

**Proposed Code Adoption Ordinance
Town of Ashford**

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

§ 1-1. Code adopted; existing ordinances continued.

The compilation of the ordinances of a general and permanent nature of the Town of Ashford, Windham County, Connecticut, codified and consolidated into chapters and sections in the form attached hereto and made a part hereof, and consisting of Chapters 1 through 273, is hereby approved, adopted, ordained and enacted as Division 1 of the Code of the Town of Ashford, Connecticut, hereinafter referred to in this ordinance as the "Code." The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Town.

§ 1-2. Code on file; additions and amendments.

- A. A copy of the Code has been filed in the office of the Town Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance. Following adoption of this ordinance such copy shall be certified to by the Town Clerk as provided by law, and such certified copy shall remain on file in the office of the Town Clerk, to be made available to persons desiring to examine the same during all times while said Code is in effect.
- B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the Town to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Town of Ashford" shall be understood and intended to include such additions and amendments.

§ 1-3. Notice; publication.

The Town Clerk cause this ordinance or a summary of this ordinance to be published in the manner required by law. The enactment and publication of this ordinance coupled with the filing of the Code in the office of the Town Clerk as provided in § 1-2 shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-4. Severability.

Each section of this ordinance and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-5. Repealer.

- A. Ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Town of Ashford which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. The following ordinance has been excluded from the Code and is specifically repealed: an ordinance titled "Prohibiting the Storage, Disposal or Use of Waste from Oil and Gas Exploration or Extraction Activities, or Any Derivative Thereof, in the Town of Ashford, Connecticut" adopted November 21, 2016. (See Connecticut General Statutes § 22a-472, Hydraulic fracturing waste, oil waste and natural gas waste, P.A. 19-112.)

§ 1-6. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-5 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to December 9, 2019.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered, prior to the effective date of this ordinance, brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Town's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease, dedication or transfer of property or any lawful contract, agreement or obligation.

- I. The levy or imposition of taxes, assessments or charges or the approval of the municipal budget.
- J. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- K. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.

§ 1-7. Changes in previously adopted ordinances.

- A. In preparing the revision and codification of the ordinances, certain minor grammatical and nonsubstantive changes were made in one or more of said ordinances. It is the intention of the Town Meeting that all such changes be adopted as part of the Code as if the ordinances so changed had been formally amended to read as such.
- B. The changes, amendments or revisions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)
- C. The following changes are made throughout the Code:
 - 1) References to "Chairman" and "Chair" are amended to "Chairperson."
 - 2) References to the Connecticut Department of Environmental Protection (DEP) are amended to the Department of Energy and Environmental Protection (DEEP).

§ 1-8. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-9. Altering or tampering with Code; penalties for offenses.

It shall be unlawful for anyone to change, alter or tamper with the Code in any manner which will cause the laws of the Town of Ashford to be misrepresented thereby. Anyone violating this section shall be subject, upon conviction, to a fine of not more than \$250.

§ 1-10. When effective.

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

Schedule A
(As referenced in § 1-7B)

Chapter 5, Aging, Commission on.

Section 5-4 is amended as follows: "Of the members chosen, there shall be at least one member from the Ashford Seniors Citizens Organization and at least one membership position shall be available for the Agent for the Elderly. In addition, the First Selectman and the Director of Health ~~and~~ or his/her appointee of the Town of Ashford shall be ex officio members of said Commission."

Chapter 8, Agriculture Commission.

Section 8-3 is amended as follows: "Members of the Agriculture Commission shall serve staggered three-year terms, with initial appointments to be three members for three years and two members for two years; one alternate to be shall be appointed for three years and two alternates for two years."

Chapter 32, Economic Development Commission.

Section 32-5, Compensation, is amended as follows: "~~The Economic Development Commission may appoint employees necessary for the discharge of its duties.~~ The members and alternates of the Commission shall receive no compensation for their services as such but shall be reimbursed for their necessary expenses incurred in the performance of their official duties."

Chapter 35, Education, Board of.

Section 35-1 is amended as follows:

~~The following ordinance was passed at a referendum held November 10, 1983, Pursuant to § 9-205 of the Connecticut General Statutes, to change the number of members to of the Board of Education is changed from six to seven. The Town shall then elect four members of such Board to hold office for four years, each from such date of election, and, at each Town election thereafter, shall elect members of such Board in place of the members whose terms expire, each for a term of four years from the date of election. At the biennial Town election next following such action~~ the adoption of this chapter, the terms of office of the members of such Board then in office shall expire.

Chapter 39, Ethics.

Article I, Conflict of Interest, is amended to change "Such municipality" to "The Town" in § 39-2 and to revise § 39-1 as follows:

~~The purpose of this ordinance is to prohibit~~ Any member or employee of any ~~municipal~~ Town board or agency or any official, officer or employee of ~~such municipality~~ the Town who, in

the discharge of his/her official duties, would be required to take an action that would affect a financial interest of himself/herself[,] or his/her spouse, parent, brother, sister, or child or the spouse of a child is prohibited from:

A. Being financially interested, or ~~have~~ having 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 the Town, municipality, board or agency; and

B. Accepting or receiving, directly or indirectly, from any person, firm or corporation to which any contract or purchase order may be awarded by ~~such municipality~~ the Town, by rebate, gifts or otherwise, any money or anything of value whatsoever, or any promise, obligation or contract for future reward or compensation.

Chapter 75, Meetings.

Section 75-4 is amended as follows:

Pursuant to §§ 7-1, 7-148(c)(2)(A), and 7-388 of the Connecticut General Statutes, as amended, ~~designating~~ a date no less than seven nor more than 14 days prior to the first Tuesday following the first Monday in the month of May shall be designated as the day and date to be warned for the holding of the Annual Town Meeting for consideration of the budget and the transaction of other Town business as required to come before the legislative body.

Chapter 84, Officers and Employees.

Section 84-1 is amended to update the reference to "Connecticut General Statutes, § 9-198 of the Revision of 1958" to "§ 7-100k of the Connecticut General Statutes."

Chapter 110, Selectmen, Board of.

Section 110-1 is amended to delete the reference to the ordinance titled "Parking During Winter Storms."

Chapter 147, Boating.

Section 147-2 is amended as follows: "~~Not more than \$50 for each offense.~~ Violation of the boating regulations in § 147-1 shall be subject to a fine of not more than \$50 for each offense."

Chapter 154, Citations.

Section 154-4 is amended to add the word "If" at the beginning of the first sentence: "If the person who is sent notice pursuant to § 154-3 of this article wishes to admit liability for any

alleged violation, he or she may, without requesting a hearing, pay the full amount of the fine, either in person or by mail, to the Wetlands Agent."

Section 154-7 is amended to change the reference to the "Conservation and Inland Wetlands Commission" to the "Inland Wetlands and Watercourses Commission."

Chapter 173, Fees.

Article I, Building Permit Fees, is amended to read as follows:

§ 173-1. Schedule of building permit fees.

- A. Building and trade permit fees shall be \$12 per \$1,000 or fraction thereof of the cost of construction. The minimum permit fee shall be \$40. Demolition and moving of buildings shall be the same fee structure.
- B. As required by Connecticut General Statutes § 29-263, the code training and education fee shall be \$0.26 per \$1,000 of construction value on each building permit application added to the base permit fee.
- C. Connecticut State Building Code Section R108.3, Building Permit Valuations.
 - (1) The applicant for a permit shall provide an estimated permit value at the time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Final building permit valuation shall be set by the Building Official.
 - (2) Permit applicants must file the appropriate Connecticut workers' compensation form:
 - (a) Form 7A: for the sole proprietor or property owner who will not act as general contractor or principal employer.
 - (b) Form 7B: for the sole proprietor or property owner who will act as general contractor or principal employer.
 - (c) Form 7C: for the general contractor or principal employer who has chosen to be excluded from coverage.

Article II, Land Use Agency Fees, is amended to update the references to the "Inland Wetlands Commission" and "Conservation and Inland Wetlands Commission" to "Inland Wetlands and Watercourses Commission."

Chapter 177, Fire Lanes.

Section 177-5 is amended as follows: "Such written notice of appeal must be filed with the First Selectman within ~~such fifteen-day period,~~ the 15 days after the filing of the order with the Board

~~of Selectmen.~~ The Board of Selectmen shall hear such appeal within 30 days after receipt of the notice of appeal by the First Selectman."

Section 177-6 is amended to update the reference to the "Ashford Highway Department" to the "Ashford Public Works Department."

Section 177-7B is amended as follows: "Any motor vehicle found standing in a fire lane which has been established in accordance with this chapter may be towed upon the direction of the First Selectman or his/her designee 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."

Chapter 228, Peddling and Soliciting.

Sections 228-1, 228-2 and 228-4 are amended to change "license" to "permit."

Chapter 247, Streets and Sidewalks.

Section 247-5 is amended as follows: "Each and every property owner in the Town of Ashford shall, upon notification of the assignment of a street number to the property, be required to affix numerals ~~or words~~ of a size not less than three inches in height to the house, on the mailbox or on a post or other like structure so that the house is identifiable from the street."

Section 247-7 is amended as follows: "Failure to post any number under the terms of this article shall be ~~a misdemeanor~~ an infraction and shall be punished by a fine of not more than \$5."

Section 247-11A is amended to change the reference to "§ 8-26(d) and (h) and § 8-26(e) of the Connecticut General Statutes" to "§§ 8-26d and 8-26e of the Connecticut General Statutes" and to change "Highway Foreman" to "Director of Public Works."

Section 247-12A is amended to change the reference to "§§ 8-26(d) and 8-26(e) of the Connecticut General Statutes" to "§§ 8-26d and 8-26e of the Connecticut General Statutes" and to change "Highway Foreman" to "Director of Public Works."

Section 247-13 is added to read as follows:

§ 247-13. Designated scenic roads.

The following roads in the Town of Ashford have been accepted as scenic roads:

- A. Bebbington Lane, January 8, 1990.
- B. Varga Road, February 13, 1990.
- C. Seckar Road, April 9, 1990.
- D. Colts Pond Road, September 13, 1999.
- E. Lipps Road, November 9, 2002.

F. Oaks Road, November 13, 2007.

Chapter 253, Taxation.

Section 253-1 is amended to update the reference to "Board of Assessors" to "Tax Assessor" and to correct the reference to § 12-81I of the Connecticut General Statutes to § 12-81c of the Connecticut General Statutes.

Section 253-3D is amended as follows: "...evidence of a dairy farm or milk producing permit or dairy plant or milk dealer permit, ~~as provided by Connecticut General Statutes § 22-173.~~"

Section 253-3I is amended to change "open space" to "open space land."

Chapter 264, Vehicles, Abandoned, Inoperable and Junked.

In § 264-2 the definition of "junked motor vehicle" is amended as follows: "Any vehicle unregistered by the Department of Motor Vehicles ~~as defined in the above definition,~~ which is determined to be inoperable."

Section 264-3A is amended as follows: "No person shall park, store, leave, or permit the parking, storing, or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled condition, whether attended or not, upon any public or private property within the Town for a period of time in excess of 30 days."

Chapter 267, Vehicles and Traffic.

Section 267-1 is amended as follows: "The purpose of this article is to regulate parking on Town roads and highways by authority granted under §§ 7-148 and 14-307 of the Connecticut General Statutes ~~Revised to 1975.~~"

Chapter 273, Waste Management.

Throughout Article II, Recycling, references to "ARC" are amended to "ASWRC."

In § 273-7 the definition of "ARC" is amended to read as follows:

ASWRC – The Ashford Solid Waste and Recycling Committee; until a committee separate from the Board of Selectmen is created by Town ordinance, the Board of Selectmen shall serve as the Solid Waste and Recycling Committee.

In § 273-7 the definition of "metal feed container" is amended to "metal food container."

In § 273-7 the definition of "regional processing center" is amended to change "Commissioner" to "Commissioner of Energy and Environmental Protection."

In § 273-7 the definition of "solid waste facility" is amended to read as follows: "Any solid waste disposal area, volume reduction plant, transfer station, wood-burning facility or biomedical waste treatment facility."

Section 273-15A is amended as follows: "The hearing shall be conducted by a hearing officer appointed by the chief executive officer of the Town, provided that in the event that the hearing might result in the suspension or revocation of a ~~permitee~~ permit, the hearing shall be conducted by all of the members of the ASWRC."

Section 273-15C is amended as follows: "Within such twelve-month period, assessments against the same person may be accrued and filed as one record of assessment. The Clerk shall enter judgment, in the amount of such record of assessment and court costs of \$8, against such person in favor of the Town."

Section 273-21C is amended to correct the reference to § 22a-220 of the Connecticut General Statutes in the last sentence to § 22a-220a of the Connecticut General Statutes.

Section 273-25A(3) is amended as follows: "When a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be ~~judgment on~~ the received in written form."

Section 273-28 is amended as follows: "Any funds collected pursuant to this article shall be placed in the general fund of the municipality. ~~[general fund of municipality] or [special fund established to pay for litter enforcement or other environmental protection costs.]~~"