

Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

**Board of Selectmen Agenda
Regular Meeting
Thursday, June 21, 2018
Colchester Town Hall, 7PM**

1. Call to Order
2. Additions to the Agenda
3. Citizen's Comments
4. Consent Agenda
 - a. Approve list of deletion of ordinances 11, 18-9, 21, 49, 67, 72, 90, 120-1, to go to Public Hearing
5. Boards and Commissions – Interviews and/or Possible Appointments
 - a. Ethics Commission & Youth Services Advisory Board – Dean Dest to be interviewed
 - b. Ethics Commission – Betty Wagner possible appointment as a member to expire 10/13/2019
 - c. Conservation Commission – Seth Travis possible appointment as a member to expire 10/31/2019
6. Approve Minutes of the June 7, 2018 Regular Board of Selectmen Meeting
7. Discussion and Possible Action on Agriculture Commission 'Colchester-Right to Farm Community' Signage Proposal
8. Review and Discussion on Town Ordinance Potential Revisions
9. Citizen's Comments
10. First Selectman's Report
11. Liaison Reports
12. Adjourn

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Town of Colchester, Connecticut

127 Norwich Avenue, Colchester, Connecticut 06415

**Board of Selectmen Minutes
Regular Meeting Minutes
Thursday, June 7, 2018
Colchester Town Hall @ 7pm**

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

MEMBERS ABSENT: Selectman Denise Mizla

OTHERS PRESENT: Registrar D Mrowka, Town Clerk G Furman, Recreation Director T Quinn, BOFR Tarlov, B Wagner, T Rudko 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 add #6 Discussion and Possible Action on Copier Leases for Finance and Planning & Zoning Administration, renumber remaining items.

S Soby moved to add the agenda items as presented, seconded by R Coyle. Unanimously approved. MOTION CARRIED.

3. Citizen's Comments – Taras Rudko spoke in opposition of #5.1. Stated he does not feel a former felon should be appointed to a town commission.

4. Consent Agenda

1. Tax Abatements
2. Approve Minutes of the May 17, 2018 Regular Board of Selectmen Meeting
3. Approve Unemployment Tax Management Corporation Service Agreement
4. Possible Action on Senior Center Yoga Instructor Contract
5. Possible Action on Senior Center Exercise Instructor Contract
6. Possible Action on Senior Center Sittercize Instructor Contract
7. Possible Action on Senior Center Tai Ji Quan Instructor Contract

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

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

1. Planning & Zoning Commission – Bruce Hayn possible appointment as a member to expire 12/31/2019

S Soby moved to appoint Bruce Hayn to the Planning & Zoning Commission as a member to expire 12/31/2019, seconded by J Ford. Unanimously approved. MOTION CARRIED.

J Ford and S Soby stated they have both known Bruce for a long time, and that he has served in a number of capacities for the town during this time and his commitment was notable. S Soby stated that justice was served. Justice is not just lock em' up. It is the cost of response with punishment, parole, and probation. Part of justice is rehabilitation. Mr. Hayn has his voting privilege restored and is an elector of the town, which is the qualification of an applicant. Stated he is a believer in rehabilitation. S Soby stated the quote "let he who is without sin case the first stone."

2. Youth Services Advisory Board – Christos Stravoravdis possible appointment as a member to expire 12/1/2019

R Coyle moved to appoint Christos Stravoravdis to the Youth Services Advisory Board as a member to expire 12/1/2019, seconded by S Soby. Unanimously approved. MOTION CARRIED.

3. Wayne Mohrlein possible appointment as a sub-registrar to expire 11/18/2019

R Coyle moved to appoint Wayne Mohrlein as a sub-registrar to expire 11/18/2019, seconded by J Ford. Unanimously approved. MOTION CARRIED.

4. Ethics Commission – Betty Wagner to be interviewed – was interviewed

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5. **Conservation Commission – Seth Travis to be interviewed – was interviewed**
6. **Discussion and Possible Action on Copier Leases for Finance and Planning & Zoning Administration**
R Coyle moved to approve the lease of new copiers with Ricoh USA, Inc. for the period July 1, 2018 through July 1, 2023 and authorize the First Selectman to sign all necessary documents, seconded by S Soby. Unanimously approved.
MOTION CARRIED
7. **Discussion and Possible Action on Virtual Town Hall Service Agreement**
A Shilosky stated this would be an upgrade to our current website. Discussion on #4, the current server will be retained for one year so that we may have access to information until fully transferred to the new platform. #12, the town will pay full cost up front, not taking the option to pay over three years.

S Soby moved to approve the agreement with Virtual Town Hall service agreement and authorize the First Selectman to sign all necessary documents, seconded by R Coyle. Unanimously approved. MOTION CARRIED.
8. **Discussion and Possible Action on Summer Concert Food Concessions Contract**
J Ford moved to approve the award contracts for Scotties Frozen Custard and The Classic Scoop and authorize the First Selectman to sign all necessary documents, seconded by R Coyle. Unanimously approved. MOTION CARRIED.
9. **Review and Discussion on Town Ordinance Potential Revisions**
R Coyle stated that ordinance #77 and #136 are the only two from the highlighted list to delete, that she would like more research on before deleting. The Board agreed the rest of the ordinances listed can be put on the next meeting consent agenda. Then the list would go to a public hearing and town meeting.
10. **Citizen's Comments – Betty Wagner made a statement regarding #9, that the charter revision commission read the ordinances carefully and discussed, then made the recommendations in the list.**
11. **First Selectman's Report**
A Shilosky stated he is working on the price for internet to switch equipment. The AC unit has been instated in the server room. There will be a transfer out of equipment reserve for fire house computers (7 units under \$10,000 total). They are in the process of being installed. Working on a lease for the Bacon Academy Trustees for the lease of the portion of the green that is under the Trustees. Noise Ordinance – have several complaints from residents on various noise issues. Would like to research putting an ordinance in place. The ZEO will research other towns and current ordinances in place. A Shilosky stated his office received a letter from a resident commending two police officers for their professionalism and hard work at an accident.
12. **Liaison Reports**
R Coyle reported on Chatham Health – the state water sustainability plan is being drafted. Current discussion on public trust and utilization of water. Water bills in town have gone up due to the state. Started sampling water for summer bathing season. Environmental committee is working on lawn regulations because of health concerns.

S Soby reported on Opengov subcommittee – Met twice. Framing policy for use of opengov. Defining things in terms of type of info, ensuring protection for federal law and state statutes, and role based security. Initial framework being created.
Planning & Zoning – applicant looking for zoning change to develop different way that would add to our tax base. It is consistent with adjacent properties. Working on regulation that would restrict the sale of firearms within distances from schools, education and religious places of worship. With guidance from the Agriculture Commission working on regulations for livestock in suburban zones and how to quantify how many types of what animal can be kept.
13. **Adjourn**
J Ford moved to adjourn at 7:45 p.m., seconded by S Soby. Unanimously approved. MOTION CARRIED.

Respectfully submitted,

Tricia Dean, Clerk

Proposal for



To Create and Install *Right to Farm Community* Signs in Colchester

June 11, 2018

Volunteer Committee:

John Barnowski	Elizabeth McAlister
Leslie Curtis	Cathy Shea
Katherine M. Kosiba	Jesse Stone
Chris Bourque, Colchester Agriculture Commission	

Request for Colchester Board of Selectmen's Approval:

- To permit the creation of a “*Colchester - Right to Farm Community*” sign where the expense for the sign’s production will be paid by the Colchester Land Trust, and
- To allocate town and commission/board resources to partner in determining the appropriate locations for the signs and obtain any needed approvals for their installation.

Background

May 1981 - Governor Eugene O’Neill signed the Connecticut "**Right to Farm**" legislation (C.G.S. Section 19a-341). [https://www.cfba.org/images/resources/right to farm.pdf](https://www.cfba.org/images/resources/right%20to%20farm.pdf)

Following the 2007 Colchester Agricultural Viability Report, a working session of the farming community organized by Colchester Land Trust initiated actions towards making our town's agricultural heritage more vibrant and prominent in the public discourse and policy-making, as well as, positive steps the Town could take to further the goals of making our town's local governance friendlier to its local farming community.

- Town of Colchester ratified language of the State of Connecticut's "Right to Farm" legislation in its local ordinances and regulations (2009)
- Colchester’s Agriculture Commission created (2011)

In 2017, a Colchester resident noticed “*Right to Farm Community*” signs in several neighboring Massachusetts towns, and believed with Colchester’s strong agricultural base, the development and installation of similar signs for Colchester would positively promote Colchester’s agriculture as well as educate residents about the town’s *Right to Farm* town ordinance.

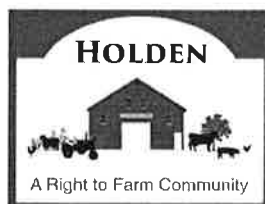
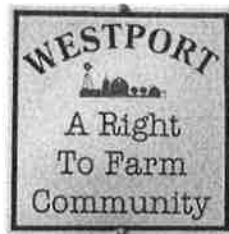
A small group of interested individuals came to together to discuss this idea and gained support of the Colchester Land Trust to endorse and pay for the development/production of the proposed “*Colchester – Right to Farm Community*” signs. The group approached the Colchester Agriculture Commission to support this initiative and spearhead it’s request for approval by the Colchester Board of Selectmen.

The Colchester Agriculture Commission unanimously approved this motion at their May 21, 2018 meeting.

http://www.colchesterct.gov/Pages/ColchesterCT_BComm/AC/ColchesterCT_ACMIn/2018/Ag%20Commission%20Meeting%20Minutes%205-21-2018.pdf

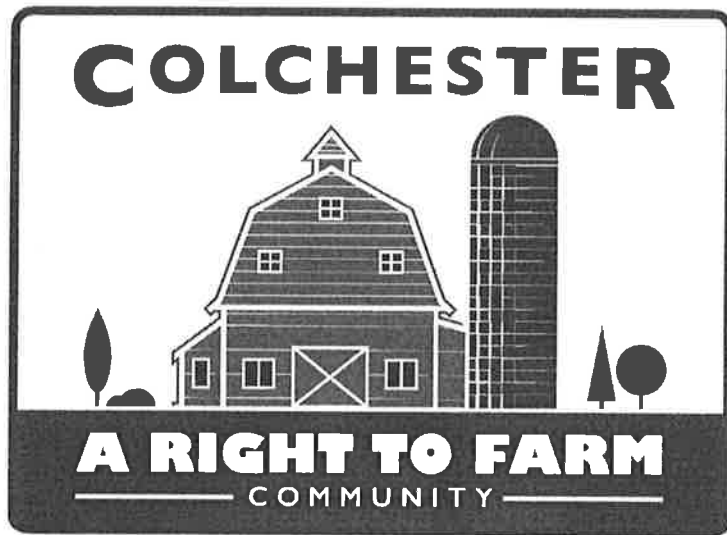
It is believed these signs being developed for Colchester would be the first of their kind in Connecticut.

Examples of existing *Right to Farm Community* Signs in Massachusetts



Proposal – Key Points

- Design, produce and install “*Colchester – Right to Farm Community*” signs prominently on key main roads leading into town (town and state roads).
- The expense of the sign development and production would be paid by the Colchester Land Trust. The Colchester Land Trust is an independent not-for-profit 501(c)3 charitable entity and part of its mission is to educate the public about the many benefits of preserving open space and farm land in town.
- Barry Ford of Ford Folios, LLC has been engaged for the sign design and coordination of the sign’s production. Barry Ford has coordinated numerous design projects for the Colchester Land Trust and other Colchester non-profit organization(s). Size: 24” x 18”



- The “*Colchester - Right to Farm Community*” image may be used for other agricultural-related promotional purposes, such as, brochure, map, agricultural events, other publicity.

Possible Sign Placements:

Town Hall entrance where *Heart-Safe Community* and National Wildlife Federation Certified Wildlife Habitat community signs are already in place.



Colchester Welcome Signs installed through the Colchester Economic Development Commission (total of 6 planned – 1 installed, second in process). Add a board beneath the welcome sign to affix community signs representing the Town of Colchester – Heart-Safe Community, Community Wildlife Habitat – National Wildlife Federation, *Right to Farm Community*, and potential future community designations. This could consolidate various signs from other road locations into consistent prominent town site.



Connecticut Grown signs

Several farmers have pursued and purchased *Connecticut Grown* signs for their farms which are located on state roads. Approval would need to be sought from both the farmers who own their respective signs and the State of Connecticut Department of Transportation to place the “*Colchester – Right to Farm Community*” sign on these state road posts. The farms who have these signs are: Cato Corner Farm, Evergreen Acres, Reneson’s Tree Farm, Savitsky Farm.



Connecticut Wine Trail

Further research would be needed for these potential sites; it is assumed at a minimum approval would be required from State of Connecticut Department of Transportation to place *Right to Farm Community* sign on these state road posts.



Individual Farms

These signs may be made available to local farms to place in a prominent location on their property to be viewed by the public.

Value to Our Community the New Signs Would Bring

- Public awareness of Colchester as a Right to Farm Community
- Education effort on Colchester's Right to Farm Ordinance
- Reinforce the importance of farming and agriculture in Colchester

Colchester's Right To Farm Community – Other Promotional Ideas

- Link from Colchester Agriculture Commission to *Right to Farm* page with image, information and link to town's Right to Farm ordinance. <https://ecode360.com/14351886>
- Initial announcement of new sign through the First Selectman's Weekly email – image and explanation
- Newspaper article publicizing the new signs and explanation about Colchester being a *Right to Farm Community*
- Develop information about Colchester being a *Right to Farm Community* for the Colchester Farmers' Market, request that it be added to their Facebook Page
- The Colchester Land Trust would likely be open to requests from the Agriculture Commission and other community groups to use *Colchester Right to Farm Community* image and explanation in support of Colchester farms and agriculture.

Appendix

Historical Agricultural View in Colchester

From Colchester Agricultural Tour Program
for the American Community Gardening Association National Conference (2017)

“Connecticut’s agricultural roots date back to the crop gardens planted by indigenous peoples who cultivated such staples as the Three Sisters (maize, beans, and squash), sunflowers, and Jerusalem artichokes. European settlers brought their own land-use practices, such as clearing large tracts of land for crops and grazing livestock, and learned new techniques from the region’s Natives. By the late 18th century farming was an economic mainstay for most residents, but by the middle of the 19th century the rise of industry changed the state’s agrarian landscape to an industrial one.” Excerpt: <https://connecticuthistory.org/topics-page/agriculture/>

“In 1940, Farm Security Administration photographer Jack Delano went to Colchester to photograph the Jewish farmers. He was Jewish, and he wanted to illustrate the plight of the part-time farmer.

During the Depression, people who both farmed and worked part-time in light industry weren’t eligible for federal relief programs aimed at helping farmers. When Delano went to Colchester in November 1940, one-quarter of the town was Jewish – down from half in 1920. Colchester’s Jews ran dairy and poultry farms, clothing factories and retail stores. Alphonsine and Jacques Makowsky fled the Nazis and settled on a poultry farm in northeastern Connecticut to raise African guinea hens. A fire destroyed their henhouses and they began to cross breed Cornish gamecocks with hens. Result: the Cornish game hen.



*Abraham Lapping Nov. 1940
Jewish poultry and dairy farmer.
"They run a small farm and take in tourists
during the summer," wrote Delano*

Photo courtesy Library of Congress.

Delano’s photographs capture the beginning of a shift, as the state’s land use moved from agriculture to housing and industry. Many of Delano’s photographs portray immigrant farmers, who moved to Connecticut’s agricultural lands to seek opportunity, stabilizing the declining rural population. “The diversity of ethnic groups in this region was fascinating,” he later wrote, “Poles, Italians, Portuguese, Irish, Armenians, French-Canadians, Jews, and Native Americans.” Excerpt: <https://fairfieldmuseum.omeka.net/exhibits/show/delano/farms>

During the 1950s and 1960s, agriculture in Colchester was vibrant. There were still many egg and dairy farms. In the 1970s and 1980s, urbanites moving into Colchester during the housing boom raised complaints about noise, odors, dust and flies. At the same time the Federal government, in an effort to boost the larger dairy farms, created a buy-out program for finally-distressed small dairy farms. Both situations impacted some Colchester farms to close. Also during this time, two pieces of legislation critical to the safeguarding of Connecticut’s agricultural land base were passed. The 1978 Connecticut legislation established the Department of Agriculture’s Farmland Preservation Program; this program purchases the development rights to prime cropland thus keeping said land in production agriculture in perpetuity. <http://www.ct.gov/doag/cwp> In 1981, Connecticut Right to Farm Law was passed to limit the circumstances under which agricultural operations could be subject to lawsuits. www.cfba.org/images/resources/right_to_farm.pdf

“Farmland acreage and the number of farms in the state have steadily declined well into the 21st century. However, there is a renewed interest in local farming, and today’s small farms produce dairy, eggs, fruits, and vegetables that contribute to the state’s economy.” Excerpt: <https://connecticuthistory.org/topics-page/agriculture/>

Appendix

Colchester as an Agricultural Community warrant Colchester - Right to Farm Community Signs

Colchester has a rich agricultural history since 1698. Today Colchester has several centennial farms.

The 2007 Colchester Agricultural Viability Report, funded by a grant from the Connecticut Department of Agriculture, documented significant reasons for the preservation of farmland in our community:

“Our working farms are land banks, saving the complex system of soils, water courses, drainage, and wildlife habitats necessary to grow food and cleanse our environment for future generations. Investment in preserving local farms not only benefits us today, it also keeps the land whole and productive for future generations.”

- Farmers undertake the cost of maintaining this space, keeping it attractive and productive, contributing to town character
- Farmers pay taxes on their property and the products that they sell...farmers pay significantly more in taxes than they receive back in town expenditures, so they help to support the town budget, even when they receive special farm tax rates
- Farms are also important in the preservation of the environment in ways that are important for public health.
- Farms often include wetlands which are vital parts of the town’s hydrologic system, absorbing excess rain or stream water and releasing it slowly so that flooding is reduced. Wetland soils filter and purify water, removing excess fertilizers and other chemicals before releasing it to the ground water that feeds wells. When these natural hydrologic systems are dismantled through development, the public has to pay for sewers and sewage plants to take their place.
- Preservation of natural habitats and movement corridors for wildlife. These habitats allow the natural predators of insects and vermin to thrive, helping to naturally rid the town of disease vectors
- Local farms are a very important source of food security. High transportation costs, widespread crop losses from natural disasters, and looming water shortages in agricultural areas supplied with water from mountain snow packs all threaten food supplies and raise food costs in Connecticut.
- Local farms with hay lots or Christmas tree farms, for example, keep the soil ready for food production in the future.
- Farmers also asked for support from other residents in Colchester. If more people are educated about farms and food production, this will be very helpful to farmers in many ways, including fewer complaints and more product sales.”

Source: http://www.colchesterct.gov/Pages/ColchesterCT_BComm/EDC/docs/FarmSurvey.pdf

Appendix

From June through October, the Colchester Farmers Market offers products from local and area farmers and artisans. It continues to grow each year in popularity and product offerings.



Colchester has a growing number of farms and commercial agricultural businesses.

Colchester has a growing number of residents who are pursuing personal agricultural interests (equestrian, goats, chickens, ducks, gardening, beekeeping, tree farms)

American Community Gardening Association (national community gardening organization) invited Colchester to participate in national conference by sponsoring agricultural tour (2017) which was conducted as a partnership between the town, Colchester Agriculture Commission, Colchester Garden Club, Colchester Land Trust, Colchester Giving Garden, Colchester Free Lunch Program, Bacon Academy Acres, and several groups, local farms and businesses. The tour program is now an Additional Link on the Colchester Agriculture Commission web site: http://www.colchesterct.gov/Pages/ColchesterCT_BComm/AC/index



Farm to School volunteer initiative focused on engaging students agriculturally through school activities; eventually, interested in including agricultural in all levels of school curriculum.

Academy Acres is Bacon Academy's first organic garden. It was founded in November 2014 through the joint-effort of Mitchell Hallee ('15) and Lauren Hickey ('16). The idea for a garden was inspired by a 2013 petition from a local parent to provide GMO-free alternatives in the school cafeterias. In conjunction with the Farm to School program, the Academy Acres project was established to fulfill this mission of providing fresh, organic food to the cafeteria and school community. In November 2014, the Environmental Club and Student Council pitched in for the official groundbreaking ceremony. With the help of a few dedicated interns, the garden produced over 400 lbs. of produce in under 400 ft² of space in its first season! Produce was donated to the school cafeteria, summer interns, the Willimantic and Colchester Senior Center, and the school community during our First Annual Salad Day. produce in under 400 ft² of space in its first season! Produce was donated to the school cafeteria, summer interns, the Willimantic and Colchester Senior Center, and the school community during our First Annual Salad Day.

Appendix

Academy Acres – Continued:

Academy Acres Mission - *Our mission is to provide fresh food, promote stewardship and sustainability, and increase food education from seed to tray among our school and town communities.*

Maintenance and Leadership The school garden continues to be led and managed largely by students, including a select group of dedicated volunteers who water, weed, harvest, and distribute produce during the summer. Yet, this garden would not be possible without continued enthusiasm and support from Chris Juhl, Karen Christianson, Jill Levasseur, as well as the Board of Education and Superintendent, Bacon Academy Food Service staff, Agricultural Commission, local farmers, the New London County School Garden Network, and many local community organizations.

Growth and Expansion This garden is just one piece of a flourishing movement changing the way our community sees food. In the winter of 2015 Jill Levasseur, Environmental Club advisor, received a grant from the Pollination Project to fund a greenhouse to expand the growing season of our school garden and further integrate interdisciplinary garden education into the curriculum. We also have an expanding fruit orchard near the faculty parking lot. We have supported other fresh food programs in schools across the district, including a composting partnership with CES, an apple orchard at JJIS, and the school garden at WJMS.

COLCHESTER ORDINANCES
WITH CHARTER REVIEW RECOMMENDATIONS.

#	ARTICLE	NAME	RECOMMENDATION
1		Amendment to code	discuss wording
4		Adult Oriented Businesses	no recommendations
6		Alarm Systems	enforcement not addressed
7		Alcoholic Beverages	no inconsistencies
10		Canine Control	no inconsistencies
11		Anniversary Celebration	Retire - was written for 275th
14		Bazaars and Raffles	Refers to state statutes
18		Boards and Commissions	
	Article 8	Police Commission	no changes
	Article 9	Regional Council of Governments	can be retired
	Article 10	Sewer and Water Commission	Recommend change to 5 members & 2 alternates
	Article 11	Aquifer Protection	no recommendations
	Article 12	Retirement Board	no changes recommended
	Article 13	Open Space Advisory Commission	no changes recommended
	Article 14	Agriculture Commission	no changes recommended
21		Bond Issuance	Retire - written for a bond in 1973
24	Article 1	Building code	no recommendations but fees no updated
	Article 2	Permits for unapproved subdivisions	no recommendations but fees no updated
	Article 3	Building permit fees	no recommendations fees not updated
27		Building Demolition	no inconsistencies
30		Dangerous Building Ordinance	no inconsistencies
39	Article 1	Conservation Commission	no changes
	Article 2	Inland Wetlands & Watercourses	no changes
	Article 3	Conservation Commission Alternates	no changes
46	Article 1	Board of Education	no changes
	Article 2	Election of Board of Education	no changes
49		Emergency Communications	May recommend retiring
53		Code of Ethics	discuss in detail at a later date
55		Farming	no changes
56		Fees	no changes
57		Fire Hydrants	no changes recommended
58		Fire Lanes	no changes recommended
64		Flood Hazard Areas	no changes recommended
67		Inspection of Public Food Estab.	can be retired
72		Health Dept.	can be retired
74		Historic District Ordinance	no changes
77		Housing Partnership	can be retired — from 6/7
81		Library	payment could be corrected no other changes recommended
90		Officers and Employees	Can be retired
92		Open Space Preservation	no changes recommended
93		Ordinance Enforcement	commission will seek legal opinion
98		Peddling and Soliciting	no changes recommended
103		Rapid Access Systems	no changes recommended
109		Roads	no changes in Articles 1, 2, 3, 4, 5, 6, 7, 10, 11
	Article 8		Commission will check on fees
	Article 9		Commission will check on %

120		Solid Waste		no changes: 2, 3, 4, 5, 7, 8, 9, 10, 12, 13, 14	
	Article 1			Norwich contract can be deleted	
	Article 6			can be deleted	
	Article 9			no longer relevant	
	Article 11			work on language	
124		Street and Sidewalks		no changes recommended	
129		Taxation		no changes: 1, 2, 3, 4, 7, 10, 11.	
	Article 5			check on efectivedate 129-18	
	Article 6			check on percentage in 129-25	
	Article 8			re-examine	
	Article 9			re-examine 129-36	
133		Tourism Development		no changes recommended	
136		Town Center Neighborhood Strategic P		recommend retiring <i>from 6/7</i>	
139		Trailers		re-exaine grandfathr clause of 1952	
144		Vehicles and Traffic			
	Article 1			no changes recommended	
	Article 2			re-examine	
150		Water		predates sewer installation so does not include sewers, but no changes recommended	

Town of Colchester, CT
Friday, June 15, 2018

Chapter 1. General Provisions

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

Article I. Adoption of Code

[Adopted 4-12-2001]

§ 1-1. Adoption.

The compilation of the ordinances and administrative regulations of the Town of Colchester, codified and consolidated into parts, chapters and sections in the form attached hereto and made a part hereof, is hereby approved, adopted, ordained and enacted as the "Code of the Town of Colchester, Connecticut," hereinafter called the "Code." All provisions contained in the compilation provided for herein and known as the "Code of the Town of Colchester" shall be in force and effect on and after the effective date of this ordinance.

§ 1-2. Continuation of existing provisions.

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

§ 1-3. Repeal of inconsistent ordinances.

All ordinances and administrative regulations or parts thereof of the Town of Colchester of a general and permanent nature in force on the date of the adoption of this ordinance which either are inconsistent with any provisions of the Code or have not otherwise been addressed by specific language in the Code are hereby repealed from and after the effective date of this ordinance.

§ 1-4. Severability.

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

§ 1-5. Amendments to Code.

Any and all additions, deletions, amendments or supplements to any of the ordinances or administrative regulations known collectively as the "Code of the Town of Colchester," or any new ordinances or administrative

regulations, when enacted or adopted in such form as to indicate the intention of the Board of Selectmen and/or the Town Meeting to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code, as amendments and supplements thereto. Nothing contained in this ordinance shall affect the status of any ordinance or regulation contained herein, and such ordinances and administrative regulations may be amended, deleted or changed from time to time as the Board of Selectmen and/or Town Meeting deems desirable pursuant to Charter Section 403.

§ 1-6. Gender-neutral language.

Whenever in the Code, in describing or referring to any person, party, matter or thing, any word importing the singular number or masculine gender is used, the same shall be understood to include and to apply to several persons or parties as well as to one person or party and to females as well as males, and to bodies corporate as well as individuals, and to several matters and things as well as one matter or thing.

§ 1-7. Sale of Code book; supplementation.

Copies of the Code may be purchased from the Town Clerk of the Town of Colchester upon the payment of a fee to be set by resolution of the Board of Selectmen, which Board may also arrange by resolution for procedures for the periodic supplementation thereof.

§ 1-8. Changes in previously adopted legislation.

- A. In compiling and preparing the ordinances and administrative regulations for publication as the Code of the Town of Colchester, no changes in the meaning or intent of such ordinances or administrative regulations have been made, except as have been made by formal amendment thereto. Certain grammatical changes and other minor nonsubstantive changes were made in one or more of said ordinances and administrative regulations. It is the intention of the Town Meeting that all such changes be adopted as part of the Code as if the ordinances and administrative regulations had been previously formally amended to read as such.
- B. Changes made throughout the Code.
- (1) Statutory references. Statutory references throughout the Code have been updated to refer consistently to "C.G.S. § ____."
 - (2) Nomenclature changes. Throughout the Code, the following nomenclature changes have been made:
 - (a) "Police Commission" has been changed to "Board of Police Commissioners."
 - (b) "Building Inspector" has been changed to "Building Official."
- C. In addition, the following changes, amendments or revisions are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the legislation as it has been renumbered and appears in the Code.)

Chapter 4, Adult-Oriented Businesses (9-12-1996)

Section 4-8A(2) is amended to delete "or any rule or regulation adopted by the Board of Selectmen pursuant to this ordinance."

Chapter 7, Alcoholic Beverages

Article II, Town Recreation Facility (7-8-1982)

7-2, the definition of "TOWN RECREATIONAL FACILITY" is amended to add the words "and such other land which may be acquired from time to time which has been set aside for recreational purposes."

Chapter 18, Boards, Committees and Commissions

Article III, Parks and Recreation Commission (4-17-1962, as amended)

An unnumbered paragraph in original Section 213.2 providing for the amendment of the ordinance to change "Board" to "Commission" and "Board of Recreation" to "Parks and Recreation Commission" is deleted.

Article VIII, Police Commission (7-25-1990)

- A. Section 18-32 is amended to delete "of such department" after "removal of police officers."
- B. Section 18-33 is amended to delete "of such police department" from the end of the section.

Chapter 27, Building DemolitionArticle I, General Regulations (7-16-1992)

Section 27-3 is amended to add the following wording to the first sentence: "other than for a building situated in a designated historic district or on the National Register of Historic Places or nominated for such status or a building at the address listed on Appendix I of the Lusignan Historical and Architectural Survey."

Chapter 67, Food Establishments (4-16-1991)

- A. Section 67-5 is amended to change the second sentence to add the boldfaced wording: "The fees **stated in § 67-3** shall cover (4) quarterly inspections."
- B. Section 67-6 is amended to change the reference to "Sec. 3 above" to "Section 901.4" (now § 67-5).

Chapter 81, Library (8-4-1904)

Section 81-2 is amended to change "further the following public library by-laws that the Town Treasurer" to "Following the public library bylaws, the Town Treasurer."

Chapter 109, Roads (3-10-1987)

- A. Section 109-10B(1)(f) is amended to insert a period after "street" and capitalize "Paving" so that two sentences are created.
- B. Section 109-10B(2) is amended by deleting "and the requirements of this document."

Chapter 129, TaxationArticle III, Solar Energy Exemption (4-5-1978)

- A. Section 129-5 is amended to change "October 1, 1991" to "October 1, 2006."
- B. Section 129-6 is amended to add "active" before "solar heating or cooling."
- C. Section 129-8, the definition of "ACTIVE SOLAR ENERGY HEATING OR COOLING SYSTEM" is amended to add "active" before "solar energy heating or cooling."

Chapter 6. Alarm Systems

[HISTORY: Adopted by the Town Meeting of the Town of Colchester 6-29-2011. Amendments noted where applicable.]

GENERAL REFERENCES

Rapid access systems — See Ch. 103.

§ 6-1. Statutory authority.

Pursuant to C.G.S. § 7-148(c)(7)(H)(xiv), the Town adopts the following alarm systems ordinance.

§ 6-2. Purpose.

The purpose of this chapter is to regulate the installation, maintenance and operation of alarm systems, devices and equipment in businesses and residences within the Town of Colchester.

§ 6-3. Definitions.

As used in this chapter, the following words or phrases shall have the meanings indicated:

ADMINISTRATOR

The First Selectman or his or her designee appointed to administer the provisions of this chapter.

ALARM OWNER

Any person, company, corporation or other entity that is the owner, operator or user of an alarm system.

ALARM SYSTEM

Any device or equipment which is capable of automatically calling and relaying recorded emergency messages to any state police or municipal police or fire/EMS department telephone number or which is capable of automatically calling and relaying recorded emergency messages or other forms of emergency signals to an intermediate third party which shall thereafter call and relay such emergency messages to a state police or municipal police or fire/EMS department telephone number.

FALSE ALARM

Any alarm signal which causes an emergency response to the location of the alarm which is caused by mistake, misuse or malfunction; or unintentional activation caused by flaw or defect in design, installation, maintenance or equipment of the alarm system.

§ 6-4. Maintenance.

An alarm owner shall be responsible for maintaining and keeping in good working order at all times each alarm system on the premises owned or occupied by the alarm owner in order to minimize false alarms.

§ 6-5. Registration.

- A. To operate an alarm system within the Town of Colchester, an alarm owner must complete a registration form provided by the administrator. The registration form shall include information concerning the alarm system, its location and any other necessary information as determined by the administrator. All alarm systems within the Town shall be registered with the administrator within 90 days of the effective date of this chapter.
- B. It shall be the responsibility of an alarm owner to notify the administrator, in writing, within 10 days of changes in registration information.

§ 6-6. Penalties for offenses.

- A. In the event there are three false alarms at the same location within the same calendar year, a written warning shall be issued to the alarm owner upon the occurrence of the third false alarm. The warning shall notify the alarm owner that any further false alarms occurring within the same calendar year shall lead to the following penalties:
 - (1) A fine of \$25 shall be imposed on the alarm owner upon the occurrence of the fourth false alarm within a calendar year.
 - (2) A fine of \$50 shall be imposed on the alarm owner upon the occurrence of all subsequent false alarms after the fourth false alarm within a calendar year.
- B. A fine of \$50 shall be imposed on any alarm owner for failure to register an alarm system with the administrator.
- C. A fine of \$50 shall be imposed on any alarm owner for failure to provide notification of any changes in registration to the administrator.
- D. All fines for violations of this chapter shall be payable to the Town of Colchester and deposited into the Town's general fund.
- E. All fines imposed pursuant to this chapter shall be subject to appeal in accordance with Chapter 93 of the Code of the Town of Colchester.

Town of Colchester, CT
Friday, June 15, 2018

Chapter 81. Library

[HISTORY: Adopted by the Town Meeting of the Town of Colchester 8-4-1904. Amendments noted where applicable.]

§ 81-1. Establishment of free public library; appropriation of funds.

The town voted to accept the library site and building conveyed by Dr. E. B. Cragin, under a deed of gift for the uses of inhabitants of the Town of Colchester, and said Cragin Memorial Library is hereby established and constituted the free public library of the Town of Colchester. Further \$300 shall be and the same is hereby appropriated out of funds in the hands of the Treasurer of the Town of Colchester for the uses of the free public library in said town, and said Treasurer is hereby directed to pay such money to any person authorized by the Trustees of the Cragin Memorial Library to receive same, the same to be paid on or before March 1, 1905.

§ 81-2. Payment by Town Treasurer.

Following the public library bylaws, the Town Treasurer of the Town of Colchester is directed to pay annually thereafter, to any person authorized by the Trustees of the Cragin Memorial Library to receive the same, the sum of \$300, so long as said Trustees shall maintain a public library free to the inhabitants of said town.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

Town of Colchester, CT
Friday, June 15, 2018

Chapter 120. Solid Waste

Article II. Recycling

[Adopted 12-18-1990]

§ 120-3. Definitions.

The following shall be the definitions of words contained in this article:

CARDBOARD

Corrugated cardboard boxes and containers.

DESIGNEE

Any person(s) appointed by the Board of Selectmen.

GLASS FOOD CONTAINERS

Clean glass food jars and bottles.

HDPE PLASTIC

High density polyethylene containers (i.e., milk and water jugs).

LEAVES

Organic tree waste.

METAL FOOD CONTAINERS

Metal cans used for food, etc.

NEWSPAPER

Any clean newspaper and all inserts contained within; does not include magazines.

OFFICE PAPER

High-quality white bond paper and computer paper from businesses.

PET PLASTIC

Polyethylene terephthalate containers (i.e., plastic soda bottle).

RECYCLE

To process in order to regain material for human use.

RESIDENTS

Any persons who own or rent real property in the Town of Colchester.

SCRAP METAL

Any bulky white goods or appliances, scrap aluminum, copper and steel.

SCRAP TIRES

Any used tires from automobiles and light trucks.

SOLID WASTE

Discarded materials not suitable for recycling (also called rubbish, refuse or garbage).

STORAGE BATTERIES

Batteries used in automobile, truck and heavy equipment engines.

VIOLATION

Failure to properly separate or properly prepare recyclables.

WASTE OIL

Used motor oil from autos, trucks, lawn mowers and other equipment.

YARD WASTE

Brush, twigs and weeds; not to include grass clippings or other organic waste.

§ 120-4. Enumeration of recyclable materials.

The following material shall be classified as recyclable and subject to the separation and collection requirements as established in this article:

- A. Corrugated cardboard.
- B. Glass and metal food containers.
- C. Leaves.
- D. Newspaper.
- E. Office paper.
- F. Scrap metal.
- G. Scrap tires.
- H. Storage batteries.
- I. Waste oil.
- J. Yard waste.
- K. Any other item, including plastics, that may be added through rules and regulations established by the Town Board of Selectmen or its designee.

§ 120-5. Program requirements.

- A. Residents. On or after January 1, 1991, it shall be mandatory for all persons who are occupants of residential property to separate recyclables, as herein defined, from all other solid waste generated by such residence for ultimate recycling.
- B. Businesses. On or after January 1, 1991, it shall be mandatory for all occupants of business and industrial property and of private, public and governmental institutions and buildings, apartments and condominiums to separate recyclables from all other solid waste generated by said establishments for collection and ultimate recycling. In case of other than individual occupants, the chief executive officer, owner or agent of the entity occupying said property, institution or building shall be responsible for ensuring the compliance of all other individuals in said property, institution or building with this article.
- C. Additions to list of recyclables.
 - (1) There shall be added to the list of recyclable materials described in § 120-4, those items which are added to the list of recyclable materials contained in Chapter 446d of the Connecticut General Statutes and the regulations of the State Department of Environmental Protection.

- (2) There shall be added to the list of recyclable materials described in § 120-4, those items which are added by the Board of Selectmen as recyclable matter.

§ 120-6. Separation and placement requirements.

A. Residents.

- (1) Recyclables shall be brought to a site designated by the town where they must be deposited into the proper containers as provided by policies established by the town. Recyclables not handled as specified below will not be accepted at the recycling site and penalties may be imposed:
- (a) All clean newspapers shall be separated from the solid waste and other recyclables. Newspaper shall not be wet or contaminated with food or other waste materials.
 - (b) All clean and uncoated corrugated cardboard shall be separated from the solid waste and other recyclables, collapsed and flattened. Corrugated cardboard shall not be wet or contaminated with food or other waste materials.
 - (c) All containers, including but not limited to metal and glass food containers and aluminum foil products, shall be rinsed and devoid of food products. All labels must be removed from cans, and all corks, neck rings, lids or tops must be removed from glass food containers and placed with the solid waste.
 - (d) All storage batteries, used motor oil, scrap metal and vehicle tires generated by residences shall be brought to locations established by the town. Leaves and grass clippings shall be composted on the property from which they were generated. Yard waste shall be separated and brought to a designated site.
- (2) In the alternative, residents serviced by commercial or public waste haulers shall use recycling containers for the purpose of collecting recyclables and placing them for pickup. These containers shall not be used for any other solid waste. In the event of rain or snow, no paper or cardboard recyclables will be collected and none should be placed for collection. All recyclables shall be separated from nonrecyclables as directed by the waste hauler. Recyclables not handled as specified above in this section will not be collected and penalties may be imposed.

B. Businesses. Businesses shall separate recyclables and make provision for proper recycling. In addition to the above mentioned recyclables in this section, businesses shall be required to sort and recycle office paper.

C. Separation. Recyclables shall not be placed in the same container as, or otherwise mixed with, other forms of solid waste for collection and disposal. Any generator or hauler who knowingly mixes recyclables with other solid waste shall be subject to the penalties set forth herein.

§ 120-7. Reporting requirements.

All commercial waste haulers or collectors operating within the town may notify the Board of Selectmen or its designee of those residents or businesses that have violated any provision of this article.

§ 120-8. Unauthorized collection.

- A. It shall be a violation of this article for any person not authorized by the town to collect or pick up, or cause to be collected or picked up, any recyclables.
- B. The provisions of this article shall not preclude Colchester residents or businesses from donating recyclables generated within the town to any person, partnership or corporation, whether operating for profit or not for profit, and shall not preclude Colchester residents or businesses from bringing recyclables generated within the town to a designated site.

§ 120-9. Penalties for offenses.

- A. Residents.
 - (1) A resident who fails to properly separate recyclables from other solid waste or fails to properly prepare recyclables shall be subject to the following penalties:
 - (a) First offense: a written warning.
 - (b) Subsequent offenses: a fine not to exceed \$25 for each occurrence of a violation.
 - (2) If unpaid after 30 days, the fine will increase to \$50. Fines unpaid after 60 days will subject the owner to a lien on their property.
- B. Businesses that fail to provide for the separation of recyclables from other solid waste shall be subject to the following penalties:
 - (1) First offense: a written warning.
 - (2) Subsequent offenses: a fine not to exceed \$500 for each occurrence of a violation.
- C. Commercial haulers who knowingly mix recyclables with other solid waste shall be subject to the following penalties: subject to the provisions of C.G.S. § 22a-220a, Subsection (f).

Chapter 120. Solid Waste

Article III. Littering and Dumping

[Adopted 3-30-1981]

§ 120-10. Violations considered nuisances.

- A. No person shall engage in any activity which violates:
- (1) Subsection (a) of § 22a-250 of the General Statutes;
 - (2) Article II of this chapter, establishing a mandatory program for recyclable materials, adopted pursuant to Subsection (f) of § 22a-220 of the General Statutes;
 - (3) Subsection (f) of § 22a-220a of the General Statutes; or
 - (4) Subsection (i) of § 22a-220a of the General Statutes.
- B. Any activity which violates Subsection A is considered to be a nuisance.

§ 120-11. Appointment of environmental protection officials.

The Board of Selectmen shall appoint, pursuant to § C-205 of the Charter, the police officers of the Town of Colchester as environmental protection officials to issue littering, dumping and recycling warnings and citations. The environmental protection officials shall be appointed in the same manner as members of boards and commissions of the municipality. Such officials shall not be persons appointed as hearing officers pursuant to Chapter 93, Ordinance Enforcement.

§ 120-12. Citation; abatement; civil penalty.

- A. The environmental protection official may issue citations for any violation of § 120-10 of this article. Such citation shall be on a form as approved by the chief elected official of the municipality.
- B. The environmental protection official may order any person who has violated § 120-10 of this article to abate such violation and may issue a fine in accordance with provisions of Subsection C of this section.
- C. Any person who engages in an activity which violates Subsection (f) of § 22a-220a of the Connecticut General Statutes, Subsection (i) of § 22a-220a of the Connecticut General Statutes or Subsection (a) of § 22a-250 of the Connecticut General Statutes shall be assessed a civil penalty for the first offense of up to \$250 and for a second or subsequent offense a civil penalty of up to \$1,000. Any person who engages in an activity which violates Subsection (f) of § 22a-220 of the Connecticut General Statutes shall be assessed a civil penalty of up to \$1,000.

§ 120-13. Enforcement.

Enforcement of this article shall be as set forth in Chapter 93, Ordinance Enforcement.

§ 120-14. Deposit of funds.

Any funds collected pursuant to this article shall be placed in the general fund of the Town of Colchester.