extent that funds have been made available by the Town Council. The citation hearing officer shall serve for a term of two (2) years unless removed for cause.

Sec. 2.

Section 13-39 of the Code of Ordinances, Town of Vernon is amended by adding the following as subsection (d):

(d) The mayor shall appoint, subject to confirmation by the Town Council, a parking violation hearing officer to conduct the hearings authorized by ordinances of the Town. The parking violation hearing officer may be a retired sworn police officer who shall be a resident of the State of Connecticut and may not be an employee of the Town. He or she shall serve without compensation, but may be reimbursed for actual expenses incurred in performing the duties of this office to the extent that funds have been made available by the Town Council. The parking violation hearing officer shall serve for a term of two (2) years, unless removed for cause.

Sec 3.

This ordinance shall be effective for not more than ten (10) years from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed. This ordinance may be reviewed by the Town Council annually and at such time the Town Council may proceed to amend or repeal said ordinance as it so chooses.

INTRODUCED	January 16, 2007
ADVERTISED:	January 30, 2007
PUBLIC HEARING:	February 6, 2007
COUNCIL ACTION:	February 6, 2007
ADVERTISED:	February 25, 2007
EFFECTIVE:	February 25, 2007

ORDINANCE #275

**ORDINANCE ESTABLISHING PERMIT FEES FOR APPLICATIONS FILED
PURSUANT TO THE VERNON ZONING REGULATIONS, AND VERNON
SUBDIVISION REGULATIONS.**

1. Pursuant to the provision of Section 8-1c of the Connecticut General Statutes, there is hereby established a fee schedule for all permit applications filed for permits in accordance with municipal authority adopted pursuant to Connecticut General Statutes Chapters 124, 125a, 126, 126a, or 440 as prescribed by this Ordinance.
2. In accordance with Section 8-3(f) of the Connecticut General Statutes, no building permit or certificate of occupancy shall be issued for a building, use, or structure subject to Town of Vernon Zoning, Subdivision, Inland Wetlands and Watercourses, or Historic District Regulations until the fees for the required permit applications and certificates of compliance, as prescribed in this Ordinance and in the fee schedule adopted pursuant to this Ordinance, shall have been paid to the Land Use Office or other municipal agent.
3. The payment of the fees for the permit applications prescribed herein shall not relieve the applicant or holder of the permit from the payment of other fees that may be prescribed by law or Ordinance, including but not limited to building permits and filing fees, if applicable.
4. No fee shall be charged for zoning applications for projects by or for the Town of Vernon or for permits for repair or replacement of owner-occupied single-family residential buildings that have been destroyed or damaged by fire, storm, or other casualty.
5. The fee schedule shall be determined to reasonably defray the municipal costs of administering the applicable Regulations adopted by any Vernon board, commission or agency in accordance with Chapters 124, 125a, 126, 126a or 440 of the Connecticut General Statutes and publishing notice of the public hearings and decisions of the regulatory board, commission or agency. The fee schedule shall also be determined to reasonably defray the municipal costs of conducting specialized technical review and inspection and monitoring of approved activities and construction by engineers, surveyors, architects, planners, attorneys and other qualified professional hired by the Town of Vernon for such purpose. All fees established pursuant to this ordinance shall be reviewed annually by the Town Planner, Town Engineer and Building Official or other authorized municipal agent and such official shall recommend to the Town Council if they deem any amendment or adjustment to the fee schedule is warranted.
6. Pursuant to Connecticut General Statute Section 22a-27j, all applications are subject to an additional thirty-dollar (\$30.00) State fee or such other amount as may be established by the State of Connecticut.
7. A copy of the fee schedule shall be filed with the Vernon Town Clerk when established and when amended.
8. The following schedule of fees is hereby established:

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**ORDINANCE ESTABLISHING PERMIT FEES FOR APPLICATIONS FILED
PURSUANT TO THE VERNON ZONING REGULATIONS, AND VERNON
SUBDIVISION REGULATIONS.**

Zoning Schedule of Application Fees

Amend Section 22.2 Fees: Schedule of Application Fees and subsequent sub-sections to read the following, in accordance with Town Ordinance #275:

Standard Fees

22.2.1	Zone District or Regulation Change:	\$200
22.2.2	Special Permit:	\$200
22.2.3	Special Exceptions, variances or appeal from the Zoning Enforcement Officer	\$200
22.2.4	Variance:	\$200
22.2.5	Special hearing for gasoline station or repairer's license:	\$200
22.2.6	Detailed Site Plan Residential (New Construction/ Expansion)	
22.2.6.1	Up to 4 dwellings	\$200
22.2.6.2	Detailed Site Plan Residential each additional dwelling over 4 units	\$5
22.2.7	Detailed Site Plan Non-Residential (New Construction/ Expansion)	
22.2.7.1	Up to 2,000 square feet	\$200
22.2.7.1	Each additional 1,000 square feet	\$15
22.2.8	Any modification to plans previously approved by the Planning and Zoning Commission or Zoning Board of appeals, when such modifications require action by the approving Agency and are not considered to be new construction or an expansion of a residential or non-residential use, must be accompanied by a fee equal to fifty (50) percent of the original filling fee.	
22.2.9	When a development requires Special Permit and Site Plan approval, the larger of the two fees is required.	
22.2.10	All applications require an additional a \$30.00 fee mandated by the State of Connecticut.	
22.2.11	All applications requiring a soil and erosion control plan certification will require an additional \$300.00 fee required by the North Central Soil Conservation District.	
22.2.12	Minor Modifications	\$75

Additional Fees -Zoning

22.2.13 In addition to the standard fees for the processing of an application, the Applicant may be required to pay an additional fee to cover the costs of technical services and consultants to analyze, review and report on areas requiring a detailed, technical review if one or more of the following thresholds are met:

22.2.13.1 The proposed action directly abuts¹ is within 500' of⁷ or has the potential to directly or indirectly impact a significant natural and cultural resource identified in the Plan of Conservation and Development (POCD) (pp. 71 - 73), or;

22.2.13.2 The proposed action fronts, requires access to, or has potential to impact those roadways and intersections identified in the POCD as part of the Traffic Management Plan, Traffic Calming Recommendations, or Accident Mitigation Areas (pp. 94-107), or;

22.2.13.3 The proposed action fronts, requires access to, or has potential to impact sites identified in the Connecticut Department of Transportation (CONNDOT) Suggested List of Safety Surveillance Sites (SLOSS), or;

22.2.13.4 The proposed action directly or indirectly conflicts with one or more of the Policies, Goals, and Objectives recommended in the POCD (pp. 109-120), specifically:

A. Housing Policies, Goals and Objectives

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- B. Economic Base Policies, Goals and Objectives
 - C. Design Policies Goals and Objectives
 - D. Community Facilities Polices, Goals and Objectives
 - E. Transportation Policies, Goals, and Objectives
 - F. Open Space Policies, Goals, and Objectives, or;
- 22.2.13.5 The proposed action directly or indirectly conflicts with the Land Use Plan and Strategy as stated in the POCD (pp. 121-129), or;
- 22.2.13.6 The proposed action is identified as an Area Sensitive to Development in the POCD (pp. 17-18), or;
- 22.2.13.7 The proposed action is identified as being within a Stratified Drift Aquifer and 1 or Primary Recharge Area as identified in the Town of Vernon Aquifer Protection Map, or has a reasonable potential to impact the public water supply, or;
- 22.2.13.8 The proposed action is within or has the potential to impact to areas identified by the United States Department of Agriculture to contain Prime 1 Important Farmland Soil, and as indicated in the POCD (pp. 16-17), or;
- 22.2.13.9 The proposed action is within or has the potential to impact areas identified by the Connecticut Department of Environmental Protection in the Natural Diversity Database (NDDDB) as an area containing Endangered, Threatened, & Species of Special Concern, or;
- 22.2.13.10 The proposed action is within or has the potential to impact those areas identified by the Federal Emergency Management Agency Flood Insurance Rate Map as a Flood Zone or Flood Plain, or;
- 22.2.13.11 The proposed action is within or has the potential to impact those areas identified as a Priority Area for Open Space Protection, or Part of the Existing and/or Potential Open Space System, or is in direct or indirect conflict with the Open Space Policies and Goals as identified in the POCD (pp. 74-87), or;
- 22.2.13.12 That is proposed in a use district (specified in Section 4 of the Zoning Regulations) where the proposed activity in its entirety exceeds the impervious coverage thresholds established in such relevant district, or;
- 22.2.11.13 Where the aggregate square footage for all structures on any parcel exceeds 25,000, or;
- 22.2.11.14 Where the proposed action includes greater than 50 off-street parking or loading spaces, or;
- 22.2.11.15 Any application in which additional technical evaluations are determined by the Commission to be necessary to fulfill the Town requirements for processing the application and/ or may be necessary to obtain a satisfactory evaluation of the Application, inclusive of legal reviews and guidance.
- 22.2.12 Whenever an application establishes criteria identified in 22.2.13, the Town Planner will provide an estimated cost for technical services and consultants. The Commission will review said estimate and determine the necessary scope of services and establish an appropriate additional fee.
- 22.2.13 The fees required under Sections 22.2 will be paid to the Town of Vernon prior to further proceeding on the application. Upon completion of the technical review and/ or other services, a determination of the costs incurred will be performed and any excess will be refunded to the applicant. During the course of the application review, if the fee as set by the Commission is found to be insufficient, the Commission may review and revise such fee as appropriate.
- 22.2.14 If the fees required under Section 22.2 are not paid in a timely fashion as to allow the Commission to comply with provisions of C.G.S 8-7d, such failure may be ground for

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the Commission to deny the application without prejudice. Any partial fees paid may be credited towards a subsequent application.

- 22.2.15 The Commission may, in determining standard, and additional fees, may take into consideration:
- 22.2.15.1 Such application is substantially similar to one previously filed and withdrawn, or denied without prejudice;
 - 22.2.15.2 The previous application had paid all fees in full;
 - 22.2.15.3 Minimal additional staff time will be needed for review and processing the application;
 - 22.2.15.4 The application is from a municipal entity;
 - 22.2.15.5 The application pertains to a non-profit entity.
- 22.2.16 An applicant may contest the fee required for any application submitted by submitting a letter to the Town of Vernon Building Department at 55 West Main Street, to the attention of the Zoning Enforcement Officer. Any request to reduce the amount of fee required for any aspect of the application should be made within 30 days of the date of submission to the Department. The Zoning Enforcement Officer shall review said request within 65 days of its receipt, and issue a decision within 65 days of the conclusion of said review.

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Subdivision Schedule of Application Fees

Amend Section 4 Fees: Schedule of Application Fees and subsequent sub-sections to read the following in accordance with Town Ordinance #275:

Standard Fees

- 4.4 Subdivision Modifications: Any modifications to an approved subdivision or resubdivision shall be accompanied by a filing fee according to the following schedule:
 - 4.4.1 If over 50% of the Lots are affected, the fee shall be 50% of the original filing fee;
 - 4.4.2 If between 25% to 50% of the lots are affected; the fee shall be 25% of the original filing fee;
 - 4.4.3 If 25% or less of the lots are affected, the fee shall be \$50.00;
 - 4.4.4 In no case shall the fee for a modification be less than \$50.00;
- 4.5 Subdivision Regulation Amendments: Any amendments to these regulations shall be accompanied by a filing fee of \$200;
- 4.6 Subdivision Modifications which in the opinion of the Building Inspector, the Town Planner and Town Engineer are of such a minor nature that the public health and safety will not be adversely affected, are exempt from obtaining commission approval; Said modification must be approved in writing by all three department heads. A \$75 fee is required to process this Administrative Approval;
- 4.7 Subdivision and Resubdivision fees shall be \$250 and \$100 per lot proposed on new road, \$50 per lot proposed on existing road;
- 4.8 All applications requiring a soil and erosion control plan certification will require an additional \$300.00 fee required by the North Central Soil Conservation District.

Additional Fees

- 4.9 In addition to the standard fees for the processing of an application, the Applicant may be required to pay an additional fee to cover the costs of technical services and consultants to analyze, review and report on areas requiring a detailed, technical review if one or more of the following thresholds are met:
 - 4.9.1 The proposed action directly abuts1 is within 500' of7 or has the potential to directly or indirectly impact a significant natural and cultural resource identified in the Plan of Conservation and Development (POCD) (pp. 71 -73), or;
 - 4.9.2 The proposed action fronts, requires access to, or has potential to impact those roadways and intersections identified in the POCD as part of the Traffic Management Plan, Traffic Calming Recommendations, or Accident Mitigation Areas (pp. 94- 107), or;
 - 4.9.3 The proposed action fronts, requires access to, or has potential to impact sites identified in the Connecticut Department of Transportation (CONNDOT) Suggested List of Safety Surveillance Sites (SLOSS), or;
 - 4.9.4 The proposed action directly or indirectly conflicts with one or more of the Policies, Goals, and Objectives recommended in the POCD (pp. 109-120), specifically:
 - A. Housing Policies, Goals and Objectives
 - B. Economic Base Policies, Goals and Objectives
 - C. Design Policies Goals and Objectives
 - D. Community Facilities Polices, Goals and Objectives
 - E. Transportation Policies, Goals, and Objectives
 - F. Open Space Policies, Goals, and Objectives, or;
 - 4.9.5 The proposed action directly or indirectly conflicts with the Land Use Plan and Strategy as stated in the POCD (pp. 121-129), or;
 - 4.9.6 The proposed action is identified as an Area Sensitive to Development in the POCD (pp. 17-1 8), or;
 - 4.9.7 The proposed action is identified as being within a Stratified Drift Aquifer and or

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- Primary Recharge Area as identified in the Town of Vernon Aquifer Protection Map, or has a reasonable potential to impact the public water supply, or;
- 4.9.8 The proposed action is within or has the potential to impact to areas identified by the United States Department of Agriculture to contain Prime Important Farmland Soil, and as indicated in the POCD (pp. 16-17), or;
- 4.9.9 The proposed action is within or has the potential to impact areas identified by the Connecticut Department of Environmental Protection in the Natural Diversity Database (NDDDB) as an area containing Endangered, Threatened, & Species of Special Concern, or;
- 4.9.10 The proposed action is within or has the potential to impact those areas identified by the Federal Emergency Management Agency Flood Insurance Rate Map as a Flood Zone or Flood Plain, or;
- 4.9.11 The proposed action is within or has the potential to impact those areas identified as a Priority Area for Open Space Protection, or Part of the Existing and or Potential Open Space System, or is in direct or indirect conflict with the Open Space Policies and Goals as identified in the POCD (pp. 74-87), or;
- 4.9.12 That is proposed in a use district (specified in Section 4 of the Zoning Regulations) where the proposed activity in its entirety exceeds the impervious coverage thresholds established in such relevant district, or;
- 4.9.13 Where the aggregate square footage for all structures on any parcel exceeds 25,000, or;
- 4.9.14 Where the proposed action includes greater than 50 off-street parking or loading spaces, or;
- 4.9.15 Any application in which additional technical evaluations are determined by the Commission to be necessary to fulfill the Town requirements for processing the application and/or may be necessary to obtain a satisfactory evaluation of the Application, inclusive of legal reviews and guidance.
- 4.9.16 Whenever an application establishes criteria identified in Section 4.9, the Town Planner will provide an estimated cost for technical services and consultants. The Commission will review said estimate and determine the necessary scope of services and establish an appropriate additional fee.
- 4.9.17 The fees required under Sections 4.4 through 4.9 will be paid to the Town of Vernon prior to further proceeding on the application. Upon completion of the technical review and/ or other services, a determination of the costs incurred will be performed and any excess will be refunded to the applicant. During the course of the application review, if the fee as set by the Commission is found to be insufficient, the Commission may review and revise such fee as appropriate.
- 4.9.18 If the fees required under Sections 4.4 through 4.9 are not paid in a timely fashion as to allow the Commission to comply with provisions of CGS 8-7d, such failure may be ground for the Commission to deny the application without prejudice. Any partial fees paid may be credited towards a subsequent application.
- 4.9.19 The Commission may, in determining standard, and additional fees, may take into consideration:
- 4.9.19.1 Such application is substantially similar to one previously filed and withdrawn, or denied without prejudice;
 - 4.9.19.2 The previous application had paid all fees in full;
 - 4.9.19.3 Minimal additional staff time will be needed for review and processing the application;
 - 4.9.19.4 The application is from a municipal entity;
 - 4.9.19.5 The application pertains to a non-profit entity.
- 4.9.20 An applicant may contest the fee required for any application submitted by

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submitting a letter to the Town of Vernon Building Department at 55 West Main Street, to the attention of the Zoning Enforcement Officer. Any request to reduce the amount of fee required for any aspect of the application should be made within 30 days of the date of submission to the Department. The Zoning Enforcement Officer shall review said request within 65 days of its receipt, and issue a decision within 65 days of the conclusion of said review.

INTRODUCED: February 20, 2007
PUBLISHED: February 28, 2007
PUBLIC HEARING: March 6, 2007
COUNCIL ACTION: March 6, 2007
PUBLISHED: March 9, 2007
EFFECTIVE DATE: March 24, 2007

ORDINANCE #276

AN ORDINANCE AMENDING THE VERNON CODE SO AS TO PERMIT A REDUCTION OF THE ASSESSMENT OF CERTAIN REHABILITATED BUILDINGS AND TO PROVIDE NOTICE TO THE TAX ASSESSOR OF THE LIST OF VACANT BUILDINGS

Chapter 3. Building and Building Regulations Section 3-4. Vacant and Blighted Buildings, of the Vernon Code of Ordinances, is hereby amended by adding the following Sections 3-4(d) (5) and 3-4 (k):

Section 3-4(d) CERTIFICATION OF LIST OF VACANT BUILDINGS

(5) On or before the first day of October of each year the Building Official shall provide a list of the additions or deletions to the list of vacant buildings to the Tax Assessor so that the assessment may be adjusted accordingly.

Section 3-4(k) REDUCTION IN ASSESSMENT

Pursuant to Connecticut General Statute Section 12-121(e) as amended, the Town Council may enter into an agreement with any party owning or proposing to acquire an interest in real property in the Town of Vernon which is on the Certified List of Vacant Buildings, as set out in Section 3-4(d) above, fixing the assessment of the real property which is the subject of the Agreement and all improvements thereon or therein. An application requesting such a reduction shall be made in writing to the Town Administrator which shall include a business plan for the renovated property; a fiscal impact study and such other information or documentation which the Town Administrator deems necessary to make a recommendation to the Town Council. After review of the application the Town Administrator will make a recommendation to the Town Council as to the amount and duration of any reduction of the assessment and the Town Council may grant or deny such request by a majority vote. If granted, the tax assessment shall be adjusted after the building is rehabilitated and a certificate of occupancy has been issued. Prior to granting any reduction the party receiving the reduction shall be required to provide proof via affidavit from the Owner or authorized agent with such supporting data as the Tax Assessor may reasonably require as to the actual cost of the improvements made on the property.

The following table lists the minimum value of an improvement that qualifies for a reduction, the maximum reduction and the maximum reduction period. The Town Council shall determine the specific reduction of the tax assessment for each project based upon the benefits to the Town.

<u>Cost of Improvements</u>	<u>Reduction</u>	<u>Term</u>
\$10 Million and higher	Up to 100% of Increased Assessment	Up to 25 Years
\$5 - 10 Million	Up to 75% of Increased Assessment	Up to 15 Years
\$1 - 5 Million	Up to 50 % of Increased Assessment	Up to 10 Years
Less Than \$1 Million	Up to 25% of Increased Assessment	Up to 5 Years

INTRODUCED: April 17, 2007
ADVERTISED: April 24, 2007
PUBLIC HEARING: May 1, 2007
COUNCIL ACTION: May 1, 2007
ADVERTISED: May 3, 2007
EFFECTIVE DATE: May 18, 2007

ORDINANCE #277

HOMESTEAD REVITALIZATION ORDINANCE

(A) Purpose:

To facilitate "Private investment" to preserve architectural history, increase tax rolls and eliminate blight and renew the abandoned and vacant housing stock and commercial properties of Vernon and Historic Rockville.

This will be a means of curing the problems surrounding vacant and abandoned buildings such as health, safety, blight, and lack of tax revenue and low real property values through Private Developers.

To establish as part of this ordinance a Committee that will establish a procedure for bidding on properties and the Committee will review the properties for feasibility and review the bidding by eligible developers. This Committee will be composed of nine (9) people; five of who are voting members that are to be appointed by the Mayor with Town Council approval. The Committee will meet on an annual or as needed basis. This Committee will be established to review the each developer proposed plan.

(B) Definitions:

For the purpose of this ordinance the following terms are defined as:

1. Town: The Town of Vernon.
2. Developer: Any natural person, For Profit Corporation, Limited Liability Company, For Profit General or Limited Partnership. This specifically excludes any parties qualifying under I.R.O §501(c)(3).
3. Agencies: any state, federal or municipal public or quasi-public agencies, non-profit or any organization qualifying for I.R.C. §501(c)(3) status.
4. Committee: The nine member Committee
5. Town engineer: the engineer employed by the Town of Vernon.
6. Immediate Family: means a person (or the spouse of a person) whom is related within the third degree. Third degree means great-grandparents, grandparents, parents, uncles, aunts, brothers; sisters, children, grandchildren, and great-grandchildren --- in short anyone related closer than cousin.
7. Development agreement (bond for deed): a real-estate agreement for the transfer of title that is recordable on the town land records.
8. Hazardous Waste: means asbestos, lead paint and underground oil tanks.
9. Substantial Failure: which means less than substantial performance. Substantial performance shall mean the rendering of performance which does not exactly meet the terms of the agreement (slight deviation) will be looked upon as fulfillment of the obligations, less the damages which result from any deviation from the promised performance.

(C) Program description:

In an effort to preserve architectural history, increase tax rolls and eliminate blight, the Town of Vernon will create the Homestead Property Revitalization Program.

Town Acquired real estate is offered to individuals willing to rehabilitate properties into owner occupied residences or well managed commercial and rental buildings.

In addition to properties owned by the Town of Vernon this Program will help to deal with the new situations which arise under the enacted Blight Ordinance which provides for citations and penalties but it does not facilitate means of escape for the property owners to resolve the cited conditions. This program will allow property owner who own blighted properties to go in front of the Committee and explain their situation and develop a plan to renew the blighted properties or abandon the properties to the Committee for sale under this Program.

The Mayor and the Town Council will refer the properties to the Committee. The referral by the Mayor and the Town Council will be in accordance with the Town of Vernon Charter and applicable Town of Vernon laws, by-laws, and ordinances. The disposition of the property is to be based upon established procedures, as the Committee shall adopt.

This ordinance will establish a Committee that will establish a procedure for bidding on properties and the Committee will review the properties for feasibility and review the bidding by eligible developers.

The Committee membership will include five (5) voting members of who are voting members that are to be appointed by the Mayor with Town Council approval and four (4) ex-officio members. The five (5) voting members will be as follows: (a) One building contractor; (b) one landlord; (c) one real estate agent; (d) one member versed in design review; and (e) one other member. The four (4) ex-officio members will be: (a) the Town Attorney or Special Town

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HOMESTEAD REVITALIZATION ORDINANCE

Attorney; (b) the Town Planner or his representative; (c) the Town Building Inspector; (d) the Town Administrator. The Committee will meet on an annual or as needed basis. This Committee will be established to review each developer proposed plan.

The Town sells the property for minimal compensation to selected developers. Selection is based on rehabilitation plans and demonstrated ability to complete the work within one year. A development agreement (bond for deed) with the Town of Vernon is signed specifying the terms necessary for the transfer of the property. The Developer shall post a \$5,000.00 performance bond, letter of credit, and/or passbook savings account payable to the Town of Vernon upon the signing of the development agreement.

The development agreement will contain each bidding Developer's vision of what the property should be when the Developer fully performs under that agreement. The Committee will review the development agreement and determine which offer contains the best advantage for the Town and complies with the purpose of this Ordinance.

The Town shall convey the property at the completion of the rehabilitation plan and upon the issuance of a Certificate of Occupancy (CO).

The developer shall commence the planning, permitting and other processes that shall be necessary to rehabilitate the property in accordance with the development agreement. The developer shall seek to stabilize and to improve the interior and the exterior elements of the structure through a combination of new construction and renovation, as described in the development agreement.

The Developer shall agree to allow reasonable access to the Town of Vernon Building Officials to confirm the completion of the improvements in accordance with the development agreement. Both parties shall mutually agree upon the timing of these inspections.

The developer agrees that to maintain the property, depending on the specifics of the developers agreement, either as: (1) a residence for the Developer or his immediate family; or (2) act as the Landlord for the rental property which is to be managed by the Developer. The Developer (or a member of his/her immediate family) agrees to hold the property in this manner for a minimum period of five (5) years from the date that the Town of Vernon transfers the property to the Developer in fee simple.

In the event the Developer sells or transfers title to the property before the end of the five (5) year period, the Town shall be entitled to the following share of the net proceeds from the sale of the property, subordinate to a recognized financial lending institution(s):

- a. After 1 year 75%.
- b. After 2years 60%.
- c. After 3 years 50%.
- d. After 4years 40%
- e. After 5years 0%.

If a longer period is stipulated in the development agreement the Committee shall set a percent for the succeeding years. However the minimum percentage of the net proceeds from the sale after the fifth year shall not be less than 30%.

The developer agrees to maintain the exterior of the property and the grounds to the standard as set in the Town of Vernon Ordinances during the period of time covered in the development agreement.

The Developer agrees to purchase insurance on the property to insure against personal injury and property damage and to hold the Town of Vernon Harmless for any damages until the title to the property is conveyed to the developer. A certificate of insurance shall be filed with the Town of Vernon.

The developer shall be liable for and shall remain current on all Town of Vernon taxes, fees and utility bills associated with the property.

The developer shall be responsible for the proper disposal of hazardous materials, which might be found in or on the property in accordance with Federal, State and Local laws, regulations and ordinances.

In the event that the developer shall be unable to complete the project as described in the development agreement within twelve (12) months from the date of the development agreement, the Developer shall notify the Town of Vernon as to the nature of the issue and the parties shall attempt to negotiate a resolution of the same. If a mutually agreeable resolution cannot be reached the developer shall have the right to terminate the development agreement and forfeit the five thousand (\$5,000.00) dollar security to the Town of Vernon (i.e. the \$5,000.00 performance bond, letter of credit, and/or passbook savings account payable to the Town of Vernon).

Any substantial failure by the developer to complete the project in the manner as

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described in the development agreement, within the twelve-month period of the development agreement shall result in the property not being conveyed to the Developer and the forfeiture of the five thousand (\$5,000.00) dollar security (i.e. the \$5,000.00 performance bond, letter of credit, and/or passbook savings account payable to the Town of Vernon). The Town will agree that a project description and time schedule may be modified by mutual agreement from time to time as the project conditions require or based upon reasonable and documented conditions beyond the Developer's control.

It should be understood that compliance with the development agreement shall not be contingent on the Developer's ability to secure grants and other sources of funding.

(D) Qualifications:

1. The developer cannot be a previous owner of the foreclosed property.
2. The developer must be current on all Town of Vernon taxes and fees.
3. The developer must have financial ability to complete the work.
4. The developer must provide to the Committee the source of the funds to be used for the rehabilitation project and length of time those funds have been available to the developer.
5. The developer must be able to acquire a \$5,000.00 performance bond, letter of credit, and/or passbook savings account payable to the Town of Vernon.

(E) Selection Criteria:

1. A work plan describing improvements.
2. A plan addressing historical preservation if applicable.
3. Tax returns and asset sheets to demonstrate financial capability.
4. The developer must provide a list of references to confirm abilities and capabilities.
5. The plan must have a punch list with time frames to establish ability to complete the project within one year.
6. A resume to establish the necessary experience needed for renovating and/or managing properties.
7. Specific exclusion of Agency participation unless no offers are made by any qualified developer.
8. Preference will be given to developers renovating structures into owner-occupied units.
9. Preference will be given to developers renovating multi family structures into single family properties.

(F) Committee responsibilities and powers:

1. The Committee will recommend disposition of the building in question. They will evaluate the building's structure, location, and economic feasibility for the developer.
2. The Committee will have the Building Official or so designated professional do an evaluation on the property and provide a structural analysis of the structure on the property.
3. The Committee will meet on an annual or as needed basis.
4. This Committee will review the developers proposed plan. The Committee will give weight to each proposal based on which type of development is needed in the area and in accordance with this ordinance. This should be based in part on the master plan of development.
5. The committee will review the development agreement, if the property is a historic property, to ensure that the agreement is consistent with The Secretary of Interior's Guidelines on Historic Preservation.

INTRODUCED: June 5, 2007
ADVERTISED: June 11, 2007
PUBLIC HEARING: June 19, 2007
COUNCIL ACTION: June 19, 2007
ADVERTISED: June 22, 2007
EFFECTIVE DATE: July 6, 2007

ORDINANCE #278

AN ORDINANCE AMENDING ORDINANCE #275 “ORDINANCE ESTABLISHING PERMIT FEES FOR APPLICATIONS FILED PURSUANT TO THE VERNON ZONING REGULATIONS AND VERNON SUBDIVISION REGULATIONS.”

Zoning Schedule of Application Fees

Amend Section 22.2 Fees: Schedule of Application Fees and subsequent sub-sections to read the following, in accordance with Town Ordinance #275 as amended:

Standard Fees

22.2.1	Zone District or Regulation Change	\$200 + <i>Associated Printing Costs</i>
22.2.13	<i>Zoning Permit</i>	\$25
22.2.14	<i>Zoning Compliance Review</i>	\$25
22.2.15	<i>Abutter Notices</i>	<i>\$1 per Abutter</i>

Additional Fees -Zoning

22.2.13.9 The proposed action is within or has the potential to impact areas identified by the Connecticut Department of Environmental Protection in the Natural *Diversity* Database (NDDDB) as an area containing Endangered, Threatened, & Species of Special Concern, or;

Subdivision Schedule of Application Fees

Amend Section 4 Fees: Schedule of Application Fees and subsequent sub-sections to read the following in accordance with Town Ordinance #275 as amended:

Standard Fees

4.5 Subdivision Regulation Amendments: Any amendments to these regulations shall be accompanied by a filing fee of \$200 + *associated printing costs*,

4.9 *Abutter Notices \$1 per abutter*

Additional Fees

4.10 In addition to the standard fees for the processing of an application, the Applicant may be required to pay an additional fee to cover the costs of technical services and consultants to analyze, review and report on areas requiring a detailed, technical review if one or more of the following thresholds are met:

- 4.10.1 The proposed action directly abuts is within 500’ of or has the potential to directly or indirectly impact a significant natural and cultural resource identified in the Plan of Conservation and Development (POCD) (pp. 71 -73), or;
- 4.10.2 The proposed action fronts, requires access to, or has potential to impact those roadways and intersections identified in the POCD as part of the Traffic Management Plan, Traffic Calming Recommendations, or Accident Mitigation Areas (pp. 94- 107), or;
- 4.10.3 The proposed action fronts, requires access to, or has potential to impact sites identified in the Connecticut Department of Transportation (CONNDOT) Suggested List of Safety Surveillance Sites (SLOSS), or;
- 4.10.4 The proposed action directly or indirectly conflicts with one or more of the Policies, Goals, and Objectives recommended in the POCD (pp. 109-120), specifically:
 - A. Housing Policies, Goals and Objectives
 - B. Economic Base Policies, Goals and Objectives
 - C. Design Policies Goals and Objectives
 - D. Community Facilities Polices, Goals and Objectives
 - E. Transportation Policies, Goals, and Objectives
 - F. Open Space Policies, Goals, and Objectives, or;
- 4.10.5 The proposed action directly or indirectly conflicts with the Land Use Plan and Strategy as stated in the POCD (pp. 12 1-129), or;
- 4.10.6 The proposed action us identified as an Area Sensitive to Development in the POCD (pp. 17-18), or;
- 4.10.7 The proposed action is identified as being within a Stratified Drift Aquifer and

ORDINANCE #278

AN ORDINANCE AMENDING ORDINANCE #275 “ORDINANCE ESTABLISHING PERMIT FEES FOR APPLICATIONS FILED PURSUANT TO THE VERNON ZONING REGULATIONS AND VERNON SUBDIVISION REGULATIONS.”

- or Primary Recharge Area as identified in the Town of Vernon Aquifer Protection Map, or has a reasonable potential to impact the public water supply, or;
- 4.10.8 The proposed action is within or has the potential to impact to areas identified by the United States Department of Agriculture to contain Prime! Important Farmland Soil, and as indicated in the POCD (pp. 16-17), or;
- 4.10.9 The proposed action is within or has the *potential* to impact areas identified by the Connecticut Department of Environmental Protection in the Natural Diversity Database (NDDDB) as an area containing Endangered, Threatened, & Species of Special Concern, or;
- 4.10.10 The proposed action is within or has the potential to impact those areas identified by the Federal Emergency Management Agency Flood Insurance Rate Map as a Flood Zone or Flood Plain, or;
- 4.10.11 The proposed action is within or has the potential to impact those areas identified as a Priority Area for Open Space Protection, or Part of the Existing and or Potential Open Space System, or is in direct or indirect conflict with the Open Space Policies and Goals as identified in the POCD (pp. 74-87), or;
- 4.10.12 That is proposed in a use district (specified in Section 4 of the Zoning Regulations) where the proposed activity in its entirety exceeds the impervious coverage thresholds established in such relevant district, or;
- 4.10.13 Where the aggregate square footage for all structures on any parcel exceeds 25,000, or;
- 4.10.14 Where the proposed action includes greater than 50 off-street parking or loading spaces, or;
- 4.10.15 Any application in which additional technical evaluations are determined by the Commission to be necessary to *fulfill* the Town requirements for processing the application and/or may be necessary to obtain a satisfactory evaluation of the Application, inclusive of legal reviews and guidance.
- 4.10.16 Whenever an application establishes criteria identified in Section 4.9, the Town Planner will provide an estimated cost for technical services and consultants. The Commission will review said estimate and determine the necessary scope of services and establish an appropriate additional fee.
- 4.10.17 The fees required under Sections 4.4 through 4.9 will be paid to the Town of Vernon prior to *further* proceeding on the application. Upon completion of the technical review and/or other services, a determination of the costs incurred will be performed and any excess will be refunded to the applicant. During the course of the application review, if the fee as set by the Commission is found to be insufficient, the Commission may review and revise such fee as appropriate.
- 4.10.18 If the fees required under Sections 4.4 through 4.9 are not paid in a timely fashion as to allow the Commission to comply with provisions of CGS 8-7d, such failure may be ground for the Commission to deny the application without prejudice. Any partial fees paid may be credited towards a subsequent application.
- 4.10.19 The Commission may, in determining standard, and additional fees, may take into consideration:
- 4.10.19.1 Such application is substantially similar to one previously filed and withdrawn, or denied without prejudice;
 - 4.10.19.2 The previous application had paid all fees in full,
 - 4.10.19.3 Minimal additional staff time will be needed for review and processing the application;
 - 4.10.19.4 The application is from a municipal entity;
 - 4.10.19.5 The application pertains to a non-profit entity.

ORDINANCE #278

AN ORDINANCE AMENDING ORDINANCE #275 “ORDINANCE ESTABLISHING PERMIT FEES FOR APPLICATIONS FILED PURSUANT TO THE VERNON ZONING REGULATIONS AND VERNON SUBDIVISION REGULATIONS.”

4.10.20 An applicant may contest the fee required for any application submitted by submitting a letter to the Town of Vernon Building Department at 55 West Main Street, to the attention of the Zoning Enforcement Officer. Any request to reduce the amount of fee required for any aspect of the application should be made within 30 days of the date of submission to the Department. The Zoning Enforcement Officer shall review said request within 65 days of its receipt, and issue a decision within 65 days of the conclusion of said review.

INTRODUCED: July 17, 2007
PUBLISHED: July 31, 2007
PUBLIC HEARING: August 7, 2007
COUNCIL ACTION: August 7, 2007
PUBLISHED: August 11, 2007
EFFECTIVE DATE: August 26, 2007

ORDINANCE #279

ORDINANCE ESTABLISHING PROCEDURES AND FEES FOR LICENSING AND PERMITS FOR WORK PERFORMED WITHIN A PUBLIC RIGHT OF WAY

Amendment to Ordinance No. 142 codified in Vernon Town Code of Ordinances Article 11, Section 11-2 1, entitled “Construction” and repeal Ordinance No. 245.

PREAMBLE

It is in the best interests of the Town of Vernon and its citizens managing individuals and methods utilized in the performance, replacement and installation or expansion of driveways for the installation, replacement or repair of curbs, sidewalks, drainage pipe utilities, *street excavations, location of utility poles and the inclusion of Substitute Bill No. 5931 “An Act Concerning Road Repairs by Utility Companies” (Effective October 1, 2007)*. In addition to the authority granted to the Town Engineer in Section 11-21 which states in part,

(b) The Town Engineer shall publish regulations, specifications and requirements for the conduct of the work provided for by this Section as he may deem for the best interest of the Town,” fees have been established in order to offset the costs associated with providing said service to the community.

The following procedures and fees are established:

- I. A license is required to perform specific work within the rights of way and will be issued by the Town Engineer or his designated agent to any person or corporation who shall meet the following conditions:
 - (a) Make proper application thereof.
 - (b) File a satisfactory bond.
 - (c) File evidence of liability insurance as specified herein; and
 - (d) Satisfy the Town Engineer or his designated agent that he or it is competent and intends to perform the work with all applicable conditions, rules, regulations and specifications *as published in “Regulations & Specifications regarding Curbs, Sidewalks and Street Excavations” revised July of 2007* established by the Town Engineer and the “Driveway Regulation & Specifications” *revised July of 2007* and as may have been or be amended from time to time. A fee of *fifty dollars (\$50.00)* for each license issued.
- II. A permit application must be submitted and approved by the Town Engineer prior to performance of any work by a licensed contractor within the public right of way in the Town of Vernon. Each permit application must be approved by the Town Engineer or his designated agent. No work shall be commenced or be continued unless the approved permit is posted by or in the possession of the licensee or his/its agent at the location of the work to be performed. A fee of *fifty dollars (\$50.00)* will be charged for each permit application and license issued. No work shall be performed until the permit application is approved.
- III. *Utility Pole Location — Utility poles shall be installed no closer than eight (8) feet from the curb or edge of roadway unless specifically approved by the Engineer. Utility poles shall not be located or relocated in any sidewalk within the Town’s Right of Way unless the sidewalk meets the American Disabilities Act (ADA) and is approved by the Engineer.*
- IV. *The inclusion of Substitute Bill No. 5931 “An Act Concerning Road Repairs by Utility Companies “(Effective October 1, 2007) into the “Regulations & Specifications regarding Curbs, Sidewalks and Street Excavations” revised July of 2007*
- V. This Ordinance shall be effective for a period of not more than ten (10) years from the date of adoption. If the Town Council does not act or renew this Ordinance, it shall be deemed repealed.

INTRODUCED: July 17, 2007
ADVERTISED: July 31, 2007
PUBLIC HEARING: August 7, 2007
COUNCIL ACTION: August 7, 2007
ADVERTISED: August 11, 2007
EFFECTIVE DATE: August 26, 2007

ORDINANCE #280

AN ORDINANCE AMENDING SECTION 3-1 OF THE TOWN OF VERNON CODE

The following are established as fees for certificates of occupancy and building permits in the town to be paid to the building official's office, after which a building permit and/or certificate of occupancy may be issued:

- 1) The fee for a specific Certificate of Occupancy or Code Compliance, if one is required for the project, shall be Ten Dollars (\$10.00).
- 2) The fee for all Building Permits shall be Thirty Dollars (\$30.00) for the first One Thousand Dollars (\$1,000.00) of estimated cost, or any fraction thereof of estimated cost. The Fifteen Dollar (\$15.00) per thousand shall apply to any amount over \$1,000.00.
- 3) Any professional licensed or registered contractors found doing work without first filing for a permit shall be charged an amount equal to the cost of the permit, in effect doubling the amount. Any professional licensed or registered contractor that fails a regular scheduled inspection due to the work not being done at the time of the inspection, which causes the Building Department to make a second trip, will be subject to a re-inspection charge of \$30.00. This shall be payable prior to the inspection. Any work being done by a homeowner shall be exempt from these items.

INTRODUCED: July 17, 2007
PUBLISHED: July 31, 2007
PUBLIC HEARING: August 7, 2007
COUNCIL ACTION: August 7, 2007
PUBLISHED: August 11, 2007
EFFECTIVE DATE: August 26, 2007

ORDINANCE # 281

**AN ORDINANCE TO GRANT AN EXEMPTION OF
PROPERTY TAX FOR HYBRID ELECTRIC VEHICLES AND CERTAIN
AUTHORIZED ALTERNATIVE FUEL VEHICLES.**

Be it ordained:

Pursuant to the provisions of Public Act 07-242 of the January 2007 Regular Session of the Connecticut General Assembly:

1. The Town of Vernon shall grant a One Thousand (\$1,000) Dollar property tax exemption for any passenger car that has a United States Environmental Protection Agency estimated city or highway gasoline mileage rating of at least forty miles per gallon, as defined in Connecticut General Statute Section 12-412(110), purchased on or after January 1, 2008 and prior to July 1, 2010.
2. The Town of Vernon shall grant a One Thousand (\$1,000) Dollar property tax exemption for any hybrid passenger vehicle, as defined in Connecticut General Statute Section 12-412(115), purchased on or after October 1, 2004 and prior to October 1, 2008.
3. The owner of a vehicle that is registered in Vernon and qualifies for this tax exemption may apply for such an exemption with the Tax Assessor. The Vernon Tax Assessor is authorized to require such written proof as deemed necessary to confirm that the vehicle complies with the requirements of this ordinance prior to granting such an exemption.

This ordinance shall take effect on July 1, 2008 and shall expire on July 31, 2010 if the Vernon Town Council does not renew it prior to that date.

INTRODUCED:	December 11, 2007
ADVERTISED:	December 29, 2007
PUBLIC HEARING:	January 8, 2008
COUNCIL ACTION:	January 22, 2008
ADVERTISED:	January 26, 2008
EFFECTIVE DATE:	July 1, 2008

ORDINANCE #282

**AN ORDINANCE AMENDING SECTION 3-1 OF THE TOWN OF VERNON
CODE**

The following are established as fees for certificates of occupancy and building permits in the town to be paid to the building official's office, after which a building permit and/or certificate of occupancy may be issued:

- 1) The fee for a specific Certificate of Occupancy or Code Compliance, if one is required for the project, shall be Ten Dollars (\$10.00).
- 2) The fee for all Building Permits shall be Thirty Dollars (\$30.00) for the first One Thousand Dollars (\$1,000.00) of estimated cost, or any fraction thereof of estimated cost. Twenty Dollar (\$20.00) per One Thousand Dollars (\$1,000/00) of estimated costs or any fraction thereof shall apply to any amount over One Thousand Dollars (\$1,000.00) except residential real estate. The fee for all Building Permits for residential real estate shall be Fifteen Dollars (\$15.00) per One Thousand Dollars (\$1,000.00) up to and including Seventy Five Thousand Dollars (\$75,000.00). Then Twenty Dollars (\$20.00) per One Thousand Dollars (\$1,000.00) of estimated costs or any fraction thereof shall apply to any amounts over Seventy Five Thousand Dollars (\$75,000.00) for residential real estate.
- 3) Any professional licensed or registered contractors found doing work without first filing for a permit shall be charged an amount equal to the cost of the permit, in effect doubling the amount. Any professional licensed or registered contractor that fails a regular scheduled inspection due to the work not being done at the time of the inspection, which causes the Building Department to make a second trip, will be subject to a re-inspection charge of \$30.00. This shall be payable prior to the inspection. Any work being done by a homeowner shall be exempt from these items.

INTRODUCED: January 22, 2008
ADVERTISED: January 28, 2008
PUBLIC HEARING: February 5, 2008
COUNCIL ACTION: February 5, 2008
ADVERTISED: February 16, 2008
EFFECTIVE DATE: March 2, 2008

ORDINANCE #283

AN ORDINANCE AMENDING ORDINANCE 28, CODIFIED AS ARTICLE II, CHAPTER 5, §5-17 AND 5-27 OF THE CODE OF ORDINANCES, TOWN OF VERNON

Be it Ordained by the Town Council of the Town of Vernon that:

Section 1. Section 5-17 is hereby amended by adding subsection (4) as follows:

- (4) The fee for a permit for open burning shall be Fifty Dollars (\$50.00). Said permit is issued for one calendar day to be used at any time during a designated seven (7) day period of time.

Section 2. Section 5-27 is repealed and the following is substituted in lieu thereof:

Any person who violates any provisions of this article or who shall fail to comply with any notice or order by the fire marshal or his deputies may be fined Ninety-Nine Dollars (\$99.00).

Section 3. Any provision of Section 5-16 through 5-27 inclusive, using the term “fire warden” shall be construed to mean “fire marshal”.

Section 4. This ordinance shall be effective for not more than ten (10) years from the date of adoption.

INTRODUCED:	March 18, 2008
ADVERTISED:	March 27, 2008
PUBLIC HEARING:	April 1, 2008
COUNCIL ACTION:	April 1, 2008
ADVERTISED:	April 8, 2008
EFFECTIVE:	April 23, 2008

ORDINANCE #284

AN ORDINANCE AMENDING ORDINANCE #235 - "AN ORDINANCE REGULATING THE COLLECTION OF GARBAGE AND REFUSE"

Be it Ordained by the Town Council of the Town of Vernon that:

Section 1: Section 7-21(e) of the Code of Ordinances, Town of Vernon is hereby repealed and the following is substituted in lieu thereof:

Section 7(e) Registration terms, fee; renewal. All registrations shall be issued for a term not to exceed one (1) year and shall be renewable on or before the first day of July of each year. The registration fee shall be \$500.00 for each vehicle.

Section 2. This ordinance shall be effective for not more than ten (10) years from the date of adoption.

INTRODUCED: February 20, 2008

ADVERTISED: March 27, 2008

PUBLIC HEARING: April 1, 2008

COUNCIL ACTION: April 1, 2008

ADVERTISED: April 8, 2008

EFFECTIVE DATE: April 23, 2008

ORDINANCE #285

ORDINANCE APPROPRIATING \$1,182,000 FOR REPLACEMENT OF PHOENIX STREET BRIDGE AND AUTHORIZING THE ISSUE OF \$1,182,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION

The ordinance number B-08-01, otherwise known as Ordinance #285 reads as follows:

BE IT ORDAINED,

1. That the Town of Vernon appropriate ONE MILLION ONE HUNDRED EIGHTY-TWO THOUSAND DOLLARS (\$1,182,000) for design and construction of replacement bridge for the Phoenix Bridge over the Tankerhoosen River. The project will include removal of the existing Phoenix Street Bridge; installation of a precast concrete arch bridge with associated headwalls and wingwalls; application of waterproofing membrane to the new bridge and of a bituminous wearing surface; modifications and improvements to roadway approaches as appropriate, including but not limited to the installation of upgraded metal beam rail system; improvements to the channel and the channel embankments; land and/or easement acquisitions as required for the project; and modifications to municipally owned utilities as appropriate. The appropriation may be spent for design and construction costs, equipment, materials, land and easement acquisition, site improvements, architects' fees, engineering fees, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or it's financing. The Town Council is authorized to determine the scope and particulars of the project. The Town Council may reduce or modify the scope of the project, and the entire appropriation may be spent on the project as so reduced or modified.
2. The Council hereby determines that the project is of a general benefit to the Town and the project and debt service on bonds and notes issued to finance the project are payable from general property taxes.
3. That the Town issue bonds or notes in an amount not to exceed ONE MILLION ONE HUNDRED EIGHTY-TWO THOUSAND DOLLARS (\$1,182,000) to finance the appropriation for the project. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.
4. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project. The amount of the notes outstanding at any time shall not exceed ONE MILLION ONE HUNDRED EIGHTY-TWO THOUSAND DOLLARS (\$1,182,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be general obligations of the Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.
5. That the Mayor, Town Administrator and Finance Director, or any two of them, shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds or notes. The Mayor, Town Administrator and Finance Director, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.
6. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Mayor, Town Administrator and Finance Director, or any two of them, are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this resolution, if issued on a tax-exempt

ORDINANCE #285

ORDINANCE APPROPRIATING \$1,182,000 FOR REPLACEMENT OF PHOENIX STREET BRIDGE AND AUTHORIZING THE ISSUE OF \$1,182,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION

basis, including covenants to pay rebates of investment earnings to the United States in future years.

7. That the Mayor, Town Administrator and Finance Director, or any two of them, are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

8. That all grants received for the project shall be applied to pay the costs of the project or to reduce the amount of bonds or notes issued to finance the project, unless the Town increases the appropriation for the project and provides that such increased appropriation is to be financed by such grants. In the event of any such increased appropriation, temporary notes may be issued pursuant to this ordinance pending the receipt of such grants.

9. That the Mayor, on behalf of the Town, is authorized to apply for and accept federal and state grants to help finance the appropriation for the project. Any grant proceeds may be used to pay project costs or principal and interest on bonds, notes, or obligations.

10. That the Mayor, Town Administrator and Finance Director, or any two of them, and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds, notes or other obligations to finance the aforesaid appropriation.

11. The Town Administrator is authorized to expend up to \$1,125,000 of said appropriation to carry out the project, with the remaining amount of said appropriation to be spent on net interest on temporary borrowing and other legal and financing costs unless the Mayor, Town Administrator and Finance Director, or any two of them, authorize the expenditure of said remaining amount for the project.

12. This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon and after approval at referendum vote as provided in Chapter XII, Section 12 of the Town's Charter.

13. This ordinance shall be effective for not more than ten years from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance; the ordinance shall be deemed repealed.

Introduced: August 25, 2008

Advertised: August 27, 2008

Public Hearing: September 2, 2008

Council Action: September 2, 2008

Advertised: September 6, 2008

Effective Date: September 21, 2008

Approved at Referendum on November 4, 2008

ORDINANCE #286

ORDINANCE APPROPRIATING \$3,320,000 FOR REPLACEMENT OF MAIN STREET BRIDGE AND AUTHORIZING THE ISSUE OF \$3,320,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION

The ordinance number B-08-02, otherwise known as Ordinance #286 reads as follows:

BE IT ORDAINED,

1. That the Town of Vernon appropriate THREE MILLION THREE HUNDRED TWENTY THOUSAND DOLLARS (\$3,320,000) for design and construction of replacement bridge for the Main Street Bridge over the Tankerhoosen River. The project will include removal of the existing Main Street Bridge; installation of a prestressed concrete box beam deck unit style bridge or a steel through truss supporting a cast-in-place concrete deck style bridge, as determined by the Town Engineer; installation of appropriate superstructure supports and of a metal bridge rail with concrete end blocks; installation of appropriate substructure; installation of architectural treatments as appropriate; construction of a sidewalk along the north side of the new bridge; improvements to abutments and channel banks as required; modifications and improvements to roadway approaches as appropriate, including but not limited to the installation of upgraded metal beam rail system; land and/or easement acquisitions as required for the project; and relocation of existing gas main. The appropriation may be spent for design and construction costs, equipment, materials, land and easement acquisition, site improvements, architects' fees, engineering fees, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or it's financing. The Town Council is authorized to determine the scope and particulars of the project. The Town Council may reduce or modify the scope of the project, and the entire appropriation may be spent on the project as so reduced or modified.
2. The Council hereby determines that the project is of a general benefit to the Town and the project and debt service on bonds and notes issued to finance the project are payable from general property taxes.
3. That the Town issue bonds or notes in an amount not to exceed THREE MILLION THREE HUNDRED TWENTY THOUSAND DOLLARS (\$3,320,000) to finance the appropriation for the project. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.
4. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project. The amount of the notes outstanding at any time shall not exceed THREE MILLION THREE HUNDRED TWENTY THOUSAND DOLLARS (\$3,320,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be general obligations of the Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.
5. That the Mayor, Town Administrator and Finance Director, or any two of them, shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds or notes. The Mayor, Town Administrator and Finance Director, or any two of them, are authorized to determine the amounts, dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.
6. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Mayor, Town Administrator and Finance Director, or any two of them, are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem

ORDINANCE #286

ORDINANCE APPROPRIATING \$3,320,000 FOR REPLACEMENT OF MAIN STREET BRIDGE AND AUTHORIZING THE ISSUE OF \$3,320,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION

necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

7. That the Mayor, Town Administrator and Finance Director, or any two of them, are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

8. That all grants received for the project shall be applied to pay the costs of the project or to reduce the amount of bonds or notes issued to finance the project, unless the Town increases the appropriation for the project and provides that such increased appropriation is to be financed by such grants. In the event of any such increased appropriation, temporary notes may be issued pursuant to this ordinance pending the receipt of such grants.

9. That the Mayor, on behalf of the Town, is authorized to apply for and accept federal and state grants to help finance the appropriation for the project. Any grant proceeds may be used to pay project costs or principal and interest on bonds, notes, or obligations.

10. That the Mayor, Town Administrator and Finance Director, or any two of them, and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds, notes or other obligations to finance the aforesaid appropriation.

11. The Town Administrator is authorized to expend up to \$3,247,400 of said appropriation to carry out the project, with the remaining amount of said appropriation to be spent on net interest on temporary borrowing and other legal and financing costs unless the Mayor, Town Administrator and Finance Director, or any two of them, authorize the expenditure of said remaining amount for the project.

12. This ordinance shall take effect after publication in a newspaper having a circulation in the Town of Vernon and after approval at referendum vote as provided in Chapter XII, Section 12 of the Town's Charter.

13. This ordinance shall be effective for not more than ten years from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance; the ordinance shall be deemed repealed.

Introduced: August 25, 2008
Advertised: August 27, 2008
Public Hearing: September 2, 2008
Council Action: September 2, 2008
Advertised: September 6, 2008
Effective Date: September 21, 2008
Failed at Referendum on November 4, 2008

ORDINANCE #287

AN ORDINANCE AMENDING ORDINANCE #220 ENTITLED “AN ORDINANCE EXEMPTING CERTAIN ACTIVITIES OF CHARITABLE RELIGIOUS OR NON-PROFIT ORGANIZATIONS FROM TAXATION

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VERNON

Section 1.1, of Ordinance #220 is hereby amended and renewed as follows:

Section 1.1:

Delete the sentence “Have achieved tax-exempt status issued by the Internal Revenue Service.” and substitute the following in lieu thereof:

Have achieved tax-exempt status issued by the Internal Revenue Service and qualifies for exemption from municipal taxes in accordance with Title 12 of the Connecticut General Statutes.

Section 2:

This Ordinance shall expire ten (10) years from the date of its passage and ten (10) years from the date of each renewal unless renewed by the Vernon Town Council prior to each said expiration.

Introduced:	September 2, 2008
Advertised:	September 8, 2008
Public Hearing:	September 16, 2008
Council Action:	September 16, 2008
Advertised:	September 25, 2008
Effective Date:	October 1, 2008

ORDINANCE #288

AN ORDINANCE RENEWING ALL PREVIOUS ORDINANCES OF THE TOWN OF VERNON

Be it Ordained by the Town of Vernon that:

Section 1. By resolution of the Town Council of the Town of Vernon at its regular meeting held on March 5, 2002, the Council recognized that Ordinance No. 194 consolidated all of the previous Ordinances and established effective dates of Ordinances enacted prior to March 7, 1992 as March 7, 1992.

Section 2. In said Resolution, the Town Council determined that it was in the best interest of the Town to renew the Code until such time as the Town Council decides that it wishes to review individually or in its entirety Ordinance No. 194 and the Code that it codifies.

Section 3. The Town Council hereby renews Ordinance No. 194 for a period of ten (10) years, and all Ordinances adopted previous to this Ordinance for the period of ten (10) years from the effective date of this Ordinance, including all Ordinances which have been repealed by operation of law due to non renewal within 10 years of their effective dates.

Section 4. This Ordinance shall be effective for a period of not more than ten (10) years from the date of its adoption, and if the Town Council does not act to renew within that time, this Ordinance is repealed.

Section 5. This Ordinance is effective from its passage.

Introduced:	December 2, 2008
Advertised:	December 9, 2008
Public Hearing:	December 16, 2008
Council Action:	December 16, 2008
Advertised:	December 27, 2008
Effective Date:	January 11, 2009

ORDINANCE #289

AN ORDINANCE AMENDING THE VERNON CODE ON BUILDINGS AND BUILDING REGULATIONS

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VERNON THAT:

SECTION 1:

Chapter 3, Building and Building Regulations, of the Vernon Code of Ordinances is hereby amended by adding the following:

Section 3.1(3): Building Applications When Taxes Are Delinquent

As provided by Connecticut General Statutes, Section 7-148(2)(B), withholding of Building Permits, Certificates of Occupancy and other Building Applications for a property for which taxes are delinquent is authorized and directed to be enacted by the Building Official in conjunction with the Revenue Collector. Issuance of all Building Permits, Certificates of Occupancy and/or other Building Applications shall be withheld until such time as the Revenue Collector verifies to the Building Official that no tax delinquencies exist on the property for which the Building Permit, Certificates of Occupancy or other Building Application is sought.

The Mayor shall have authority to override the withholding of the issuance of such permits on property for which a tax delinquency exists, if it is determined by the Mayor that health or safety concerns or extraordinary circumstances warrant such override action. Notification of such override shall be provided, in writing, to the Revenue Collector, the Building Official.

SECTION 2:

Effective Date:

This Ordinance shall be effective for not more than ten (10) years from the date of adoption at which time, if the Town Council is not acted to renew the Ordinance, this Ordinance shall be deemed repealed.

- Introduced: March 3, 2009
- Advertised: March 10, 2009
- Public Hearing: March 17, 2009
- Council Action: March 17, 2009
- Advertising: March 24, 2009
- Effective Date: April 8, 2009

ORDINANCE #290

AN ORDINANCE AMENDING ORDINANCE #248 TO AUTHORIZE THE APPOINTMENT OF TWO ADDITIONAL MEMBERS TO THE BOARD OF ASSESSMENT APPEALS FOR TAX YEARS 2009 AND FOLLOWING.

The Town of Vernon pursuant to Section 9-199(c) of the Connecticut General Statutes as maybe amended from time to time, hereby authorizes the appointment of two (2) additional members of the Board of Assessment Appeals any assessment year to serve the Board.

This Ordinance shall authorize the appointment of two (2) additional members for any assessment year. Each member shall be an elector of the Town and when seated shall have the powers and duties of a member of the Board of Assessment Appeals.

This Ordinance shall be effective for a period of not more than ten (10) years from the date of adoption. If the Town Council does not act to renew the Ordinance, the Ordinance is hereby repealed.

Introduced: August 18, 2009
Advertised: September 8, 2009
Public Hearing: September 15, 2009
Council Action: September 15, 2009
Advertised: September 22, 2009
Effective Date: October 7, 2009

ORDINANCE #291

AN ORDINANCE AMENDING ORDINANCE 279 “AN ORDINANCE ESTABLISHING PROCEDURES AND FEES FOR LICENSING AND PERMITS FOR WORK PERFORMED WITHIN A PUBLIC RIGHT OF WAY”

Amendment to Ordinance No. 279 codified in Vernon town Code of Ordinances Chapter 11, Article II, Section 11-21, entitled “Construction”

Ordinance No. 279 is amended as follows:

The last line of Section (b) I (d) will now read

“A fee of One Hundred dollars (\$100.00) for each license issued.”

Section (b) II will now read:

A permit application must be submitted and approved by the Town Engineer prior to performance of any work by a licensed contractor within the public right of way in the Town of Vernon. Each permit application must be approved by the Town Engineer or his designated agent. No work shall be commenced or be continued unless the approved permit is posted by or in the possession of the licensee or his/its agent at the location of the work to be performed. A fee of fifty dollars (\$50.00) will be charged except if the work requires a roadway cut on town property. Then the fee of one hundred dollars (\$100.00) will be charged for the permit application and license issued. No work shall be performed until the permit application is approved.

Except as amended above, Ordinance 279 remains in full force and effect.

This Ordinance shall be effective for a period of not more than ten (10) years from the date of not more than ten (10) years from the date of adoption. If the Town Council does not act or renew this Ordinance, it shall be deemed repealed.

INTRODUCED: January 5, 2010

ADVERTISED: January 11, 2010

PUBLIC HEARING: January 19, 2010

COUNCIL ACTION: February 2, 2010

ADVERTISED: February 9, 2010

EFFECTIVE DATE: February 24, 2010

AMENDS ORDINANCE #279

ORDINANCE # 292
TOWN OF VERNON ENERGY IMPROVEMENT
DISTRICT AND ENERGY IMPROVEMENT
DISTRICT BOARD

THE TOWN OF VERNON ENERGY IMPROVEMENT DISTRICT AND ENERGY IMPROVEMENT DISTRICT BOARD.

Section 1: Purpose and Intent:

- A. In accordance with PA-07-242 and Conn. Gen. Stat. Sec. 32-80a et seq., the Town of Vernon hereby establishes the Town of Vernon Energy Improvement District within and for the area more particularly defined as the municipal boundaries of the Town of Vernon to be created and operated according to the procedures set forth in P A 07-242 and Conn. Gen. Stat. Sec. 32-80a et seq.
- B. The purpose of this Ordinance is to promote the planning, development, construction, reconstruction, improvement, extension or operation of the energy improvement district with a view to increase efficiency, reliability and furtherance of commerce and industry in an energy improvement district. The operation of the district shall be for the benefit of the inhabitants of the municipality, for the increase of their commerce and for the promotion of their safety, health, welfare, convenience and prosperity. Further, the purpose is also to coordinate district activities with regard to such resources with relevant state, regional and federal agencies.

Section 2: Definitions:

Words and terms shall have the following meanings when context shall require or permit:

- A. The term "Board" shall mean the Energy Improvement District Board created by this ordinance and as more particularly defined in PA 07-242 and Conn. Gen. Stat. Sec. 32-80a;
- B. The term "District" shall mean the Energy Improvement District which shall be the municipal boundaries of the Town of Vernon;
- C. The term "Energy Improvement District Distributed Resources: shall mean one or more of the following:
 - i. Customer-side distributed resources, as defined in Conn. Gen. Sec. 16-1
 - ii. Grid-side distributed resources, as defined in said Section 16-1;
 - iii. Combined heat and power systems, as defined in said Section 16-1;
 - iv. Class III renewable energy sources, as defined in Section 16-1 and;
 - v. The term "Connecticut General Statutes" shall mean the revision of 1958, as revised and amended;
 - vi. The term "Ex-officio" shall mean non-voting member;
 - vii. The term "State Agency" shall mean the State of Connecticut, any department of, or corporation agency; or instrumentality thereof, heretofore, of or hereafter created, designated, or established by the State of Connecticut;
 - viii. The term "Federal Agency" shall mean the United States of America and any department of or corporation, agency, or instrumentality thereof or hereafter created, designated or established by the United States of America;
 - ix. The term "Project" shall mean the acquisition, purchase, construction, reconstruction, improvement or extension of one or more energy improvement district distributed resources.

Section 3: Board

- A. The Mayor shall appoint the voting members of Board of the District, as set out in C.G.S.A. § 32-80a (2) (b) (1). These voting members shall be approved by the Town Council. The Board of the District shall consist of six (6) voting members. The voting members shall be electors of the town or representatives of businesses located in the district. The terms of two (2) designated members shall expire on June 30, 2011. The terms of the two other (2), remaining designated members shall expire on June 30, 2012. The term of the last remaining designated member shall expire on June 30, 2013. Thereafter, upon the expiration of these original terms, all the terms shall be for a period of five (5) years. The Mayor shall be a ex-officio member of the Board during his or her term as Mayor of Vernon. The Mayor shall fill any vacancy for the unexpired portion of the

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TOWN OF VERNON ENERGY IMPROVEMENT
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term. Any vacancy shall be filled in the same manner as the original appointment. The six voting Board members shall serve without compensation, except for reasonable and necessary expenses.

Section 4: Powers and Duties of the Board

As set out in C.G.S.A. § 32-80a the voting Board Members may lease or acquire office space and equip the same with suitable furniture and supplies for the performance of work of the board and may employ such personnel as may be necessary for such performance, subject to the recommendation of the Mayor and approval of the Town Council.

The voting Board also shall have power to:

- 1) Sue and be sued;
- 2) Confer with any body or official having to do with electric power distribution facilities within and without the district and hold public hearings as to such facilities;
- 3) Confer with electric distribution companies with reference to the development of electric distribution facilities in such district and the coordination of the same;
- 4) Determine the location, type, size and construction of energy improvement district distributed resources, subject to the approval of any department, commission or official of the United States, the state or the municipality where federal, state or municipal statute or regulation requires it and subject to the recommendation of the Mayor and approval of the Town Council;
- 5) Make surveys, maps and plans for, and estimates of the cost of, the development and operation of requisite energy improvement district distributed resources and for the coordination of such facilities with existing agencies, both public and private, with the view of increasing the efficiency of the electric distribution system in the district and in the furtherance of commerce and industry in the district;
- 6) Enter into contracts subject to the recommendation of the Mayor and approval of the Town Council; including but not limited to contracts with independent consultants and suppliers of clean energy products and technology in order to reduce the Town's carbon footprint, dependency on foreign energy sources, and to make available to local non-profits and businesses the benefits of such a program;
- 7) Subject to recommendation of the Mayor and the approval of the Town Council, the Energy Improvement District and Energy Improvement District Board shall have the power to enter into power purchase agreements and/or energy service agreements;
Operate and maintain all energy improvement district distributed resources owned or leased by the board;
- 8) Subject to the recommendation of the Mayor and approval of the Town Council, accept gifts, grants, loans or contributions from the United States, the state or any agency or instrumentality of either, or a person or corporation, by conveyance, bequest or otherwise, and expend the proceeds for any purpose of the board and, as necessary, contract with the United States, the state or any agency or instrumentality of either to accept gifts, grants, loans or contributions on such terms and conditions as may be provided by the law authorizing the same; any revenue collected by the Energy Improvement District (EID) or Energy Improvement District Board (EID) shall be submitted to the Town of Vernon general fund;
- 9) Maintain paid staff to promote and develop the movement of commerce through the energy improvement district; and
- 10) Use the officers, employees, facilities and equipment of the municipality, with the consent of the municipality, and pay a proper portion of the compensation or cost.
- 11) The Energy Improvement District and Energy Improvement District Board shall have the power to organize and analyze the Town of Vernon's energy needs.
- 12) Subject to the Recommendation of the Mayor and Approval of the Council, The Energy Improvement District and Energy Improvements District Board shall have the power to enter into power purchase agreements and or energy service agreements.
- 13) The Energy Improvements District and Energy Improvement District Board shall not

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have any of the powers provided in Conn. Gen. Stat. Secs. 32-80A, B, C, or Public Act 07-242 unless they are also articulated in this Ordinance.

Section 5: District Properties

- 1) The properties included in the District shall be bound by the municipal boundaries of the Town of Vernon.
- 2) The Office of the Mayor shall notify by mail each property owner of record within said district of said action. An owner may record on the land records in the municipality its decision to participate in the energy improvement district pursuant to this section and sections 32-80b and 32-80c. Any owner of record, including any new owner of record, may rescind said decision at any time.

Section 6: Regulations by the Board

The Board may, subject to the recommendation of the Mayor and approval by the Town Council, make and enforce any reasonable regulation which it may determine to be necessary relating to the facilities owned or leased by any individual or corporation, limited liability company, partnership, etc., within the District consistent with the laws of the State of Connecticut and the Vernon Town Charter and Code of Ordinances for the Town of Vernon.

Section 7: Energy Improvement District (EID) Payment in Lieu of Taxes (Pilot)

In the event that property taxes are not paid or required to be paid to the Town of Vernon for real and personal property by the Energy Improvement District (EID) Project, at the Town of Vernon's election the Energy Improvement District (EID) will be subject to a payment in lieu of taxes, the PILOT election shall be based upon the Town's Mill Rate and the Town's Valuation of the Energy Improvement District (EID) Project real and or personal property. The Energy Improvement District (EID) Project real and personal property include any real or personal under any agreement of operation or lease between the Energy Improvement District (EID) and any entity, person or organization. This election shall be at least the ninety (90) days before the date at which the Assessor of the Town of Vernon publishes the Town of Vernon Grand List for real and personal property for the Town of Vernon. Town of Vernon's election shall be based upon the recommendation of the Mayor to the Town Council with the approval of the majority of the Town Council. This shall not be a PILOT upon any property owner in the boundaries of the Energy Improvement District (EID) only the Energy Improvement District (EID) Project personal and real property is subject to Section 7.

Section 8: Sunset Provision

This ordinance shall be effective for a period of not more than ten (10) years from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed.

Introduced:	February 2, 2010
Advertised:	February 9, 2010, February 23, 2010 ReminderNews
Public Hearing:	March 2, 2010
Council Action:	March 16, 2010
Advertised:	March 23, 2010 ReminderNews
Effective Date:	April 7, 2010

ORDINANCE #293

AN ORDINANCE CREATING AN OTHER POST-EMPLOYMENT BENEFITS (OPEB) TRUST FUND AND AN OPEB BOARD

Other Post-Employment Benefits Trust

- (a) *Authority: Establishment of Other Post-Employment Benefits Trust.* Pursuant to Section 7-450(b) of the Connecticut General Statutes, as may be amended from time to time, there is hereby created and established this Other Post-Employment Benefits Trust (the “OPEB Trust”) to fund certain retire benefits constituting other post-employment benefits pursuant to the terms of certain plans, as amended from time to time, established for the benefit of certain Town and Board of Education employees, retirees, their spouses and their dependents.

- (b) *Establishment of Other Post-Employment Benefits Board.* Immediately upon the enactment of this ordinance, the Town Pension Board shall constitute the Other Post-Employment Benefits Board directing the Trustee of the OPEB Trust concerning the investment of the OPEB Trust, hereinafter referred to as the OPEB Board. The members of said OPEB Board shall receive no compensation for serving as a member thereof and shall serve terms coextensive with the respective terms as members of the Pension Board.

- (c) *Appointment of Trustee.* The Town Finance Officer shall serve as the Trustee of the OPEB Trust.

- (d) *Powers and Duties of the OPEB Board and Trustee.* The Town of Vernon, acting through its Town Administrator, the OPEB Board and the Trustee are hereby authorized and directed to enter into a Trust Agreement to govern the administration, management and investment of the OPEB Trust and the assets thereof. The Town of Vernon, acting through its Town Administrator, the OPEB Board and the Trustee are further authorized to modify, amend, cancel or terminate the Trust Agreement, as they deem appropriate and in accordance with applicable law, as are hereafter approved by the Town Council.

This Ordinance shall be effective for a period of not more than ten (10) years from the date of adoption. If the Town Council does not act to renew the Ordinance, the Ordinance is hereby repealed.

Introduced: June 21, 2011

Advertised: July 7, 2011 Reminder Press

Public Hearing: July 19, 2011

Town Council Action: July 19, 2011

Advertised: July 28, 2011 Reminder Press

Effective Date: August 12, 2011

ORDINANCE #294

AN ORDINANCE ADOPTING THE REIMBURSEMENT FOR COSTS OF FIRE HYDRANTS AND QUALIFIED STREET LIGHTS WITHIN THE TOWN OF VERNON'S RESIDENTIAL CONDOMINIUM COMPLEXES

BE IT ORDAINED BY THE TOWN OF VERNON THAT:

1. **Recitals.** a.) As conditions of approval by the Town of Vernon Planning and Zoning Commission, Residential Condominium Complexes were required to install and maintain, at their expense, fire hydrants and street lights; and
b.) Installation of said fire hydrants and street lights were required in the interest of public safety; and
c.) The Town of Vernon directly bears the operating costs for street lights and fire hydrants on residential streets, in general;

2. **Definitions.**

Operating Costs: Metered utility cost for qualified streetlights and the servicing costs of fire hydrants. Operating costs do not include repair and capital expenditures.

Qualified Streetlights: Metered streetlights that are charged to the Residential Condominium Complexes, along private streets and roads that provide access to residences, parking areas and driveways within the Complex.

3. **Reimbursement.** There shall be included within the General Government Budget, a line for reimbursing the costs for servicing of hydrants and the reimbursement of operating costs for qualified street lights in Residential Condominium Complexes within the Town of Vernon, to be reimbursed to those associations that submitted their cost estimates for said fire hydrants and qualified street lights by January 31st of each year. Said reimbursements to take place during the ensuing fiscal period of July 1st through June 30th.

4. **Submission of Invoices.** For the fiscal period of July 1st through June 30th, the associations for the Residential Condominium Complexes shall submit periodic invoices to the Finance Department which shall be responsible to pay said invoices. The scheduling of the submission of the invoices and payments shall be as directed by the Town Finance Officer.

5. **Submission of Cost Estimates.** Reimbursement to any association shall be conditioned upon said association, timely submitting their hydrant costs and qualified street light cost estimates for the upcoming fiscal year to the Town of Vernon Finance Department by January 31st of each year. Understanding the appropriation for reimbursement of said costs will depend upon such timely submission of the cost data, failure of any association to submit said data shall be deemed a waiver by that association of reimbursement for the ensuing fiscal year.

6. **Purpose.** As a matter of general equity and fairness to Residential home owners, the reimbursement of qualified costs for the servicing of hydrants and reimbursement for costs of street lights for Residential Condominium Complexes within the Town of Vernon are to be included as part of the General Government Budget.

7. **Sunset Provision.** In accord with the Vernon Town Charter, this ordinance shall be effective for a period of not more than ten (10) years from the date of adoption at which time, if the Town Council does not or has not acted to renew the ordinance, the ordinance shall be deemed repealed.

This Ordinance shall become effective on December 30, 2011.

Introduced:	November 15, 2011
Advertised	December 1, 2011 Reminder Press
Public Hearing Date:	December 6, 2011
Town Council Action:	December 6, 2011
Publication Date:	December 15, 2011
Effective Date:	December 30, 2011