

Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

**Board of Selectmen Agenda
Regular Meeting
Thursday, February 15, 2018
Colchester Town Hall, 7PM**

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2018 FEB -8 PM 12:25
TOWN OF COLCHESTER
BOARD OF SELECTMEN

1. Call to Order
2. Additions to the Agenda
3. Citizen's Comments
4. Consent Agenda
 1. Approve Minutes of the January 18, 2018 Regular Board of Selectmen Meeting
 2. TVCCA Board of Trustees – Reappointment of Eleanor Phillips for a one-year term to expire 3/2/2019
 3. Tax Abatements
5. Boards and Commissions – Interviews and/or Possible Appointments
 1. Youth Services Advisory Board – Heide Perham possible appointment to expire 12/1/2020
 2. Economic Development Commission – Steven Durel possible appointment to expire 10/31/2021
 3. Ethics Commission– Ursula Tschinkel to be interviewed
6. Presentation by Police Commission on Proposed Parking Ordinance
7. Discussion and Possible Action on Public Act 17-231 Municipalities and Bingo Games Permit Fees
8. Discussion and Possible Action on Local Option to Fund Land Conservation and Stewardship
9. Citizen's Comments
10. First Selectman's Report
11. Liaison Reports
12. Executive Session to Discuss a Legal Matter
13. Adjourn



Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

Board of Selectmen Minutes
Regular Meeting Minutes
Thursday, January 18, 2018
Colchester Town Hall @ 7pm

MEMBERS PRESENT: First Selectman Art Shilosky, Selectman Stan Soby, Selectman Rosemary Coyle, Selectman Denise Mizla and Selectman Jim Ford

MEMBERS ABSENT: none

OTHERS PRESENT: Town Clerk G Furman, Public Works Director J Paggioli, Town Planner R Benson, Fire Marshal S Shoemaker, Board of Finance A Migliaccio and Clerk T Dean.

1. Call to Order

A Shilosky called the meeting to order at 7:00 pm.

2. Additions to the Agenda

A Shilosky asked to remove #5 Recreation Manager Interviews and remove #10 Discussion and Possible Action on P&Z Application for Open Space. Add after second Citizen's Comments #14 Executive Session to Interview Recreation Manager Candidates, and renumber remaining items accordingly.

R Coyle moved to remove/add items as presented, seconded by D Mizla. Unanimously approved. MOTION CARRIED.

3. Citizen's Comments – none

4. Consent Agenda

1. Approve Minutes of the December 7, 2017 Regular Board of Selectmen Meeting
2. Approve Minutes of the December 21, 2017 Special Board of Selectmen Meeting
3. Approve Minutes of the January 11, 2018 Special Board of Selectmen Meeting
4. Commission on Aging – Linda Grzeika appointment from alternate member to regular member for a term to expire on 12/1/2020
5. Park & Recreation Commission – Resignation of Tracy Loskant
6. Tax Abatements

R Coyle moved to approve the consent agenda, seconded by J Ford. Unanimously approved. MOTION CARRIED

5. Boards and Commissions – Interviews and/or Possible Appointments

- a. Youth Services Advisory Board – Heide Perham to be interviewed – was interviewed
- b. Economic Development Commission – Steven Durel to be interviewed – was interviewed

6. Notification of Budget Transfers

A Shilosky stated due to the Charter Change the First Selectman and CFO have the authority to transfer funds within a department as long as the amount doesn't go over overall budget. Notifying the Board as a courtesy.

7. Discussion and Possible Action on Fire Department Drone

S Shoemaker stated that the VFIS covers liability and takes the responsibility off the department and onto the FAA. Have a guidelines manual in place. Have three registered certificate pilots. Only the FD certified pilots can operate the drone. If other departments need the service, they will provide it. Just need Board's approval.

R Coyle moved to allow the Fire Department to go operational with an unmanned aircraft (drone), seconded by D Mizla.. Unanimously approved. MOTION CARRIED.

8. Fire Marshal Report to the Appointing Authority

S Shoemaker read the attached report

9. Discussion and Possible Action on Acquisition of Property at The Northwest corner of New London Road and Lake Hayward Road

R Benson stated the cost isn't in the budget. But it is an allocation that is needed. Funding used is to pay the legal cost to

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transfer the property. Room for other features in the future, the property is level and flat.

D Mizla moved that the Board of Selectmen acting as the Colchester Water Pollution Control Authority, appropriate \$1000.00 from the Sewer Capital Fund for the fee to be paid to the State of Connecticut for the acquisition of the 1.397 +/- Acre parcel at the northwest corner of New London Road and Lake Hayward Road and authorize the First Selectman to sign all necessary documents, seconded by S Soby. Unanimously approved. MOTION CARRIED.

10. Discussion and Possible Action on Surplus Equipment Disposal

A Shilosky stated that the old hose washer is still useable for a small town and the FD would like to donate it. The rest is old and scrap.

S Soby moved to approve the disposal of no longer needed surplus equipment as presented by D Lee, seconded by D Mizla. Unanimously approved. MOTION CARRIED.

11. Discussion and Possible Action on Contract with TVCCA for Senior Nutrition Site Server

R Coyle moved to approve the contract with TVCCA for Senior Nutrition Site Server and authorize the First Selectman to sign all necessary documents, seconded by S Soby. Unanimously approved. MOTION CARRIED

12. Discussion and Possible Action on Adopting the Hazard Mitigation Plan 2017

R Benson stated that this is the adoption of the update.

R Coyle moved to adopt the resolution for the Hazard Mitigation Plan Update and authorize the First Selectman to sign, seconded by S Soby. Unanimously approved. MOTION CARRIED

13. Citizen's Comments – none

14. Executive Session to Interview Recreation Manager Candidates

D Mizla moved to enter into executive session to interview recreation manager candidates and invite candidates individually, seconded by R Coyle. Unanimously approved. MOTION CARRIED.

Entered into executive session at 7:30 p.m.
Exited from executive session at 8:13 p.m.

15. First Selectman's Report

A Shilosky reported that we are in the process of hiring for all open positions. Norton Mill mediation is complete. Ambulance has been ordered. LOTCIP grant for Halls Hill Rd on hold, may not happen. Note sale complete, 1.51 rate.

16. Liaison Reports

S Soby reported on the P&Z – approved Incord application

D Mizla reported on BOE - BA Tech Ed Team featured on WTNH. First round of Superintendent interviews are underway.

Youth Advisory Board – 5K New Year's Day run made \$2000

17. Executive Session to Discuss a Legal Matter

R Coyle moved to enter into executive session to discuss a legal matter and Town Planner Randy Benson, seconded by S Soby. Unanimously approved. MOTION CARRIED.

Entered into executive session at 8:34 p.m.
Exited from executive session at 8:44 p.m.

18. Adjourn

R Coyle moved to adjourn at 8:45 p.m., seconded by J Ford. Unanimously approved. MOTION CARRIED.

Attachment: Fire Marshal Annual Report

Respectfully submitted,

Tricia Dean, Clerk

Colchester Traffic Authority Regulations

Objectives:

1. Would like to establish clear and concise parking ordinances in relation to Town of Colchester roads (minus state roads).
2. Establish fines related to said parking ordinances, i.e., \$25 per offence, etc.
3. Establish clearly defined traffic authority Hearing procedure, i.e., will individual be appointed? Will hearing officer be a town employee?
4. Will Town need TOC ticket books for issuing violations of such penalties, if so, determine cost of printing.
5. Establish source of income for Town through regulation of parking within TOC.

Points for discussion:

There are a total of 6 state roads in Colchester. They are as follows:

- Rte 616 – (Norwich Avenue)
- Rte 16
- Rte 85
- Rte 354
- Rte 149
- Old Hartford Rd to Miller Road

After speaking with **Town Engineer** several areas of concern were identified as sources of congestion:

- Halls Hills Rd – last traffic study (per town engineer identified that 2-3K vehicles travel this road daily (2013)
- Also identified on Halls Hill Rd. – parking concerns when larger events are hosted at the Farmer's Club. Parking spills over from their designated parking lot onto the sides of Halls Hill Rd.
- Old Hebron Rd., during large events such as 57 Fest and sporting tournaments, parking along the side of Old Hebron Rd, when unable to find parking spots in the Rec Plex designated parking areas OR residents/visitors do not take advantage of shuttle service provided.
- Hayward Ave. – Limited marked parking – all parallel.
- McDonald Rd/Ruby Cohen Rd. -parking on the street.

After speaking with **PW Director**, can't establish any fines, unless areas of concern have been posted with appropriate signage., i.e., no parking between signs from 8 AM – 6 PM, or parking limited to 2 hours between the hours of 8 AM – 6 PM.

Traffic Authority can make such recommendations to the BOS for signage to be placed. BOS would then direct PW Director to have signage placed. These can only be posted on roads that are non-state roads.

Currently the only fine referenced in the Town Ordinances is \$25 for violations of article 1 (Parking Ban) which was originally adopted in 1978, with an update added for parking ban would be in effect for 12 hours after cessation of snow fall. (1990) Per the PW Director, compliance with the parking ban has really not been problematic, as plow drivers will sound their vehicle horn, and allow for residents to

move their vehicle. If residents do not comply with moving the vehicle, local PD are called to have vehicle towed.

Currently, ordinance states that BOS is traffic authority, but when police commission was established, per state regulations, the police commission is deemed the traffic authority for the municipality. Need to have ordinance reflect current state regulations.

Town of East Hampton

§ 287-1

Parking restricted.

No person shall park any vehicle on any street and/or public right-of-way during snowstorms and/or snow plowing operations.

§ 287-2

Penalties for offenses.

Anyone violating this article shall be subject to a penalty of \$20 for each violation, payable to the general fund.

§ 287-3

Towing of vehicles in violation.

Notwithstanding any of the above, the Police Department may order the towing of any vehicle obstructing traffic or snowplowing operations during and after a snowstorm.

§ 287-4

Enforcement.

The East Hampton Police Department shall have the authority to enforce this article.

Ordinance To Regulate General Parking

92-2.1

TOWN ORDINANCE TO REGULATE GENERAL PARKING IN THE TOWN OF EAST WINDSOR, CONNECTICUT

BE IT ORDAINED AND ENACTED BY THE TOWN MEETING OF EAST WINDSOR IN THE STATE OF CONNECTICUT, PER CONNECTICUT GENERAL STATUTES, C.G.S., TITLE 14, CHAPTER 249, PART 1, SECTION 14-307, THAT THE ORDINANCE 77-2 ADOPTED JANUARY 5, 1977 CONCERNING GENERAL PARKING IN THE TOWN OF EAST WINDSOR AND THE ORDINANCE 74-4 ADOPTED FEBRUARY 13, 1974 CONCERNING NIGHT TIME PARKING AND ALSO SNOW REMOVAL IN THE TOWN OF EAST WINDSOR AND THE ORDINANCE 81-1 ADOPTED OCTOBER 1, 1981 CONCERNING ESTABLISHING HANDICAPPED PARKING IN THE TOWN OF EAST WINDSOR BE REPEALED AND REPLACED WITH THE FOLLOWING GENERAL PARKING ORDINANCE:

ARTICLE I

section 1: PURPOSE

Ordinance to regulate, as authorized by C.S.G. Section 14-307 of the parking of vehicles upon the public highways within the geographical limits of the Town of East Windsor. Any person found in violation of this ordinance shall be fined as stated in this ordinance and the fine to be paid in fifteen (15) days of issuance of the notice of said violation. If the fine is not paid within fifteen (15) days, the fine doubles and becomes due and payable. If payment is not received within fifteen (15) days after the fine doubles, a State of Connecticut Infraction Complaint may be issued. All fines are to be made payable to the Town of East Windsor and to be remitted to the Town of East Windsor, Tax Collector and placed into the General Fund.

ARTICLE II

SECTION 1. DEFINITIONS

- a) Crosswalk means that portion of a highway ordinarily included within the prolongation or connection of the lateral lines of sidewalks or intersections, or any portion of a highway distinctly indicated, by lines or other markings on the surface, as a crossing for pedestrians, except such prolonged or connecting lines from an alley across a street.
- b) Curb includes the boundary of the traveled portion of any highway, whether marked by a curbstone or not so marked.
- c) Highway includes any state or other public highway, road, street, avenue, alley, driveway, parkway or place, under the control of the state or any political subdivision of the state, the Town or any subdivision thereof, dedicated, appropriated or open to the public travel or other use.
- d) Intersecting highway includes any public highway which joins another at an angle whether or not it crosses the other.
- e) Motor Vehicle means any vehicle propelled or drawn by any non-muscular power, except aircraft, motor boats, road rollers, baggage trucks used about railroad stations or other mass transit facilities, electric battery-operated wheel chairs when operated by physically handicapped persons at speeds not exceeding fifteen miles per hour, golf carts operated on highways solely for the purpose of crossing from one part of the golf course to another, golf cart type vehicles operated on roads or highways on the ground of state institutions by state employees, agricultural tractors, farm implements, such vehicles as run only on rails or tracks, self-propelled snow plows, snow blowers and lawn mowers, when used for the purpose for which they were designed and operated at speeds not exceeding four miles per hour, whether or not operator rides on or walks behind such equipment, bicycles with helper motors as defined in C.G.S. Section 14-286, special mobile equipment as defined in C.G.S. in subsection (i) of Section 14-165 and any other vehicle not suitable for operation on a highway.
- f) Number plate means any sign or marker furnished by the Commissioner on which is displayed the registration number assigned to a motor vehicle by the Commissioner.
- g) Owner means any person, as defined in C.G.S. Section 14-1(61), holding title to a motor vehicle or having the legal right to register the same, including purchasers under conditional bills of sale.
- h) Parked vehicle means a motor vehicle in a stationary position within the limits of a public highway.

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- i) Parking means the standing of a vehicle, whether occupied or not, on a highway, except it shall not include the temporary standing of a vehicle for the purpose of and while engaged in receiving or discharging passengers or loading or unloading merchandise while in obedience to traffic regulations or traffic signs or signals.
- j) Shoulder means that portion of a highway immediately adjacent and contiguous to the travel lanes or main traveled portion of the roadway.
- k) Traffic Authority means the East Windsor Police Commission or its designated agent, except that, with respect to State highways and bridges, Traffic Authority means the State Traffic Commission.
- l) Vehicle includes any device suitable for the conveyance, drawing or other transportation of persons or property, whether operated on wheels, runners, a cushion of air or by any other means. The term does not include devices propelled or drawn by human power or devices used exclusively on tracks.

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Section 2: PARKING RESTRICTIONS AND PENALTIES

- a) No person shall operate any motor vehicle upon, nor shall any motor vehicle be left parked, standing or stopped on or across any public sidewalk except to cross such sidewalk to enter or leave adjacent areas or perform necessary sidewalk construction, maintenance, or snow removal. Violation of any provision of this section shall be a \$20.00 fine.
- b) No vehicle shall be permitted to remain stationary within ten (10) feet of any fire hydrant. Violation of this section shall be a \$20.00 fine.
- c) No vehicle shall be permitted to remain stationary upon the traveled portion of any highway except upon the right-hand side of such highway in the direction in which such vehicle is headed. Violation of this section shall be a \$20.00 fine.
- d) No vehicle shall be parked, if such highway is curbed, so that its right hand wheels, when stationary, shall, when safety will permit, be more than a distance of twelve (12) inches from the curb.
- e) No vehicle shall be permitted to remain parked within twenty-five (25) feet of a stop sign caused to be erected by the traffic authority in accordance with the provisions of C.G.S. Section 14-301. Violation of this section shall be a \$20.00 fine.
- f) No vehicle shall be permitted to remain parked within twenty-five (25) feet of any intersection or twenty-five (25) feet of a marked crosswalk there at. Violation of this section shall be a \$20.00 fine.
- g) No vehicle shall be permitted to remain stationary within the limits of a public highway in such a manner as to constitute a traffic hazard or obstruct the free movement of traffic thereon, provided a vehicle which has become disabled to such an extent that it is impossible or impracticable to remove it may be permitted to remain so for a reasonable time for the purpose of making repairs thereto or of obtaining sufficient assistance to remove it. Violation of this section shall be a \$20.00 fine.
- h) No vehicle shall be permitted to remain stationary upon the traveled portion of any highway at any curve or turn at the top of any grade where a clear view of such vehicle may not be had from a distance of at least one hundred and fifty (150) feet in either direction. Violation of this section shall be a \$20.00 fine.
- i) The Traffic Authority may post signs upon any highway or town owned property, at any place where the keeping of any vehicle stationary is dangerous to traffic, and the keeping of any vehicle stationary contrary to the directions of such signs shall be violation of this section. Violation of this section shall be a \$20.00 fine.
- j) No person shall park or leave stationary on a public highway any vehicle in front of or so as to obstruct or interfere with the ingress to or egress from any private driveway or alleyway, except with the permission of the owner of such driveway or alleyway. Such parking or stationary position of any vehicle with such permission shall be subject to existing parking regulations. Violation of this section shall be a \$20.00 fine.
- k) No person shall park any vehicle in any place where parking is prohibited or park any vehicle for a longer period than that indicated as lawful by any sign erected and maintained in accordance with the provisions of this ordinance. Violation of this section shall be a \$20.00 fine.
- l) The Traffic Authority shall determine the location of loading and unloading zones and shall erect and maintain signs designating same on town owned property. On all other properties, the owner shall be responsible for erecting and maintaining signs. No vehicle shall be parked for a period of time longer than necessary for the loading and unloading of materials or merchandise in any

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place marked as a loading or unloading zone. Violation of any provision of this section shall be a \$20.00 fine.

m) THE FIRE MARSHALL SHALL DETERMINE WHERE FIRE LANES ARE NEEDED for fire or other emergency equipment, and shall have the property owner mark, post signs and maintain markings and signs for the fire lanes. No vehicle shall be permitted to remain parked in a fire lane and may be removed by the East Windsor Police Department at the owners expense. Violation of this section shall be a \$30.00 fine.

(1) Fire lanes shall be marked and posted with signs in the following manner:

(i) Fire lane signs shall be 12" x 18" with red letters and border on a white background. The signs shall read No Parking Fire Lane and Cars Will Be Towed at Owners Expense. The sign shall be posted at such a height and in such a manner that it is clear as to the location of the fire lane. The signs shall be posted every seventy-five (75) feet, with the signs at either end of the fire lane having an arrow that points in the direction of the fire lane.

(ii) The pavement shall be marked, using a standard yellow traffic paint in the following manner: (1) along a curb, sidewalk, building or any other designated area, there shall be thirty (30) inches of cross-hatch, (2) the words Fire Lane No Parking shall be painted along the edge of the cross-hatch or any other designated area so that it is clearly visible to traffic in both directions.

ii Compliance with this Sub-section shall be done in the following manner: (1) properties that were in existence prior to the effective date of this ordinance shall have sixty (60) days from the time of notification by the Fire Marshal as to the placement of fire lanes, (2) properties that will receive a certificate of occupancy after the effective date of this ordinance and are notified by the Fire Marshal of the placement of fire lanes shall comply with Sub-section a) and b) of this Section prior to the issuance of a Certificate of Occupancy.

Violation of Sub-Section iii) (1) shall be computed on a daily basis for every day beyond the sixty (60) days limit.

n) The First Selectman or the Traffic Authority or the Chief of Police, is authorized to declare a temporary parking ban, thereby temporarily prohibiting parking in any area where, in the authorizers opinion, it is necessary to facilitate the removal of snow, the construction of public works improvement, and other good and sufficient purposes. Such authority shall give notice of such temporary prohibition by placing suitable signs or by radio or newspaper or other suitable means. No vehicle shall be permitted to remain stationary in violation of a parking ban nor shall any vehicle be parked in a temporary No Parking Area as designated pursuant to this Sub-section for the removal of snow or ice. Violation of this section shall be a \$20.00 fine.

O) (1) No vehicle shall be parked on any highway or municipal controlled property between the hours of 1:00 AM and 6:00 AM from November 1 through March 31. (2) No vehicle shall be permitted to remain stationary on any highway during a snow or ice storm which has been in progress at least one (1) hour. (3) No vehicle shall be permitted to remain stationary on the travel portion of a highway so as to impede normal snow plowing operations and the free flow of traffic during snow storms. Vehicles found to be in violation of Sections (2) and (3) of this Sub-section shall be towed at the direction of the East Windsor Police Department at the owners expense. Violation of any provision of this section shall be a \$20.00 fine.

o) No person shall deposit or cause to be deposited any snow or ice onto the travel portion of any highway. Violation of this section shall be a \$20.00 fine.

Section 8

HANDICAPPED PARKING

\$40 for any violation in this section

a) Only those motor vehicles displaying identification issued pursuant to Sub-section (a) or (b) of C.G.S. Section 14-253(a) shall be authorized to park in public or private areas reserved for the exclusive use of handicapped persons.

b) The Traffic Authority shall establish parking spaces as defined in C.G.S. Section 14-253(a) in which parking shall be prohibited to all motor vehicles, except vehicles displaying the special parking identification card or bearing special set of license plates provided for in Sub-section (a) and (b) of C.G.S. Section 14-253(a) on any highway or street under the Town of East Windsor's control. All spaces shall be designated as reserved for exclusive use by persons and identified by use of signs in accordance with Sub-section (c) of this Section. Such parking spaces shall be adjacent to curb cuts or other unobstructed methods permitting sidewalk access to a handicapped person and shall be fifteen (15) feet wide including three (3) feet of cross-hatch or parallel to a sidewalk.

c) Parking spaces designated for the handicapped shall be as near as possible to a building entrance or walkway and shall be fifteen (15) feet wide including three (3) feet of cross-hatch, or parallel to a sidewalk. Such spaces shall be designated by above-grade signs with white lettering on a blue background and shall bear the words Handicapped Parking, State Permit Required and Violators

will be fined. Such a sign shall also bear the international symbol of access.

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- d) Any business in the Town of East Windsor wishing to establish special areas for handicapped parking shall conform to the requirements specified under Sub-section (c) of this Section.
- e) Nothing in this Section shall be construed to allow an otherwise eligible handicapped person to park in a public or private area reserved for the exclusive use of handicapped person as provided in this ordinance, if identification pursuant to Sub-section (a) and (b) of C.G.S. Section 14-253(a) is not displayed on the passenger or commercial vehicle.
- f) Motor Vehicles bearing the official identification of a handicapped person issued by another state, district or territory subject to the laws of the United States shall be recognized as acceptable identification in the Town of East Windsor.
- g) Any person who violates any provision of the Section shall be guilty of an infraction, except as provided in Sub-section (h) herein.
- h) Any handicapped person meeting the prerequisite of C.G.S. Section 14-253(a) shall be given a warning for the first violation of the Section, and for the second violation of this Section (not putting an official designation of a handicapped person on their vehicle) shall be guilty of an infraction.

Violation of any provision of this Section shall be a \$40.00 fine.

SECTION 4 EXCEPTIONS *

Nothing in this ordinance shall be construed to apply to emergency vehicles and to maintenance vehicles displaying flashing lights or to prohibit a vehicle from stopping or being held stationary by any officer in an emergency to avoid an accident or to give right of way to any vehicle or pedestrian as provided by law.

SECTION 5. AUTHORITY TO ENFORCE ORDINANCE *

- a) Officers of the East Windsor Police Department shall have the authority to enforce the provisions of this ordinance. In any prosecution or proceedings for the violation of any provision of this ordinance, proof of the number plate of any motor vehicle therein concerned shall be prima facie evidence that the owner of such vehicle was the operator thereof; provided, the liability of a lessee under C.G.S. Section 14-107 shall apply.

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Any vehicle owner in violation of this ordinance shall be fined as stated in this ordinance. If the fine is not paid within fifteen (15) days, the fine doubles and becomes due and payable. If payment is not received within fifteen (15) days after the fine doubles, a State of Connecticut Infraction Complaint may be issued by the Police Department. All fines are to be made payable to the Town of East Windsor and to be remitted to the Tax Collector, Town of East Windsor.

- * b) The First Selectman shall appoint a Parking Violation Hearing Officer for a period of two (2) years whose term shall run concurrently with the term of the First Selectman, and who shall not be a police officer or person who issues parking tickets or works in the Police Department, to conduct the hearings authorized by this ordinance.

- c) The Traffic Authority may, at any time within two (2) years from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any alleged violation under this ordinance, send notice to the motor vehicle operator, if known, or to the registered owner of the motor vehicle by first class mail at this address according to the registration records of the Department of Motor Vehicles. Such notice shall inform the operator or owners: (1) of the allegations against him and the amount of the fines, penalties, costs or fees due; (2) that he may contest his liability before a Parking Violations Hearing Officer by delivering in person or by mail written notice within ten days of the date thereof; (3) that if he does not demand such a hearing, an assessment and judgment shall enter against him; and (4) that such judgment may issue without further notice. Whenever a violation of this ordinance occurs, proof of the registration number of the motor vehicle involved shall be prima facie evidence in all proceedings provided for in this section that the owner of such vehicle was the operator thereof; provided, the liability of a lessee under C.G.S. Section 14-107 shall apply.

- d) If the person who is sent notice pursuant to Sub-section (c) wishes to admit liability for any alleged violation, he may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to the Tax Collector of the Town of East Windsor. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten days of the date of the first notice provided for in Sub-section (c) shall be deemed to have admitted liability, and the Traffic Authority shall certify such persons failure to respond to the Hearing Officer. The Hearing Officer shall thereupon enter and assess the fines,

penalties, costs or fees provided for by the applicable ordinances and shall follow

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the procedures set forth in Sub-section (f) of this Section.

e) Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of the mailing of notice, provided the Hearing Officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. Any original or certified copy of the initial notice of violation issued by a police officer or other issuing officer shall be filed and retained by the Town, City or Borough, be deemed to be a business record within the scope of C.G.S. Section 52-180 and be evidence of the facts contained therein. The presence of the police officer or issuing officers shall be required at the hearing if such person so requests. A person wishing to contest his liability shall appear at the hearing and may present evidence on his behalf. The Chief of Police, or his designee, may present evidence on behalf of the Town. If such person fails to appear, the Hearing Officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable statutes or ordinances. The Hearing Officer may accept from such person copies of police reports, motor vehicle department documents and other official documents by mail and may determine thereby that the appearance of such person is unnecessary. The Hearing Officer shall conduct the hearing in the order and form and with such methods of proof as he deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The Hearing Officer shall announce his decision at the end of the hearing. If he 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.

f) If such assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the clerk of the superior court for the geographical area in which the Town is located together with an entry fee of eight (8) dollars. The certified copy of the notice of assessment shall constitute a record of assessment. With 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 assessments and court costs of eight (8) dollars, against such person in favor of the town, city or borough. Notwithstanding any other provision of the general statutes, the hearing officers assessment, when so entered as a judgment, shall have the effect of a civil money

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judgment and levy of execution on such judgment may issue without further notice to such person.

g) A person against whom an assessment has been entered pursuant to this Section is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty (30) days of 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 C.G.S. Section 52-259, in the superior court for the geographical area in which the Town is located, which shall entitle such person to a hearing in accordance with the rules of the judges of the superior court.

ARTICLE III

Section 1 SUPERIOR COURT

Nothing herein contained shall be construed as a limitation on the power of the Superior Court to impose penalties as provided in the General Statutes of the State of Connecticut.

Section 2. SAVING CLAUSE

The enactment of this ordinance as a substitution for the prior ordinance shall not act as an abatement of any action or proceeding pending under or by virtue of said prior ordinance, special act, statute or regulation.

Section 3 SEVERABILITY

If any article or section or clause or words of this ordinance be found in conflict with Federal and/or State laws and/or declared invalid by a court of a competent jurisdiction, such conflict invalidity shall not affect the balance of this ordinance.

ARTICLE IV

Section 1: EFFECTIVITY

This ordinance adopted at a Special Town Meeting duly warned and held on December 2, 1992, shall become fully effective as provided by law; fifteen (15) days from the publication thereof.

Ordinance 92-2

Attest:

Claire S. Badstubner, CMC
Town Clerk of East Windsor

Published
Journal Inquirer
December 16, 1992.

MADISON, CT

Chapter 12

MOTOR VEHICLES AND TRAFFIC*

Art. I. In General, §§ 12-1—12-25

Art. II. Stopping, Standing and Parking, §§ 12-26—12-28

*Cross reference—Streets and sidewalks, Ch. 19.

State law references—Authority to regulate traffic generally, G.S. § 7-148(c)(7)(B)(i); authority to regulate speed of vehicles, G.S. § 7-148(c)(7)(B)(ii); authority restricted, G.S. § 14-162.

ARTICLE I. IN GENERAL

Sec. 12-1. Riding bicycles on sidewalks.

(a) The riding of bicycles is prohibited on the public sidewalks of the downtown business area of the town. Such area is defined as follows:

- (1) The northerly side of the Boston Post Road from its intersection with Scotland Avenue to its intersection with Durham Road (Route # 79);
- (2) The southerly side of Boston Post Road from its intersection with Sampson Rock Drive, westerly to its intersection with Meigs Avenue.

(b) The penalty for violation of the provisions of this section shall be a fine not to exceed the sum of five dollars (\$5.00) for each offense. (Ord. of 3-20-78, §§ 1, 2)

Secs. 12-2—12-25. Reserved.

ARTICLE II. STOPPING, STANDING AND PARKING*

Sec. 12-26. Parking violations; schedule of fines.

(a) Any vehicle found parked in any parking space on a public street or highway beyond the period of legal parking time established for such place by the board of police commissioners or any vehicle found parked in violation of any provisions of any resolution, rule or regulation of the traffic authority under this or any other regulation, rule or ordinance adopted by the town shall be subject to the provisions of this section.

(b) For the purpose of this section any vehicle left on a public highway or right-of-way or left standing in any such location or within any approved area designed for the public parking of motor vehicles, and such motor vehicle is not occupied at the operator's position by a person legally entitled to operate a motor vehicle within the state, whether the engine of such motor vehicle is operating or not, shall be deemed parked,

*State law references—Parking vehicles, G.S. § 14-251; parking to obstruct driveways, G.S. § 14-252.

and such vehicle and the operator or owner of such vehicle shall be subject to the provisions of this section.

(c) Each police officer or other person empowered by the chief of police to act upon observance or notification of a parking violation, found to be in violation of the provisions of this section or any other ordinance, rule or regulation issued under authority of the town, or in violation of the General Statutes pertaining to the parking of motor vehicles, shall take appropriate action consistent with the needs and rights of the community and the motoring public.

(d) Each police officer or other person empowered by the chief of police to act on complaints of observance of parking offenses in violation of ordinances, rules or regulations adopted by the town, may issue or cause to be issued to the operator, or affix to the offending vehicle or issue or cause to be issued to the legal registered owner of such vehicle, a town parking violation complaint directing such operator or such registered owner to pay a fine which shall be paid to the department of police services within fourteen (14) days from the date of issue.

(e) Schedule of fines for parking violations.

(1) There shall be a fine of fifteen dollars (\$15.00) for each of the following violations:

- \$15
- a. Reserved;
 - b. Parking on sidewalk;
 - c. Parking on wrong side of street;
 - d. Blocking driveway;
 - e. Parking too close to corner (within twenty-five (25) feet);
 - f. Parking too close to stop sign or intersection (within twenty-five (25) feet);
 - g. Occupying more than one (1) parking space;
 - h. Parking within a crosswalk;
 - i. Backing into a diagonal parking stall;
 - j. Parking more than twelve (12) inches from a curb;

- k. Parking on or within a curve;
- l. Other.

(2) There shall be a fine of twenty-five dollars (\$25.00) for each of the following violations:

\$ 25

- a. Parking in a bus stop;
- b. Obstructing traffic;
- c. Parking in a loading zone;
- d. Parking in a no parking zone;
- e. Abandoning a motor vehicle;
- f. Obstructing a fire hydrant;
- g. Reserved;
- h. Violation of section 12-27;
- i. Violation of town ordinance.

(3) There shall be a fine of twenty dollars (\$20.00) for the following violation: Over-time parking, two-hour limit.

\$ 35

(4) There shall be a fine of thirty-five dollars (\$35.00) for the following violation: Parking in a fire zone.

Fine doubled after 14 days

(5) There shall be a fine of eighty-five [dollars] (\$85.00) for the following violation: Parking in a handicap zone.

(f) If payment is not received within fourteen (14) days of the date of issue of the citation, the fine shall automatically double. Printed on all citations shall be the words, "Fine Doubled After Fourteen (14) Days."

(g) If payment is not received in full within thirty (30) days of the date of issue of the citation, an infraction ticket shall be issued to the last registered owner of the motor vehicle by first class mail. The owner of record shall be that individual, firm or corporation according to the department of motor vehicles. The town infraction will charge the registered owner with violation of a town ordinance subject to a fine of not less than fifty dollars (\$50.00) and not more than one hundred dollars (\$100.00). This shall be deemed an additional violation of this section. A letter explaining the fines, penalties, costs and fees due shall accompany the infraction ticket.

(Ord. of 6-5-78, §§ 1, 2; Ord. of 4-2-90; Ord. of 4-28-03)

Sec. 12-27. Overnight parking during winter months.

(a) During the period from November 1 through April 1 of each year there shall be no on-street parking of any vehicle on any roadway, street or highway within the town between the hours of 12:00 midnight and 7:00 a.m.

(b) In addition to the restrictions contained in subsection (a) above, there shall be no on-street parking on any roadway, street or highway when snow removal or plowing operations are being conducted on that roadway, street or highway by or under the auspices of the town.

(c) Any vehicles which are parked in violation of this section shall be issued a parking violation tag and the vehicle shall be towed at the expense of the registered owner of the vehicle parked in violation of this section. The registered owner of the vehicle shall be deemed liable for all monetary and legal charges levied in connection with the violation, towing and storage of the vehicle.

(d) Any person found in violation of this section shall be deemed to have committed an infraction under this section and fined in accordance with section 1-11. ?
(Ord. of 10-16-89(1), §§ 1-4)

Sec. 12-28. Hearing procedure for parking violations.

The town, acting by its board of selectmen pursuant to Article II, Section 2.2.1A of the Town Charter, hereby adopts the provisions of section 7-152b of the General Statutes, which section establishes a hearing procedure for parking violations as set forth in said statute.

(Ord. of 5-22-95)

Chapter 144
VEHICLES AND TRAFFIC

ARTICLE I
Parking Ban

§ 144-1. Hours.

§ 144-2. Penalties for offenses.

ARTICLE II
Parking Regulations

§ 144-3. Adoption of article.

§ 144-4. Traffic Authority.

§ 144-5. Establishment of written rules by Traffic Authority.

§ 144-6. Establishment of fines by Traffic Authority.

§ 144-7. Parking hearing procedure.

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

GENERAL REFERENCES

Ordinance enforcement — See Ch. 93.

Snow on sidewalks — See Ch. 124, Art. III.

ARTICLE I
Parking Ban
[Adopted 4-5-1978]

§ 144-1. Hours. [Amended 1-29-1990]

There shall be a parking ban in effect on town roads after 1/2 inch of snow has accumulated. Said parking ban shall continue in effect for 12 hours after the cessation of the snowfall.

§ 144-2. Penalties for offenses.

- A. If any vehicles are parked on town roads in violation of this article, the owners of said vehicles shall forfeit and pay for the use of the Town of Colchester a fine of \$25 to be recovered by an action on this article brought in the name of the Treasurer of the town.
- B. In addition, any vehicles parked on town roads in violation of this article may be towed away by the Town of Colchester at the vehicle owner's expense.

ARTICLE II
Parking Regulations
[Adopted 9-25-1990]

§ 144-3. Adoption of article.

The following article relating to regulations governing parking in the Town of Colchester is herewith adopted.

§ 144-4. Traffic Authority.

Pursuant to the provisions of C.G.S. § 14-297(6), the Board of Selectmen are herewith deemed the Traffic Authority of the Town of Colchester.

§ 144-5. Establishment of written rules by Traffic Authority.

The Traffic Authority shall from time to time establish written rules and regulations governing the parking of motor vehicles on the streets of the Town of Colchester, including provisions for fines for violation of such rules and regulations and for removal of motor vehicles or other vehicles that may obstruct traffic.

§ 144-6. Establishment of fines by Traffic Authority.

The Traffic Authority is further authorized to establish, in writing, fines for violation of any parking regulations adopted.

§ 144-7. Parking hearing procedure.

The Town of Colchester does herewith adopt a parking violation hearing procedure pursuant to the provisions of C.G.S. § 7-152, for the enforcement of the rules, regulations and fines adopted pursuant to § 144-5 above.

Chapter 90, Article I	Social Security
Chapter 98	Street Vendors
Chapter 105	Town Report
Chapter 109	Road Ordinance
Chapter 120, Article I	Septic Tank Pumping Disposal Ordinance
Chapter 120, Article II	Recycling
Chapter 120, Article III	Litter Ordinance
Chapter 124, Article I	Street Numbering System Town-Wide
Chapter 124, Article II	Sidewalk Ordinance
Chapter 124, Article III	Sidewalk Maintenance
Chapter 129, Article I	List of Unpaid Taxes and Abatements
Chapter 129, Article II	Tax Collector's Report
Chapter 129, Article III	Solar Energy Ordinance
Chapter 129, Article IV	Ambulance-Type Motor Vehicles Exemption from Taxation
Chapter 129, Article V	Tax Abatement on Structures of Historic or Architectural Merit
Chapter 133	Tourism Development Ordinance
Chapter 139	Trailer Ordinance
Chapter 144, Article I	Parking Ban Ordinance
Chapter 144, Article I	Parking Ban Ordinance for Snow
Chapter 144, Article II	Parking Regulation Ordinance
Chapter 150, Article I	Water Conservation

§ C-1503. Commencement of terms of elected officials.

The terms of all elected officials shall commence on the second Monday following the date of the applicable municipal election. All elected officials shall hold office until either their successors are elected and qualified or they resign from such office.

§ C-1504. Minority political representation.

All appointed boards and elected boards shall have minority political representation in accordance with the General Statutes, except that the minority political representation may be larger than that required by statute if specifically provided in the Charter or by any bylaw or Town ordinance.

§ C-1505. Appointment of Justices of the Peace.

The major political parties, as defined in the General Statutes, shall each be entitled to nominate no more than 40 individuals to serve as Justices of the Peace for the Town.

- (h) Video surveillance: Installation of video surveillance equipment on the rear of buildings is recommended for enhanced monitoring and safety of the interior parking areas.
- (i) Public address system: Any public address system should be developed in conjunction with civil defense needs. Businesses may be interested in some type of external sound system for music, announcements, etc. Seasonal broadcasts of music have been successful in similar installations in other communities.

§ A156-VB. Parking.

- (1) On-street parking: The number of on-street parking spaces will be reduced, especially in front of Merchant's Row, where spaces will be striped for parallel parking (used in the past as angle stalls). Parking closer to the proposed traffic signal in front of Noel's Plaza will also be limited, as additional right-of-way will be necessary to accommodate the new alignment.
- (2) Off-street parking: Because of the loss of on-street parking from the projects mentioned above, the need for off-street parking will be increased. The parking area behind Merchant's Row is to be redeveloped in cooperation with ConnDOT to become a public parking facility. The balance of the interior block will remain private parking lots. Although technically outside the revitalization area, a municipal parking lot is being proposed on 31 Cragin Court (the former Felciano property) on the west side of Cragin Court. This will provide additional parking primarily for the library, but will be beneficial to the entire area.
- (3) Fire/police access: Any improvements must provide adequate emergency access to the area, including through access within the interior block area. A public access aisle should be provided from the proposed traffic signal in front of Noel's Plaza to Cragin Court. This will ensure good emergency vehicle access to the area.
- * (4) Restrictions on overnight parking: A town ordinance should be adopted to establish designated parking for on-site residents (apartment dwellers over stores on Main Street). An accommodation also needs to be made for business vehicles (utility/delivery) parked on site overnight.
- * (5) Time limits on parking: A town ordinance should also include provisions for designating time-limited parking for the general public (two-hour limit?), as well as employee parking spaces. The use of parking meters or other time-control devices should be investigated. Overnight parking by the general public should be prohibited, and the parking or storage of junked or inoperable vehicles should also be prohibited. (Once long-term leases are established by the town, enforcement of the parking regulations will be accomplished by the town.

§ A156-VC. Area improvements.

- (1) Dumpsters: Areas should be designated for the placement of multibuilding use dumpsters. Special consideration will be needed for restaurant grease dumpsters. Proposed dumpster locations should be able to accommodate required screening and enclosures.

City of Danbury

- **Sec. 19-3. - Powers, duties of traffic authority.**

The traffic authority of the city shall have all powers and perform all duties imposed upon traffic authorities by law. Provided, however, that no regulation, rule or order of said authority designating through streets or stop or yield intersections; or establishing one-way streets; or establishing safety zones or bus stops or public service motor vehicle stands; or establishing taxi stands in front of hotels; or prohibiting, limiting or restricting parking; or determining loading and unloading zones; or otherwise regulating or controlling traffic in such a manner that it is reasonable and practicable to install appropriate signs, signals or markers giving notice of such regulations, shall be effective unless there are installed such signs, signals or markers as are reasonably calculated to give notice of said regulations to motorists or pedestrians.

State law reference— Powers, duties of traffic authorities, §§ 14-297—14-314, Conn. Gen. Stats. (Rev. 1958).

- **Sec. 19-4. - Penalty.**

(a)

Any person violating the provisions of this article as set forth in this subsection shall be fined in accordance with the following schedule:

Parking Violation	Fine	Code Section
Obstructing Sidewalks	\$100.00*	<u>19-36</u>
25 Ft. of Corner	100.00*	<u>19-32</u>
On Crosswalk	100.00*	<u>19-56</u>

*Fines double
P 30 days*

Front of Driveway	100.00*	<u>19-32</u>
Obstructing Traffic/Streets/Intersections	100.00*	<u>19-32</u>
Fire Hydrant	100.00*	<u>19-33</u>
Fire Zone	100.00*	<u>19-62</u>
Fire Lane	100.00*	<u>19-62</u>
Loading Zone	100.00*	<u>19-56</u>
Snow Emergency	100.00*	<u>19-60</u>
Commercial Vehicles in Residential Zones	100.00*	<u>19-34.1</u>
Handicapped person	100.00*	<u>19-35</u>
Violation of Signs	100.00*	
Other	100.00*	

Note: * or such higher amount as may be established by virtue of state law or amended provision of state law.

(b)

Except as otherwise specifically set forth in subsection (a) hereof, the violation of any rule, regulation or order promulgated by the Traffic Authority of the City of Danbury shall be punishable by a fine established in accordance with state law and as established by the traffic authority.

(c)

Fines payable in accordance with subsection (a) hereof shall be remitted to the city within seven (7) days of the issuance of a summons or citation. If any fine is not paid within thirty (30) days, a penalty in an amount equal to the original fine shall immediately become due and payable in addition to the original fine.

(Code 1925, § 239(19); Ord. No. 571, 8-6-02; Ord. No. 626, 8-3-04; Ord. No. 679, 7-1-08; Ord. No. 688, 8-5-08; Ord. No. 692, 11-6-08)

State law reference— Penalty for violating regulation of traffic authority, § 14-314, Conn. Gen. Stats. (Rev. 1958).

Town of Cromwell

§ 221-1 **Notice of violation.**

Whenever any vehicle is found parked in violation of any of the provisions of this chapter or any ordinances or rule or regulation of the Town of Cromwell which relates to parking, a police officer shall attach to such vehicle a notice to the owner or operator thereof stating such vehicle has been parked unlawfully and advising such owner or operator of the amount of fine or penalty. Said notice shall advise such owner or operator of his right to mail or pay to the Town Clerk of the Town of Cromwell within five days of the date when such notice is attached to such vehicle, the fine or fines for the designated violation or violations in accordance with the fines or penalties set forth in § 221-4.

§ 221-2 **All-night parking restrictions.**

[Amended BOS 7-23-1997]

A.

No person shall park any vehicle on any public street or highway for a period of time longer than one hour between the hours of 3:00 a.m. and 6:00 a.m., November 15 through April 15. This section shall not apply to a professional call nor to the operators of police, fire or other emergency vehicles. The Chief of Police or his duly authorized representative may grant permission for all-night parking for a specific vehicle for a limited period, provided that the owner or operator of such vehicle has a good and compelling reason of a temporary and/or emergency nature to park for a longer period.

B.

No person shall park any vehicle on any public street or highway from April 16 through November 14 for a period longer than 72 hours. The Chief of Police or his duly authorized representative may grant permission for an exemption for parking for a specific vehicle for a limited period, provided that the owner or operator of such vehicle has a good and compelling reason of a temporary and/or emergency nature to park for a longer period.

C.

The penalty for each offense in violation of this section shall be as provided for in § 221-4.

§ 221-3 **Parking during snowstorms restricted; penalty; impoundment.**

A.

Speedy and efficient removal of snow from the streets and public ways of the Town is hereby declared to be vital to the public health and safety.

B.

It is hereby ordained that no vehicle shall be allowed to remain standing or parked on any street, highway or public way in the Town of Cromwell during any ice, snow-, sleet or hail storm which shall have been in progress one hour.

C.

The registered owner of such vehicle shall be fined the sum of \$25, plus towing and storage charges. The owner of any vehicle which cannot, for whatever reason, be removed under its own power may notify the Police Department of such fact and request its removal, in which case no fine shall be imposed. Such owner shall, however, be liable for the cost of such removal.

[Amended BOS 5-10-2006]

D.

Any vehicle left so unattended may be impounded and taken by or at the discretion of a policeman to a suitable pound, to be determined by the Chief of Police or his duly authorized representative. The operator or owner of such a pound shall furnish to the Chief of Police or his duly authorized representative satisfactory evidence of insurance coverage and shall sign an agreement with the Town, absolving the Town of any and all liability and claims for damages arising from the towing or storage or any impounded vehicle(s).

E.

The Chief of Police or his duly authorized representative shall cause a record to be kept of all cars so impounded, together with the name of the registered owner thereof, the location from which taken, the name of the office directing its removal and the location to which taken.

F.

The owner of such vehicle may reclaim such vehicle upon showing proper evidence of ownership and upon paying both the fine referred to in Subsection **C** hereof and all towing and storage charges.

§ 221-4 **Violations and penalties.**

[Amended BOS 5-19-1993; BOS 5-10-2006]

*+25
+towing+
storage
fee*

A.

The penalty for overtime parking, parking double, improper position, parking in a loading or unloading zone, parking within 10 feet of a hydrant, parking in a no-parking zone, parking within 25 feet of an intersection, parking within 25 feet of a stop sign, parking on a sidewalk, obstructing a driveway, parking in an area more than 12 inches from a curb, parking in an area marked "bus stop" or impeding traffic shall be a fine of \$25

B.

The penalty for violation of § 221-2, All-night parking restrictions, shall be \$25 for each offense. The penalty for violation of § 221-3, Parking during snowstorms restricted, shall be \$25 for each offense.

C.

It shall be illegal to park a car on private property without the owner's permission, and the fine shall be \$75 for such offense.

D.

If any fine is not paid within seven days, a penalty in the amount equal to the fine shall immediately become due and payable in addition to the original fine.

fine doubles p 7 days.

§ 221-5 Special regulations during emergencies.

[Amended TC 6-16-2014]

The Town Council, Town Manager, or Chief of Police or his duly authorized representative is authorized to suspend permitted parking under parking regulations and to prohibit parking temporarily in any areas where, in the opinion of any of the above, 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 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. The provisions of § 221-1, concerning method of payment of penalties, and § 221-4, concerning penalties, shall apply for violations of this section.

BINGO GAMES, BAZAARS AND RAFLES

Effective January 1, 2018— New Responsibilities for Towns and Cities

Public Act 17-231 – *An Act Concerning Municipalities and Bingo Games, Bazaars and Raffles*, goes into effect on **January 1, 2018**. At that point, each municipality will be responsible for the permitting and enforcement of all bingo games, bazaars and raffles taking place in each municipality, as well as an necessary post-event reporting. The new requirements will be the responsibility of the chief of police, if there is no chief of police, then the municipality's chief executive officer is responsible for enforcement.

In transferring these powers, the act (1) allows the municipalities to set the permit fees, but caps the amount, and (2) eliminates the administrative hearing process for violations involving these games. It instead allows anyone aggrieved by an order to appeal to Superior Court.

Please note, the Department of Consumer Protection will retain the responsibility of permitting and enforcement of all equipment, ticket dealers, manufacturers and distributors related to sealed tickets, bingos, bazaars and raffles.

Bingo

Bingo registrations are issued to qualifying non-profit organizations in your municipality. Upon receiving their initial registration, they can apply for any of the following bingo permits:

- **Weekly** (*annual permit*)
- **Monthly** (*annual permit*)
- **Temporary Single Event** (*only allowed 2 per year permit*)
- **Senior**—organizations consisting of members 60 years and older (*one time permit for each event*)
- **Parent Teacher Organization** (*annual permit*)

After each event has been permitted and the event is completed, the non-profit is required to file a financial return to the municipality, within 10 days, providing pertinent event information including the gross receipts, prizes awarded and net profit of which a payment of 5% of the net profit will be paid to the municipality.

Bazaars and Raffles

Under prior law, DCP and the municipality shared certain regulatory oversight and permitting powers and permit fees for bazaars or raffles. Under the new act, the municipality only needs to investigate the bazaar or raffle applicant's qualifications if the total aggregate prize exceeds \$7,500.

Specifically, **Bazaar permits** are issued to qualifying non-profit organizations wishing to run a bazaar in your town. Bazaar permit application fees are on a per day basis. *Examples of bazaar games are 50/50s, tea cup and blower ball games.*



If total prizes for a bazaar game exceed \$7,500, the municipality is required to investigate the qualifications of the organization and verify the facts on the application.

After each bazaar has been permitted and completed, a verified statement to include gross receipts, expenses, net profit and prizes awarded is to be filed with the municipality by the organization at the end of the next succeeding month. There is no payment to the municipality in conjunction with the verified statement.

Raffle permits are issued to qualifying non-profit organizations wishing to run a raffle. There are various classes of raffle permits which are based on factors such as length of time tickets will be sold and the aggregate value of prizes to be awarded. The application fees differ for each raffle permit type. *Examples of raffles are cash prizes, duck race, cow chip.* **If total prizes exceed \$7,500, the municipality shall investigate the qualifications of the organization and verify the facts on the application.**

After each raffle has been permitted and completed, a verified statement to include gross receipts, expenses, net profit and prizes awarded is to be filed with the municipality by the organization at the end of the next succeeding month. There is no payment to the municipality in conjunction with the verified statement.

Items to Consider During This Transition:

1. Review all forms associated with the permitting of bingos, bazaars and raffles currently in use by DCP. They can be found on this DCP website at www.ct.gov/dcp and may help in development of your specific municipalities forms.
2. Encourage all organizations currently permitted for bingo, bazaar and raffle permits in your city or town to complete new applications. This will ensure you will have all pertinent information to facilitate this process.
3. DCP will continue to issue permits for all requests prior to January 1, 2018.
4. DCP will not be issuing renewal notices for bingo permits for Weekly, Monthly or Parent Teacher Organization that will expire on December 31, 2017. However, DCP will send communication to those permit holders regarding this transition.
5. All individual Bingo PIN Operator registrations approved by DCP do not expire. It is at the discretion of each town as to whether they will require a new application or recognize the State issued registration.

The DCP will be responsible for the collection of all verified statements or financial reports associated with any permit issued by DCP for temporary bingo, raffle or bazaar prior to January 1, 2018.



Bingo, Bazaar, or Raffle Permit Fees

The tables below show (1) prior law's bingo, bazaar or raffle permit fees, and (2) the maximum amount a municipality may charge for a permit under the act.

Bingo Permit Fees

	<i>Prior Law</i>	<i>Under the Act</i>
Type	Permit Fee	Municipality may charge up to:
Class A	\$75	\$75
Class B	\$5 per day	\$10 per day
Class C	\$50	\$50

Bazaar or Raffle Permit Fees

	<i>Prior Law</i>	<i>Under the Act</i>
Type	Permit Fees	Municipality may charge up to:
Class 1	\$25 to state \$25 to municipality	\$75
Class 2	\$10 to state \$10 to municipality	\$30
Class 3	\$10 per day to state \$10 per day to municipality	\$60 per day
Class 4	\$5 to municipality Nothing to state	\$15
Class 5	\$40 to state \$40 to municipality	\$120
Class 6	\$50 to state \$50 to municipality	\$150
Class 7	\$100 to state Nothing to municipality	\$300

The DCP has indicated that they will provide some assistance in the creation of forms needed in conjunction with this new responsibility. **For guidance, the DCP Licensing Services can be contacted at (860) 713-6000.**

If you have questions regarding this bulletin, please contact Brian O'Connor of CCM at (203) 804-4658.

Public Act 17-231 – An Act Concerning Municipalities and Bingo Games, Bazaars and Raffles, goes into effect on **January 1, 2018**.

As of January 1, 2018, each municipality will be responsible for the permitting and enforcement of all bingo games, bazaars and raffles taking place in their town. In addition, each town will be responsible for the post event reporting.

The Department of Consumer Protection will retain the responsibility of permitting and enforcement of all sealed ticket permits. In addition, the Department will continue permitting of all equipment and ticket dealers, manufacturers and distributors related to sealed tickets, bingos, bazaars and raffles.

Bingo

Bingo registrations are issued to qualifying non-profit organizations in your municipality. Upon receiving their initial registration, they can apply for any of the following bingo permits:

Weekly(annual), Monthly(annual), Temporary Single Event(2 per year), Senior(one time), Parent Teacher Organization(annual)

Individual PIN Operator registrations are issued to all individuals associated with the qualified non-profit organizations that wish to work at any bingo event.

After each event has been permitted and completed, the non-profit is required to file a financial return within 10 days providing pertinent event information to include the gross receipts, prizes awarded and net profit of which a payment of 5% of the net profit will be paid to the municipality.

Bazaar

Bazaar permits are issued to qualifying non-profit organizations wishing to run a bazaar in your town. Bazaar permit application fees are on a per day basis. Examples of bazaar games are 50/50s, tea cup and blower ball games.

After each bazaar has been permitted and completed, a verified statement to include gross receipts, expenses, net profit and prizes awarded is to be filed by the organization at the end of the next succeeding month. There is no payment to the town in conjunction with the verified statement.

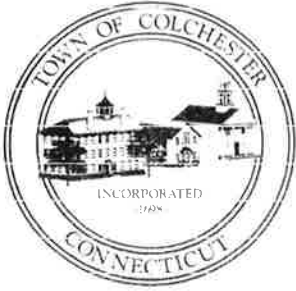
Raffle

Raffle permits are issued to qualifying non-profit organizations wishing to run a raffle in your town. There are various classes of raffle permits which are based on factors such as length of time tickets will be sold and the aggregate value of prizes to be awarded. The application fees differ for each raffle permit type. Examples of raffles are cash prizes, duck race, cow chip.

After each raffle has been permitted and completed, a verified statement to include gross receipts, expenses, net profit and prizes awarded is to be filed by the organization at the end of the next succeeding month. There is no payment to the town in conjunction with the verified statement.

Items to consider during this transition

- 1) We encourage each municipality to review the attached forms associated with the permitting of bingos, bazaars and raffles currently in use. Other related forms can be found on this Department's website at www.ct.gov/dcp
- 2) We recommend having all organizations currently permitted for bingo, bazaar and raffle permits in your town, be required to file new applications with your town so that you may obtain the pertinent information you need to facilitate this process.
- 3) We can provide some assistance in the modification and creation of forms needed in conjunction with this new responsibility.
- 4) We will continue to issue permits for all requested permits prior to January 1, 2018.
- 5) We will not be issuing renewal notices for bingo permits for Weekly, Monthly or Parent Teacher Organization that will expire on December 31, 2017. However, we will send communication to those permit holders regarding this transition.
- 6) All individual Bingo PIN Operator registrations approved by this Department do not expire. It is up to each town's discretion as to whether they will require new application or recognize the State issued registration.
- 7) This Department will be responsible for the collection of all verified statements or financial reports associated with any permit issued by this Department for temporary bingo, raffle or bazaar prior to January 1, 2018.



Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

MEMORANDUM

February 7, 2018

To: Colchester Board of Selectmen

From: Colchester Planning & Zoning Department

Re: Enabling legislation for a local option to fund land conservation & stewardship

The Connecticut Land Conservation Council (CLCC) is coordinating an effort to pass legislation allowing Connecticut municipalities, to adopt an ordinance, establishing a buyer's conveyance fee on real estate transactions. The collected buyer's fee shall be utilized to fund open space conservation & stewardship efforts.

The proposed legislation would allow, but not require, Connecticut town's to establish a buyers conveyance fee of up to 1% on real estate transactions in excess of \$150,000. Deposited into an account separate from other existing municipal accounts, the fee shall only be utilized for the preservation and/ or stewardship of open space, water resources or farmland.

This proposal would allow Colchester to invest into our open space efforts without having to use tax dollars to do so. The buyer's fee would only affect people purchasing property in town and would not affect any current property owners. After quickly looking at Colchester's real estate transactions from last year, it is estimated that this fee would have generated approximately \$201,145 to fund our open space efforts. For the average homeowner, with a 30 year mortgage, the buyer's fee would have translated into a \$2.48 increase in their monthly mortgage payment.

This legislation has been adopted in every state surrounding Connecticut and each has enjoyed great success with implementing the buyer's fee to fund their open space efforts. As we have learned already this year, the State programs designed to assist municipalities in funding open space efforts are becoming unreliable and may soon disappear indefinitely.

In order to move forward with the proposed buyer's fee legislation, The CLCC needs to have the support several town's to be included with the Bill. The support included with the proposed Bill does not mandate Colchester to do anything relating to the bill. It is just a way to show legislators that there is interest in this proposed buyer's fee legislation. If the bill is adopted, Colchester would still have to adopt the buyer's fee by Town Meeting, before the fee becomes effective.

Recommended Motion: The Colchester Board of Selectmen motions to support and be included in the proposed Legislation entitled "An Act Permitting Municipalities to Impose a Buyer's Fee on the Conveyance of Real Property."

Attachments:

- CLCC Buyer's Conveyance Fee Powerpoint
- CLCC FAQ Sheet
- Buyer's Fee Proposed Legislation 1/19/18 Draft

CONNECTICUT
Land Conservation Council



Photo credit: Robert Pagini

MUNICIPAL
OPEN SPACE
FUNDING
OPTION

Enabling a Local
Option for Land
Conservation
and Stewardship
Funding

CT LAND CONSERVATION COUNCIL: MISSION

CLCC advocates for land conservation, stewardship and funding, and works to ensure the long-term strength and viability of the land conservation community in Connecticut.



THE PROBLEM

- Many cities and towns need a sustainable source of funding for local conservation and stewardship efforts that would not impact the municipal mill rate or require additional bonding.
- Government funding sources for open space acquisition and stewardship, including for water resources, are often sporadic and unreliable.
- Open space and farmland are being lost, and funding for both acquisition and maintenance of these resources is needed.



THE SOLUTION

AN ACT PERMITTING MUNICIPALITIES TO IMPOSE A BUYER'S FEE ON THE CONVEYANCE OF REAL PROPERTY.

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

- a) That the general statutes be amended to permit the municipalities of [insert name of individual towns] to (1) impose a buyer's fee on the conveyance of real property occurring on or after July 1, 2018, at the rate of not more than one per cent of the consideration paid by the buyer in excess of one hundred fifty thousand dollars, and (2) retain and keep such fee in a separate account for the purpose of the purchase, preservation and stewardship of open space, including water resources, farmland, and, at the discretion of the governing body, for repayment of existing or future municipal bonds obtained for funding the purposes enumerated in this section.
- b) Conveyances resulting in the preservation in perpetuity of open space land, forest or farm land shall be exempt from any fee imposed pursuant to the provisions of subsection (a) of this section.
- c) The fee imposed by subsection (a) of this section shall not apply to any deeds, transfers or conveyances enumerated in subsection (a) of section 12-498 of the general statutes.

Statement of Purpose:

To permit the municipalities of [insert name of towns] to impose a conveyance fee on certain real property sales in order to generate funds for the purchase, preservation and stewardship of open space, including water resources, farmland, and the repayment of municipal bonds obtained for this purpose.

WHAT DOES THIS BILL DO?

The Municipal Open Space Funding Bill is an effort to create a “local option” for towns to acquire, preserve and steward open space (including water resources) and farmland in their communities.



- The proposed legislation would enable, but not require, select towns and cities to establish their own dedicated source of conservation funding by adopting a buyer’s conveyance fee of up to 1% on the purchase of residential real estate.
- The fee would only be charged on amounts over \$150,000.

HOW COULD THESE FUNDS BE USED?

- The funds generated could be used to:
 - Fulfill match requirements for state or federal grant programs.
 - Cover the costly expenses associated with acquiring land (appraisals, surveys, environmental assessments, etc.).
 - Maintain and steward your town's open space properties, water resources, and farmland.
 - Repay existing or future municipal bonds used for conservation purposes.





QUESTIONS?

CONNECTICUT Land Conservation Council



Enabling a Local Option for Land Conservation and Stewardship Funding

Frequently Asked Questions

As of 02.06.18

What does this bill do? The proposed legislation would allow (but NOT REQUIRE) certain towns and cities to establish a fund to acquire, preserve, and steward open space (including water resources) and farmland at the municipal level by including a conveyance fee of up to 1% paid by buyers of real property.

Why is this needed in CT? Many cities and towns need a sustainable source of funding for local conservation and stewardship efforts that would not impact the municipal mill rate or require additional bonding. This added source of funding would enable communities to fulfill match requirements for state or federal grant programs, cover the costly expenses associated with acquiring land (appraisals, surveys, environmental assessments, etc.), and better maintain the town's open space properties, water resources and farmland.

If enacted, would this legislation require all towns to establish the program? No. This legislation authorizes certain municipalities to decide, through their local public approval processes, whether or not to take advantage of this funding mechanism.

Will a conveyance fee deter homebuyers or commercial investors? Experience in other states shows the opposite. People and businesses are attracted to communities that have cleaner air and water, recreation options, local food sources, and protected natural beauty. If adopted by the municipality, the fund allows buyers to invest in their communities. The fee is an investment in maintaining the community's open spaces, water resources, and farmland, which in turn helps to sustain the community's natural assets, avoid the hidden community costs of development, and even increases local property values [Gies, Conservation: An Investment that Pays, 2009.]

Would this make housing less affordable? The fee is limited to a maximum of 1% and does not apply to the first \$150,000 of the sale price. Repaid over 20 or 30 years in a mortgage, that extra cost is minimal.

May a municipality impose less than the 1% fee? Yes. The proposed legislation indicates that the conveyance can be "up to 1%." Therefore, a municipality may adopt a lower percentage fee.

Can the money be raided for other purposes? If enacted, the legislation would require that funds raised through this program by the local community must be dedicated to land conservation and stewardship.

Would land purchased with these funds need to remain as town land? This would be up to the town, but purchases can be made in cooperation with land trusts. A local partnership like this could help the town to further stretch this funding source.

Why allow funding to be used for stewardship? Most communities and land trusts understand that there are two critical funding needs associated with open space (include water resources) and farmland protection: 1) funds for acquisition, and 2) ongoing resources for maintenance or stewardship. This legislation would allow municipalities to dedicate funding to both of these pressing needs as necessary.

If adopted, would the conveyance fee be required in perpetuity at the local level? That would be up to the community adopting the fee.

Have other states enabled similar legislation? Nearby states (MA, NY, RI, PA, WV) have allowed some municipalities to enact a buyer's conveyance fee, with the income dedicated to conserving and caring for local natural areas. These programs have proven remarkably successful, resulting in the protection of thousands of acres of open space, forests, meadows and farms. (See case studies, attached.)

For more information, please contact Connecticut Land Conservation Council Executive Director, Amy Blaymore Paterson at abpaterson@ctconservation.org or at 860-614-8537.



General Assembly
January Session, 2017

Proposed Bill No. 6926
LCO No. 2647
02647

Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:

REP. ORANGE, 48th Dist.

REP. RYAN, 139th Dist.

REP. GRESKO, 121st Dist.

AN ACT PERMITTING MUNICIPALITIES TO IMPOSE A BUYER'S FEE ON THE CONVEYANCE OF REAL PROPERTY.

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

That the general statutes be amended to permit a municipality to (1) impose a buyer's fee on the conveyance of real property occurring on or after July 1, 2017, at the rate of not more than one per cent of the consideration paid by the buyer in excess of one hundred fifty thousand dollars, and (2) retain and keep such fee in a separate account for the purpose of the purchase, preservation and stewardship of open space.

Statement of Purpose:

To permit municipalities to impose a conveyance fee on certain real property sales in order to generate funds for the purchase, preservation and stewardship of open space.

DRAFT

As of 1/19/18

AN ACT PERMITTING MUNICIPALITIES TO IMPOSE A BUYER'S FEE ON THE CONVEYANCE OF REAL PROPERTY.

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

(a) That the general statutes be amended to permit the municipalities of [insert name of individual towns] to (1) impose a buyer's fee on the conveyance of real property occurring on or after July 1, 2018, at the rate of not more than one per cent of the consideration paid by the buyer in excess of one hundred fifty thousand dollars, and (2) retain and keep such fee in a separate account for the purpose of the purchase, preservation and stewardship of open space, including water resources, farmland, and, at the discretion of the governing body, for repayment of existing or future municipal bonds obtained for funding the purposes enumerated in this section.

(b) Conveyances resulting in the preservation in perpetuity of open space land, forest or farm land shall be exempt from any fee imposed pursuant to the provisions of subsection (a) of this section.

(c) The fee imposed by subsection (a) of this section shall not apply to any deeds, transfers or conveyances enumerated in subsection (a) of section 12-498 of the general statutes.

Statement of Purpose:

To permit the municipalities of [insert name of towns] to impose a conveyance fee on certain real property sales in order to generate funds for the purchase, preservation and stewardship of open space, including water resources, farmland, and the repayment of municipal bonds obtained for this purpose.