

**Code
of the
Town of
Thomaston**

COUNTY OF LITCHFIELD

STATE OF CONNECTICUT

SERIAL NO. **7**

GENERAL CODE
www.generalcode.com

2007

06-15-2007

CERTIFICATION

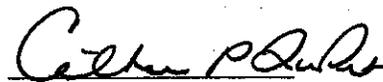
TOWN OF THOMASTON

Office of the Town Clerk

I, **CATHERINE P. DUPONT**, Town Clerk of the Town of Thomaston, Connecticut, hereby certify that the chapters contained in this volume are based upon the original ordinances of a general and permanent nature of the Town of Thomaston and that said ordinances, as revised and codified, renumbered as to sections and rearranged into chapters, constitute the Code of the Town of Thomaston, County of Litchfield, State of Connecticut, as adopted by ordinance of the Town Meeting on May 29, 2007.

Given under my hand and the Seal of the Town of Thomaston, County of Litchfield, State of Connecticut, this 4 day of October 2007, at the municipal offices of the Town of Thomaston.

s/ **CATHERINE P. DUPONT**


Town Clerk

PREFACE

The Town of Thomaston has, over the years, passed through a process of legislative change common to many American communities. While only a few simple laws were necessary at the time of the establishment of the Town, subsequent growth of the community, together with the complexity of modern life, has created the need for new and more detailed legislation for the proper function and government of the Town. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the Town Meeting ordered the following codification of the Town's legislation.

Contents of Code

The various chapters of the Code contain all currently effective ordinances of a general and permanent nature enacted by the Town, as well as certain rules, regulations and/or bylaws adopted by various boards, commissions, departments and/or agencies, which were deemed to be general and permanent in nature and appropriate for inclusion in the volume.

Division of Code

The Code is divided into parts. Part I, Administrative Ordinances, contains all Town legislation of an administrative nature, namely, that dealing with the administration of government, that establishing or regulating municipal departments and that affecting officers and employees of the municipal government and its departments. Part II, General Ordinances, contains all other Town legislation of a regulatory nature. Items of legislation in this part generally impose penalties for violation of their provisions, whereas those in Part I do not. Part III, Regulations, contains regulations adopted by certain Town agencies.

Table of Contents and Grouping of Legislation

The Table of Contents details the arrangement of material alphabetically by chapter as a means of identifying specific areas of legislation. Wherever two or more items of legislation have been combined by the editor into a single chapter, the use of article designations has preserved the identity of the individual enactments, and the titles of the articles are listed beneath the chapter title in order to facilitate location of the individual enactments.

THOMASTON CODE

Reserved Chapters

Unassigned chapter numbers do not appear in the Table of Contents but are available for assignment to new enactments. In this manner, new subject matter can be included alphabetically.

Pagination

A unique page-numbering system has been used in which each chapter forms an autonomous unit. The first page of each chapter is the number of that chapter followed by a colon and the numeral "1." Thus, Chapter 6 would begin on page 6:1. By use of this system, it is possible to add or to change pages in any chapter, or add new chapters, without affecting the sequence of subsequent pages.

Numbering of Sections

A chapter-related section-numbering system is employed in which the section number indicates the number of the chapter and the location of the section within that chapter. Thus, the first section of Chapter 30 would be § 30-1, while the sixth section of Chapter 57 would be § 57-6.

Scheme

The scheme is the list of section titles that precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the scheme titles are repeated as section headings in the text.

Histories

At the end of the Scheme (list of section titles) in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the enactment number (e.g., ordinance number, bylaw number, resolution number, etc.), if pertinent, and the date of adoption. In the case of chapters containing parts or articles derived from more than one item of legislation, the source of each part or article is indicated in the text, under its title. Amendments to individual sections or subsections are indicated by histories where appropriate in the text.

General References; Editor's Notes

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader's attention to such related chapters. Editor's Notes are used in the text to provide supplementary information and cross-references to related provisions in other chapters.

PREFACE

Appendix

Certain forms of local legislation are not of a nature suitable for inclusion in the main body of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this publication is reserved for such legislation and for any other material that the community may wish to include.

Disposition List

The Disposition List is a chronological listing of legislation, indicating its inclusion in the publication or the reason for its exclusion. The Disposition List will be updated with each supplement to the Code to include the legislation reviewed with said supplement.

Index

The Index is a guide to information. Since it is likely that this publication will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index will be supplemented and revised from time to time as new legislation is added.

Instructions for Amending the Code

All changes to the Code, whether they are amendments, deletions or additions, should be adopted as amendments to the Code. In doing so, existing material that is not being substantively altered should not be renumbered.

Adding new sections. Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering sequence) or inserted between existing sections as decimal numbers (e.g., a new section between §§ 65-5 and 65-6 should be designated § 65-5.1).

Adding new chapters. New chapters should be added in the proper alphabetical sequence in the appropriate division or part (e.g., Part I, Administrative Ordinances, or Part II, General Ordinances), utilizing the reserved chapter numbers. New chapter titles should begin with the key word for the alphabetical listing (e.g., new legislation on abandoned vehicles should be titled "Vehicles, Abandoned" under "V" in the Table of Contents, and a new enactment on coin-operated amusement devices should be "Amusement Devices" or "Amusement Devices, Coin-Operated" under "A" in the Table of Contents). Where a reserved number is not available, an "A" chapter should be used (e.g., a new chapter to be included between Chapters 166 and 167 should be designated Chapter 166A).

Adding new articles. New articles may be inserted between existing articles in a chapter the use of "A" articles (e.g., a new article to be included between Articles XVI and XVII should be designated Article XVIA). The section numbers would be as indicated above (e.g., if the new Article XVIA contains six sections and existing Article XVI ends with § 166-30 and Article XVII begins with § 166-31, Article XVIA should contain §§ 166-30.1 through 166-30.6).

THOMASTON CODE

Supplementation

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage. Supplemental pages should be inserted as soon as they are received and old pages removed, in accordance with the Instruction Page which accompanies each supplement.

Acknowledgment

The assistance of the Town officials is gratefully acknowledged by the editor. The codification of the legislation of the Town of Thomaston reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of General Code that this publication will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."

TABLE OF CONTENTS

PART I: ADMINISTRATIVE LEGISLATION

1.	General Provisions	1:1
	Article I Adoption of Code	
5.	Aquifer Protection Agency	5:1
7.	Assessor	7:1
10.	Boards, Commissions and Committees	10:1
	Article I Board of Finance	
	Article II Flood and Erosion Control Board	
	Article III Sewer Commission	
	Article IV Opera House Commission	
	Article V Interlocal Agreement Commission	
	Article VI Zoning Board of Appeals	
	Article VII Board for Admissions of Electors	
	Article VIII Recreation Commission	
	Article IX Inland Wetlands and Watercourses Commission	
	Article X Planning and Zoning Commission	
	Article XI Economic Development Commission	
	Article XII Senior Citizen Advisory Board	
	Article XIII Ambulance Commission	
	Article XIV Board of Assessment Appeals	
	Article XV Historical Commission	
21.	Development Action Plan Agency	21:1
32.	Fire Department and Ambulance Corps	32:1
	Article I Length of Service Awards Program	
43.	Housing Authority	43:1
52.	Justices of the Peace	52:1
75.	Police Department.....	75:1
	Article I Establishment and Authority	
	Article II Appointment of Constables	
83.	Regional Councils.....	83:1
	Article I Regional Council of Elected Officials	
	Article II Nangatuck Valley Council of Governments	
87.	Regional Planning Agency	87:1
92.	Retirement Plan.....	92:1
100.	Terms of Office.....	100:1
	Article I Municipal Officials	
	Article II Town Clerk	
	Article III Tax Collector	
	Article IV Registrars of Voters	

THOMASTON CODE

104. Treasurer, Deputy 104:1

PART II: GENERAL LEGISLATION

109. Adult-Oriented Businesses 109:1

110. Alarms..... 110:1

114. Alcoholic Beverages 114:1

 Article I Hours of Sale

 Article II Liquor Permits

121. Bazaars and Raffles 121:1

128. Building Construction..... 128:1

 Article I State Building Code

 Article II Buildings on Unaccepted Streets

 Article III Building Permits Withheld for Delinquent Taxes

135. Cemeteries 135:1

142. Driveways 142:1

148. Enterprise Zone..... 148:1

154. Fees 154:1

 Article I Land Use Applications

 Article II Building Permits

161. Garage and Tag Sales 161:1

169. Historic Preservation..... 169:1

 Article I Demolition Permits for Historic Structures

173. Inland Wetlands and Watercourses..... 173:1

 Article I Fines; Citation and Hearing Procedures

204. Parks and Recreation Areas 204:1

 Article I Conduct in Public Parks

 Article II Nystrom's Park

210. Peddling and Soliciting 210:1

228. Sewers and Sewage Disposal..... 228:1

 Article I Collection of Charges

235. Solid Waste 235:1

 Article I Storage and Disposal

 Article II Recycling; Refuse Collection

TABLE OF CONTENTS

240.	Streets and Sidewalks	240:1
	Article I Excavations	
	Article II Private Snow Removal	
	Article III Street Numbers	
	Article IV Drainage	
	Article V Snow and Ice on Sidewalks	
247.	Taxation	247:1
	Article I Exemption for Solar Energy Systems	
	Article II Delinquent Motor Vehicle Property Taxes	
	Article III Exemption for Certain Vehicles Owned by Persons with Disabilities	
	Article IV Tax Incentive Program	
	Article V Tax Payments, Refunds and Fees	
	Article VI Tax Liens	
	Article VII Required Filings	
260.	Vehicles and Traffic.....	260:1
	Article I Traffic Control and Parking Meters	
	Article II Junked Vehicles	
	Article III Winter Parking Ban	
	Article IV Police Traffic Duties	
267.	Water.....	267:1
	Article I Water Consumption Records	

PART III: REGULATIONS

280.	Floodplain Management	280:1
315.	Road Excavation Permit Regulations	315:1
325.	Water Pollution Control Authority	325:1

APPENDIX

A400.	Fire Department Bylaws	A400:1
A405.	Public Library Bylaws	A405:1
A410.	Special Acts	A410:1

DISPOSITION LIST

INDEX

TABLE OF CONTENTS

Tools for Finding Information – In addition to the municipality's legislation, this publication contains tools to help locate information: table of contents, index, chapter outlines (schemes), and a disposition list.

Chapters – Chapters are generally discrete pieces of legislation but can also be made up of several individual pieces on a related topic. In that case, the individual pieces are arranged into articles or parts within the chapter. If you are familiar with a former number or title, look for it chronologically in the disposition list.

Reserved Chapters – In the numbering of chapters, space has been provided for the convenient insertion, alphabetically, of later enactments. Help in selecting an appropriate number for a new chapter is available from the editor. See also the "Instructions for Amending the Code" in the Preface.

Section Numbering – A chapter-related section-numbering system is employed. Each section of every item of legislation is assigned a number, which indicates both the number of the chapter in which the item of legislation is located and the location of the section within that chapter. Thus, the fourth section of Chapter 6 is § 6-4.

Scheme – The scheme is the list of section titles that precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the scheme titles are repeated as section headings in the text.

Page Numbers – A unique page-numbering system has been used in which each chapter forms an autonomous unit. The first page of each chapter is the number of that chapter followed by a colon and the numeral "1." Thus, Chapter 6 begins on page 6:1. By the use of this system, it is possible to add or to change pages in any chapter, or add new chapters, without affecting the sequence of subsequent pages.

THOMASTON CODE

PART I: ADMINISTRATIVE ORDINANCES

1. General Provisions 1:1
 Article I Adoption of Code

5. Aquifer Protection Agency..... 5:1

7. Assessor..... 7:1

10. Boards, Commissions and Committees..... 10:1
 Article I Board of Finance
 Article II Flood and Erosion Control Board
 Article III Sewer Commission
 Article IV Opera House Commission
 Article V Interlocal Agreement Commission
 Article VI Zoning Board of Appeals
 Article VII Board for Admissions of Electors
 Article VIII Recreation Commission
 Article IX Inland Wetlands and Watercourses Commission
 Article X Planning and Zoning Commission
 Article XI Economic Development Commission
 Article XII Senior Citizen Advisory Board
 Article XIII Ambulance Commission
 Article XIV Board of Assessment Appeals
 Article XV Historical Commission

21. Development Action Plan Agency 21:1

32. Fire Department and Ambulance Corps 32:1
 Article I Length of Service Awards Program

43. Housing Authority 43:1

52. Justices of the Peace 52:1

75. Police Department 75:1
 Article I Establishment and Authority
 Article II Appointment of Constables

83. Regional Council of Elected Officials..... 83:1

87. Regional Planning Agency 87:1

92. Retirement Plan 92:1

100. Terms of Office 100:1
 Article I Municipal Officials
 Article II Town Clerk
 Article III Tax Collector
 Article IV Registrars of Voters

TABLE OF CONTENTS

104. Treasurer, Deputy..... 104:1

PART II: GENERAL ORDINANCES

110. Alarms..... 110:1

114. Alcoholic Beverages 114:1

121. Bazaars and Raffles..... 121:1

128. Building Construction 128:1

 Article I State Building Code

 Article II Buildings on Unaccepted Streets

 Article III Building Permits Withheld for Delinquent Taxes

135. Cemeteries..... 135:1

142. Driveways..... 142:1

154. Fees 154:1

 Article I Land Use Applications

 Article II Building Permits

161. Garage and Tag Sales 161:1

169. Historic Preservation 169:1

 Article I Demolition Permits for Historic Structures

173. Inland Wetlands and Watercourses 173:1

 Article I Fines; Citation and Hearing Procedures

204. Parks and Recreation Areas..... 204:1

 Article I Conduct in Public Parks

 Article II Nystrom's Park

210. Peddling and Soliciting 210:1

228. Sewers and Sewage Disposal 228:1

 Article I Collection of Charges

235. Solid Waste 235:1

 Article I Storage and Disposal

 Article II Recycling; Refuse Collection

240. Streets and Sidewalks..... 240:1

 Article I Excavations

 Article II Private Snow Removal

THOMASTON CODE

- Article III Street Numbers
- Article IV Drainage
- Article V Snow and Ice on Sidewalks

247.	Taxation.....	247:1
	Article I Exemption for Solar Energy Systems	
	Article II Delinquent Motor Vehicle Property Taxes	
	Article III Exemption for Certain Vehicles Owned by Persons with Disabilities	
	Article IV Tax Incentive Program	
260.	Vehicles and Traffic	260:1
	Article I Traffic Control and Parking Meters	
	Article II Junked Vehicles	
	Article III Winter Parking Ban	
	Article IV Police Traffic Duties	
267.	Water	267:1
	Article I Water Consumption Records	

PART III: REGULATIONS

280.	Floodplain Management.....	280:1
315.	Road Excavation Permit Regulations.....	315:1
325.	Water Pollution Control Authority.....	325:1

APPENDIX

A400.	Fire Department Bylaws.....	A400:1
A405.	Public Library Bylaws.....	A405:1
A410.	Special Acts.....	A410:1

DISPOSITION LIST

INDEX

PART I

ADMINISTRATIVE

ORDINANCES

Chapter 1

GENERAL PROVISIONS

ARTICLE I Adoption of Code

§ 1-1. Adoption.

§ 1-2. Continuation of existing provisions.

§ 1-3. Repealer.

§ 1-4. Severability.

§ 1-5. Copy of Code on file.

§ 1-6. Amendments to Code.

§ 1-7. Code book to be kept up-to-date.

§ 1-8. Sale of Code book; supplementation.

§ 1-9. Penalties for tampering with Code.

§ 1-10. Changes in previously adopted ordinances.

§ 1-11. When effective.

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

ARTICLE I Adoption of Code [Adopted 5-29-2007]

§ 1-1. Adoption.

The compilation of the ordinances of the Town of Thomaston, codified and consolidated into chapters and sections in the form attached hereto and made a part hereof, and consisting of Chapters 1 through 267, is hereby approved, adopted, ordained and enacted as the "Code of the Town of Thomaston, Connecticut," hereinafter called the "Code." All provisions contained in the compilation provided for herein and known as the "Code of the Town of Thomaston" 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 in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Town.

§ 1-3. Repealer.

A. All ordinances or parts of ordinances of the Town of Thomaston of a general and permanent nature in force on the date of the adoption of this ordinance which are inconsistent with any provisions of the Code are hereby repealed from and after the effective date of this ordinance.

- B. The following ordinances are specifically repealed: National Defense Ordinance adopted April 27, 1942; Board of Police Commissioners Ordinance adopted July 1, 1953.
- C. The adoption of this Code and the repeal of ordinances provided for in Subsection A of this section shall not affect the following ordinances, which are hereby expressly saved from repeal: the Retirement Plan Ordinance adopted November 1, 1979, and all amendments thereto.

§ 1-4. Severability.

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

§ 1-5. Copy of Code on file.

A copy of the Code, in loose-leaf form, has been filed in the office of the Town Clerk of the Town of Thomaston and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Town Clerk of the Town of Thomaston, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-6. Amendments to Code.

Any and all additions, deletions, amendments or supplements to any of the ordinances in the Code of the Town of Thomaston, or any new ordinances, when enacted or adopted in such form as to indicate the intention that they be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto.

§ 1-7. Code book to be kept up-to-date.

It shall be the duty of the Town Clerk to keep up-to-date the certified copy of the book containing the Code of the Town of Thomaston required to be filed in the office of the Town Clerk for use by the public. All changes in said Code and all ordinances adopted by the Town

subsequent to the enactment of this ordinance in such form as to indicate the intention that they be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes until such changes are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-8. Sale of Code book; supplementation.

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

§ 1-9. Penalties for tampering with Code.

Any person who, without authorization from the Town Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the Town of Thomaston, or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Town of Thomaston to be misrepresented thereby, or who violates any other provision of this ordinance, shall, upon conviction thereof, be subject to a fine of not more than \$100.

§ 1-10. Changes in previously adopted ordinances.

- A. In compiling and preparing the ordinances for publication as the Code of the Town of Thomaston, no changes in the meaning or intent of such ordinances have been made, except as provided in Subsection B of this section. Certain grammatical changes and other minor nonsubstantive changes were made in one or more of said ordinances. It is the intention of the Town Meeting that all such changes be adopted as part of the Code as if the ordinances had been previously formally amended to read as such.
- B. The amendments as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)¹

§ 1-11. When effective.

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

1. Editor's Note: Schedule A, which contains a complete description of all changes, is on file in the Town Clerk's office. Sections amended are indicated in the Code with the history "Amended 5-29-2007."

Chapter 5

AQUIFER PROTECTION AGENCY

§ 5-1. Statutory authority.

§ 5-4. Regulations.

§ 5-2. Agency designated.

§ 5-5. Inventory of land use.

§ 5-3. Membership; staff; training.

[HISTORY: Adopted by the Town of Thomaston 12-15-2004. Amendments noted where applicable.]

§ 5-1. Statutory authority.

This chapter is adopted pursuant to Connecticut General Statutes, § 22a-354a et seq., as amended.

§ 5-2. Agency designated.

In accordance with the provisions of Connecticut General Statutes, § 22a-354o, the Planning and Zoning Commission (hereinafter referred to as the "Commission") is hereby designated as the Aquifer Protection Agency of the Town of Thomaston (hereinafter referred to as the "Agency").

§ 5-3. Membership; staff; training.

- A. The members and officers of the Commission shall serve as the members and officers of the Agency. The membership requirements of the Agency shall be the same as those of the Commission, including but not limited to the numbers of members, alternate members, terms, method of selection and removal, and filling of vacancies.
- B. The staff and enforcement officer of the Commission shall serve as the staff and enforcement officer of the Agency.
- C. At least one member of the Agency or the staff of the Agency shall complete the course in technical training formulated by the Commissioner of Environmental Protection of the State of Connecticut (the "DEP Commissioner") pursuant to Connecticut General Statutes, § 22a-354v, as amended.

§ 5-4. Regulations.

The Agency shall adopt regulations in accordance with the procedure, and subject to the DEP Commissioner's approval, set forth in Connecticut General Statutes, § 22a-354p, and Regulations of Connecticut State Agencies, § 22a-354i-3. The regulations adopted by the Agency shall include, but shall not be limited to, the following:

- A. The manner in which boundaries of aquifer protection areas shall be established and amended or changed;
- B. Procedures for the regulation of activity within the area;
- C. The form of application for a permit to conduct regulated activities within the area and the fee to be charged for publishing, processing and reviewing applications and monitoring compliance with permit conditions;
- D. Notice and publication requirements;
- E. Criteria and procedures for the review of applications; and
- F. Administration and enforcement procedures.

§ 5-5. Inventory of land use.

- A. In order to carry out the purposes of the Aquifer Protection Program, the Agency shall conduct an inventory of land use within the area to assess potential contamination sources.
- B. Not later than three months after approval by the DEP Commissioner of Level B mapping of aquifers, the Agency shall inventory land uses overlying the mapped zone of contribution and recharge areas of such aquifers in accordance with guidelines established by the DEP Commissioner pursuant to Connecticut General Statutes, § 22a-354f, as amended. Such inventory shall be completed within one year after the establishment of the Agency pursuant to this chapter as required by Connecticut General Statutes, § 22a-354e, as amended.
- C. The Agency may rely in whole or in part on the inventory prepared by the DEP Commissioner and may adopt such inventory as a baseline inventory in order to fulfill this statutory requirement.

Chapter 7

ASSESSOR

§ 7-1. Authorization.

§ 7-3. Qualifications; compensation.

§ 7-2. Appointment; term.

§ 7-4. Board of Assessors abolished.

[HISTORY: Adopted by the Town of Thomaston 8-28-2001. Amendments noted where applicable.]

§ 7-1. Authorization. [Amended 2-4-2016]

This chapter is adopted pursuant to Connecticut General Statutes, Revised to 2015, § 7-100k, as amended.

§ 7-2. Appointment; term. [Amended 2-4-2016]

On or after the effective date of this chapter, the Board of Selectmen shall, by majority vote, appoint an Assessor, who shall be a public official of the Town of Thomaston and who shall have all of the statutory authority and duties of a Board of Assessors as provided by law. The Assessor shall be sworn to faithful performance of his or her duties as provided by law.

§ 7-3. Qualifications; compensation. [Amended 2-4-2016]

The Board of Selectmen shall determine the qualifications of the appointed Assessor, who shall be certified in accordance with the regulations adopted pursuant to Connecticut General Statutes, Revised to 2015, § 12-40a, as amended, and authorized by law to sign the grand list. The appointed Assessor need not be an elector or resident of the Town of Thomaston. The Board of Selectmen shall determine the compensation and benefits of the appointed Assessor, and may provide for the appointment of clerical and other assistance within the limits of the appropriations, and may enter into an agreement with another municipality to share the appointed Assessor's services, compensation and benefits. The appointed Assessor shall be the supervisor of the Assessor's office and staff, and shall report directly to the Board of Selectmen and the Board of Finance.

§ 7-4. Board of Assessors abolished.

The current members of the Board of Assessors shall continue in office until November 20, 2001, and until their successor is appointed and has qualified at which time their terms of office shall expire. No members of the Board of Assessors shall be elected at the next or any subsequent municipal election.

Chapter 10

BOARDS, COMMISSIONS AND COMMITTEES

ARTICLE I Board of Finance

§ 10-1. Establishment; powers and duties.

ARTICLE II Flood and Erosion Control Board

§ 10-2. Membership.

§ 10-3. Powers and duties.

ARTICLE III Sewer Commission

§ 10-4. Establishment.

§ 10-5. Appointment; membership; removal of members.

§ 10-6. Powers and duties; officers.

§ 10-7. Vacancies.

§ 10-8. Attendance.

§ 10-9. Compensation.

§ 10-10. Water Pollution Control Authority.

ARTICLE IV Opera House Commission

§ 10-11. Purpose; establishment.

§ 10-12. Membership; terms of office; officers; removal of members.

§ 10-13. Powers and duties.

§ 10-14. Veto power of Selectmen.

ARTICLE V Interlocal Agreement Commission

§ 10-15. Statutory authority; purpose.

§ 10-16. Appointment.

§ 10-17. Removal of members.

ARTICLE VI Zoning Board of Appeals

§ 10-18. Statutory authority; establishment.

§ 10-19. Membership; terms of office.

§ 10-20. Appointments; powers and duties.

§ 10-21. Vacancies.

§ 10-22. Attendance; removal of members.

§ 10-23. Terms of existing members.

ARTICLE VII Board for Admissions of Electors

§ 10-24. Membership.

ARTICLE VIII Recreation Commission

§ 10-25. Establishment; statutory authority; purpose.

§ 10-26. Membership; appointment.

§ 10-27. Terms of office.

§ 10-28. Removal of members.

§ 10-29. Compensation.

§ 10-30. Expenses.

ARTICLE IX Inland Wetlands and Watercourses Commission

§ 10-31. Establishment; purpose.

THOMASTON CODE

§ 10-32. Membership; terms of office; vacancies.

§ 10-33. Officers.

§ 10-34. Removal of members.

§ 10-35. Conflicts of interest.

§ 10-36. Compensation.

§ 10-37. Employees.

§ 10-37.1. Quorum.

§ 10-37.2. Additional duties and authority.

ARTICLE X

Planning and Zoning Commission

§ 10-38. Title.

§ 10-39. Present members.

§ 10-40. Membership; appointment; terms of office; vacancies.

§ 10-41. Officers.

§ 10-42. Removal of members.

§ 10-43. Conflicts of interest.

§ 10-44. Compensation.

§ 10-45. Employees.

§ 10-46. Quorum.

ARTICLE XI

Economic Development Commission

§ 10-47. Establishment; purpose.

§ 10-48. Membership; terms of office.

§ 10-49. Vacancies; removal of members.

§ 10-50. Officers; quorum; compensation.

§ 10-51. Minority representation.

ARTICLE XII

Senior Citizen Advisory Board

§ 10-52. Membership.

§ 10-53. Duties.

§ 10-54. Compensation; expenses.

§ 10-55. Terms of office.

ARTICLE XIII

Ambulance Commission

§ 10-56. Establishment; purpose.

§ 10-57. Membership; terms of office; vacancies.

§ 10-58. Compensation; expenses.

§ 10-59. Duties.

ARTICLE XIV

Board of Assessment Appeals

§ 10-60. Change in title.

§ 10-61. Membership.

§ 10-62. Appeals and actions.

§ 10-63. Appropriation.

§ 10-64. Powers and duties.

ARTICLE XV

Historical Commission

§ 10-65. Establishment.

§ 10-66. Purpose.

§ 10-67. Membership; terms of office; vacancies.

§ 10-68. Powers and duties.

§ 10-69. Officers; conduct of affairs.

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

ARTICLE I
Board of Finance
[Adopted 3-5-1935]

§ 10-1. Establishment; powers and duties.

A Board of Finance shall be established in and for the Town of Thomaston pursuant to the statute laws of the State of Connecticut. Said Board of Finance shall have all the rights and powers conferred and duties and obligations imposed by the statute laws of the State of Connecticut upon boards of finance.

ARTICLE II
Flood and Erosion Control Board
[Adopted 1-19-1956; amended 2-9-1971; 11-24-1998]

§ 10-2. Membership.

Pursuant to Connecticut General Statutes, § 25-84, the current members of the Board of Selectmen shall constitute the current members of the Thomaston Flood and Erosion Control Board, and henceforth the terms and membership of said Board shall be concurrent with, and the same as, the terms and membership of the Board of Selectmen.

§ 10-3. Powers and duties.

The Thomaston Flood and Erosion Control Board shall exercise all of the powers and duties as authorized by Connecticut General Statutes, §§ 25-84 to 25-98, inclusive, as may be amended.

ARTICLE III
Sewer Commission
[Adopted 4-5-1956]

§ 10-4. Establishment. [Amended 5-29-2007]

Pursuant to the provisions of Connecticut General Statutes, § 7-245 et seq., a Sewer Commission is hereby established by the Town of Thomaston.

§ 10-5. Appointment; membership; removal of members. [Amended 5-29-2007]

The Board of Selectmen of the Town of Thomaston is hereby authorized and empowered to appoint a Sewer Commission for the Town of Thomaston, which Commission shall consist of six members who shall be electors of the Town of Thomaston.

- A. Two members of said Commission shall be appointed to serve until the first Tuesday of October 1957; two members shall be appointed to serve until the first Tuesday of October 1958; two members shall be appointed to serve until the first Tuesday of October 1959; and at the expiration of said term of each member or members the Board

of Selectmen of said Town is further authorized and empowered to appoint a new member or members or to reappoint an old member or members to said Sewer Commission, and each new member or members so appointed or reappointed shall serve from the first Tuesday of October in the year in which he is appointed or reappointed until the first Tuesday of October three years from date of such appointment or reappointment.

- B. Any member of said Commission may be removed therefrom by the Board of Selectmen when, in the opinion of said Board, after due notice and hearing, any such member has been or is guilty of misconduct, material neglect of duty or incompetence in the conduct of his office. [Added 2-9-1971]

§ 10-6. Powers and duties; officers. [Amended 5-29-2007]

The Sewer Commission of the Town of Thomaston shall have all the rights and powers conferred upon it pursuant to the provisions of Connecticut General Statutes, § 7-245 et seq. The members of said Sewer Commission shall elect a Chairman and a Secretary from its members and shall adopt rules for the transaction of business. The Secretary shall keep a public record of its activities and be custodian of its books, papers and documents.

§ 10-7. Vacancies.

In the event of a vacancy among the members of said Commission, the Board of Selectmen may appoint a new member to said Commission to fill out the remainder of the unexpired term of any such member.

§ 10-8. Attendance.

Any member of the Commission who is absent from three consecutive regular meetings and any intervening duly called special meetings shall be considered to have resigned from the Commission and the vacancy shall be filled as provided by § 10-7 of this article, except that the Commission may vote to waive the requirements of this section in each case where illness or other extenuating circumstances make it impossible for a member to meet the attendance requirements of this section.

§ 10-9. Compensation.

The members of said Commission shall serve without compensation.

§ 10-10. Water Pollution Control Authority. [Added 12-28-1983]

The Sewer Commission of the Town of Thomaston shall be deemed to be the Thomaston Water Pollution Control Authority.

ARTICLE IV
Opera House Commission
[Adopted 5-31-1967]

§ 10-11. Purpose; establishment.

For the purposes of facilitating the acceptance of gifts, devises and bequests, in trust, for the benefit of the inhabitants of the Town of Thomaston for the conduct, maintenance and operation of the Opera House in the Town Hall Building; providing for entertainments, concerts, celebrations and festivals in, or in connection with, said Opera House and for the use and enjoyment thereof by the inhabitants; and maintaining, conducting and operating said Opera House as a recreation place and place of public assemblage for the inhabitants, there is hereby created and established a Commission of the Town of Thomaston to be known as the "Opera House Commission," pursuant to the authority granted by Connecticut General Statutes, Chapter 98, § 7-148, for the purposes of managing, maintaining, improving, operating and conducting the Opera House in the Town Hall Building as more particularly hereinafter provided.

§ 10-12. Membership; terms of office; officers; removal of members. [Amended 2-9-1971; 5-21-1976; 11-29-1989]

- A. Said Commission shall consist of nine members, not more than five of whom shall be of the same political party. Said members shall be appointed by the Board of Selectmen as follows: three members shall be appointed for a term of one year, three members shall be appointed for a term of two years, and three members shall be appointed to serve for a term of three years. Said members shall be appointed commencing upon the above date of this article and shall serve for specific terms or until their respective successors have been appointed and duly qualified. Thereafter, at the expiration of each term, the Board of Selectmen shall annually appoint three members, each for a term of three years. Any vacancy occurring in any term shall be filled by the Selectmen for the remainder of such term.
- B. Said Commission shall at its annual organizational meeting elect a Chairperson, Treasurer and Secretary and such other custodial officers as it may deem necessary. The Commission shall adopt written bylaws and rules for the conduct of its meetings and other business.
- C. Any member of the Commission may be removed therefrom by the Board of Selectmen when, in the opinion of said Board, after due notice and hearing, the Board has deemed that such member has been guilty of misconduct, incompetence, neglect of duty or other impropriety in the conduct of such member's office.

§ 10-13. Powers and duties.

Said Commission shall have and exercise and assume the following powers and duties. The Commission shall:

- A. Accept gifts, devises and bequests made, devised or bequeathed for the support, maintenance, conduct, benefit, operation and use of the Opera House, in trust, for the benefit of the inhabitants of the Town and shall accept funds, allowances and appropriations from any source, including the Town of Thomaston, made and granted to it in connection with, or for the benefit of, the Opera House.
- B. Have, hold, manage, control, invest and reinvest and expend and pay out said trust funds and/or such funds, allowances and appropriations and shall collect the income from trust funds and pay out the net income for the establishment, maintenance, conduct, use, operation, maintenance and betterment of the Opera House for the benefit of the inhabitants.
- C. Keep complete and accurate accounts of all such trust or other funds and maintain the same in special bank accounts in the name of the Commission and shall render annually full and complete balance sheets and accountings and shall at any time, upon reasonable notice and requests therefor, render such accounts and balance sheets for the inspection of the Board of Selectmen, the Board of Finance or other appropriate Town agency or officer.
- D. Establish, maintain, conduct, operate, improve and use said Opera House as a place of recreation and public assembly for the benefit of the inhabitants.
- E. Provide for entertainments, concerts, celebrations, festivals and like activities in, or in connection with, said Opera House.
- F. Adopt and promulgate reasonable rules and regulations in respect to the conduct and use of said Opera House.
- G. Negotiate, enter into and execute such written leases or agreements for the use of said Opera House by others as it shall deem to be in the best interests of the inhabitants of the Town.
- H. Receive, hold, invest and reinvest, manage and expend all moneys derived from uses and leases of said Opera House and from all other activities conducted in, or in connection with, said Opera House, in the same manner as money derived by gifts, bequests or devises for the benefit of said Opera House.
- I. Keep an inventory of all fixtures and personal property in, or connected with, said Opera House and shall provide for its maintenance and upkeep, including full and adequate public liability and other insurance in such amounts as shall fully protect the Town of Thomaston and its inhabitants in respect to said Opera House.
- J. Generally promote, advance, sustain, improve and exploit said Opera House for the benefit and advantage of the Town and its inhabitants.

§ 10-14. Veto power of Selectmen.

None of the foregoing provisions of this article to the contrary withstanding, the Board of Selectmen shall retain the power, and said power is hereby expressly reserved to said Board,

to veto any use of said Opera House, or any plan, project or activity in connection therewith, devised or intended to be carried out by said Commission.

ARTICLE V
Interlocal Agreement Commission
[Adopted 4-17-1968]

§ 10-15. Statutory authority; purpose.

Pursuant to the provisions of Connecticut General Statutes, §§ 7-339a through 7-339l, as amended by Public Act No. 516 of the 1967 Session, the Town of Thomaston hereby signifies its intention to join with other interested municipalities in the establishment of an Interlocal Agreement Commission to investigate and determine the feasibility of establishing a regional airport to benefit the area composed of the participating municipalities and for the increase of their commerce and prosperity and, if such is determined favorably by said Commission, entering into an interlocal agreement for the purpose of establishing, operating and maintaining a regional airport.

§ 10-16. Appointment.

An elector of the Town of Thomaston shall be appointed to said Interlocal Agreement Commission by the Board of Selectmen.

§ 10-17. Removal of members. [Added 2-9-1971]

Any member of said Commission may be removed therefrom by the Board of Selectmen when, in the opinion of said Board, after due notice and hearing, any such member has been or is guilty of misconduct, material neglect of duty or incompetence in the conduct of his office.

ARTICLE VI
Zoning Board of Appeals
[Adopted 2-18-1970]

§ 10-18. Statutory authority; establishment.

Pursuant to the provisions of Connecticut General Statutes, Chapter 124, as amended, there is hereby established a Zoning Board of Appeals of the Town of Thomaston, which shall have and exercise all of the powers and duties of such board as are provided by law.

§ 10-19. Membership; terms of office. [Amended 2-9-1971; 5-29-2007]

Said Zoning Board of Appeals shall consist of five regular members and three alternate members, also referred to as the "panel of alternates," all of whom shall be electors of the Town and shall not be members of the Planning and Zoning Commission and shall be appointed by the Selectmen as hereinafter provided:

- A. Regular members. Within 10 days of the effective date of this article, the Selectmen shall appoint five regular members of said Board as follows: one member for a term ending April 1, 1975; one member for a term ending April 1, 1974; one member for a term ending April 1, 1973; one member for a term ending April 1, 1972; and one member for a term ending April 1, 1971, and on April 1, 1971, and annually thereafter, the Selectmen shall appoint one regular member of said Board to serve for a term of five years, provided that each regular member so appointed shall continue to serve until his successor in office shall have been appointed and qualified.
- B. Alternate members ("panel of alternates"). Within 10 days of the effective date of this article, the Selectmen shall appoint three alternate members of said Board as follows: one member for a term ending April 1, 1975; one member for a term ending April 1, 1974; and one member for a term ending April 1, 1973, and on April 1, 1973, and annually thereafter, the Selectmen shall appoint one alternate member for a term of five years, provided that each alternate member so appointed shall continue to serve until his successor in office shall have been appointed and qualified.

§ 10-20. Appointments; powers and duties. [Amended 2-9-1971]

Said regular members and said alternate members shall be appointed in conformity with the provisions of Connecticut General Statutes, § 8-5, and subject to the provisions of Connecticut General Statutes, § 9-167a, in respect to minority representation and shall have and exercise all the powers and duties conferred upon such regular members and alternate members by said Chapter 124 of the Connecticut General Statutes and any and all other provisions of law.

§ 10-21. Vacancies. [Amended 2-9-1971]

Any vacancy in the office of any regular member or alternate member shall be filled by appointment by the Board of Selectmen for the unexpired term.

§ 10-22. Attendance; removal of members. [Amended 2-9-1971]

Any regular member or alternate member of said Board who is absent from three consecutive regular meetings of the Board and/or any intervening duly called special meetings of the Board shall be deemed to have forfeited his office and to have been removed therefrom for cause, and any vacancy so created shall be filled by appointment by the Board of Selectmen for the unexpired term and until a successor in office shall have been appointed and qualified. Any regular or alternate member of said Board of Appeals may be removed therefrom by the Board of Selectmen when, in the opinion of said Board, after due notice and hearing, any such member has been or is guilty of misconduct, material neglect of duty or incompetence in the conduct of his office.

§ 10-23. Terms of existing members. [Added 2-9-1971]

The terms of all regular and alternate members of said Board of Appeals who are now serving are hereby ratified and affirmed until their successors shall have been appointed and qualified in conformity with the provisions of this amendment.

ARTICLE VII
Board for Admissions of Electors
[Adopted 9-3-1976]

§ 10-24. Membership.

The Board for Admissions of Electors of the Town of Thomaston shall consist of the Town Clerk and Registrars of Voters, pursuant to Connecticut General Statutes, § 9-15a.

ARTICLE VIII
Recreation Commission
[Adopted 5-18-1978]

§ 10-25. Establishment; statutory authority; purpose.

The Town hereby establishes the Thomaston Recreation Commission pursuant to the authority granted by § 7-148 of the Connecticut General Statutes for the promotion and development of public recreation of the Town.

§ 10-26. Membership; appointment.

The Thomaston Recreation Commission shall be composed of seven resident electors, not more than four of whom shall belong to any one political party, and shall be appointed by the Board of Selectmen.

§ 10-27. Terms of office.

Members first appointed shall serve the following terms commencing June 1: two members, one year; two members, two years; and three members, three years. Thereafter, members shall be appointed for three-year terms, except that any vacancy shall be filled by the Board of Selectmen for the balance of the unexpired term.

§ 10-28. Removal of members.

Any member of said Commission may be removed therefrom by the Board of Selectmen when, in the opinion of said Board, after due notice and hearing, any such member has been or is guilty of misconduct, material neglect of duty or incompetence in the conduct of his office.

§ 10-29. Compensation.

The members of the Commission shall receive no compensation for their services as such but shall be reimbursed for their necessary expenses incurred in the performance of their official duties.

§ 10-30. Expenses.

Said Commission may request appropriations for its necessary expenses as provided in the General Statutes.

ARTICLE IX
Inland Wetlands and Watercourses Commission
[Adopted 1-5-1987¹]

§ 10-31. Establishment; purpose.

The Town of Thomaston hereby re-establishes an Inland Wetlands and Watercourses Commission in accordance with C.G.S. §§ 22a-36 through 22a-45, as amended, to provide for the regulation of uses affecting the protection, preservation and maintenance of the inland wetlands and watercourses of the Town of Thomaston.

§ 10-32. Membership; terms of office; vacancies.

The Thomaston Inland Wetlands and Watercourses Commission shall be composed of five regular members and three alternate members, all to be resident electors of the Town of Thomaston to be appointed by a majority vote of the Board of Selectmen, within 15 days of the effective date of this article.

- A. Regular members first appointed shall serve the following terms, or until a successor is duly appointed and qualified: one regular member, one year; one regular member, two years; one regular member, three years; one regular member, four years; one regular member, five years. Annually thereafter, the Board of Selectmen shall appoint one regular member for a term of five years, or until a successor is duly appointed and qualified.
- B. Alternate members first appointed shall serve the following terms, or until a successor is duly appointed and qualified: one alternate member, one year; one alternate member, two years; one alternate member, three years. Annually thereafter, the Board of Selectmen shall appoint one alternate member for a term of three years or until a successor is duly appointed and qualified.
- C. Any vacancy shall be filled by the Board of Selectmen for the balance of the unexpired term.

§ 10-33. Officers.

The Inland Wetlands and Watercourses Commission shall annually elect from its voting membership a chairperson and such other officers as it shall from time to time determine to be necessary.

1. Editor's Note: This ordinance also superseded the prior establishment of the Inland Wetlands and Watercourses Commission adopted 3-5-1979.

§ 10-34. Removal of members.

Any Commissioner may be removed by the Board of Selectmen for cause and, on request of such member, after public hearing.

§ 10-35. Conflicts of interest.

No regular member or alternate member of the Inland Wetlands and Watercourses Commission shall participate in the hearing or decision of such Commission upon any matter in which he or she is directly or indirectly interested in a personal or financial sense. In the event of such disqualification, such fact shall be entered on the records of the Commission and replacement shall be made by an alternate member or an alternate to act as a member of such Commission in the hearing and determination of the particular material or materials in which the disqualification arose.

§ 10-36. Compensation.

The members of the Commission shall receive no compensation for their services as such but shall be reimbursed for their necessary expenses incurred in the performance of their official duties.

§ 10-37. Employees.

The Commission may appoint such agents and employees as are necessary for the discharge of its duties.

§ 10-37.1. Quorum.

A quorum shall consist of three members qualified to vote.

§ 10-37.2. Additional duties and authority. [Added 8-17-2011]

Pursuant to C.G.S. § 7-131a, the Inland Wetlands and Watercourses Commission shall also serve as the Conservation Commission of the Town of Thomaston, and shall perform all of the duties and possess all of the authority granted by law to municipal conservation commissions. This provision shall supersede any prior ordinance or resolution adopted by the Town of Thomaston concerning its Conservation Commission.

ARTICLE X
Planning and Zoning Commission ²
[Adopted 12-17-1979]

§ 10-38. Title.

The title of this article shall be "Ordinance Establishing a Planning and Zoning Commission of Five Members and Three Alternates and Providing for the Manner of Their Appointment."

§ 10-39. Present members.

As of the effective date of this article, the terms of all of the present members and present alternates of the Planning and Zoning Commission shall terminate.

§ 10-40. Membership; appointment; terms of office; vacancies.

Said Planning and Zoning Commission shall be composed of five regular members and three alternate members, all to be resident electors of the Town of Thomaston to be appointed by a majority vote of the Board of Selectmen. Regular and alternate members first appointed shall be appointed by the Selectmen within 10 days of the effective date of this article.

- A. Regular members first appointed shall serve the following terms: one regular member: one year; one regular member: two years; one regular member: three years; one regular member: four years; and one regular member: five years. Annually thereafter, the Board of Selectmen shall appoint one regular member for a term of five years.
- B. Alternate members first appointed shall serve the following terms: one alternate member: one year; one alternate member: two years; and one alternate member: three years. Annually thereafter, the Board of Selectmen shall appoint one alternate member for a term of three years.
- C. Any vacancy shall be filled by the Board of Selectmen for the balance of the unexpired term.

§ 10-41. Officers.

The Planning and Zoning Commission shall annually elect from its voting membership a Chairperson and such other officers as it shall from time to time determine to be necessary.

§ 10-42. Removal of members.

Any Commissioner may be removed by the Board of Selectmen for cause and, on request of such member, after public hearing.

2. Editor's Note: At the Special Town Meeting on 2-9-1970, the following resolution was adopted: "That the Town of Thomaston adopt the provisions of Chapter 124 of the General Statutes and exercise through a Zoning Commission all the powers granted thereunder."

§ 10-43. Conflicts of interest.

No regular member or alternate member of the Planning and Zoning Commission shall participate in the hearing or decision of such Commission upon any matter in which he or she is directly or indirectly interested in a personal or financial sense. In the event of such disqualification, such fact shall be entered on the records of the Commission and replacement shall be made by an alternate member or an alternate to act as a member of such Commission in the hearing and determination of the particular material or materials in which the disqualification arose.

§ 10-44. Compensation.

The members of the Commission shall receive no compensation for their services as such but shall be reimbursed for their necessary expenses incurred in the performance of their official duties.

§ 10-45. Employees.

The Commission may appoint employees necessary for the discharge of its duties.

§ 10-46. Quorum. [Amended 8-10-1982]

A quorum must be three voting members.

ARTICLE XI
Economic Development Commission
[Adopted 10-27-1992]

§ 10-47. Establishment; purpose.

The Town of Thomaston hereby reestablishes an Economic Development Commission in accordance with Connecticut General Statutes, § 7-136, as may be amended, for the purpose of promoting economic development within the Town as specified in § 7-136(b) and (c).

§ 10-48. Membership; terms of office.

The Commission shall consist of eight members who shall be appointed by the Board of Selectmen pursuant to Connecticut General Statutes, § 7-136(a), for the following terms, or until their successors are appointed and duly qualified: two members: one year; two members: two years; two members: three years; and two members: four years. Annually thereafter, the Board of Selectmen shall appoint two members to serve for terms of four years.

§ 10-49. Vacancies; removal of members.

Any vacancy in the membership of the Commission shall be filled by the Board of Selectmen for the balance of the unexpired term. Any member of the Commission may be removed by the Board of Selectmen for cause and, if requested by the member within 15 days, after a public hearing.

§ 10-50. Officers; quorum; compensation.

- A. The Commission shall elect a Chairperson and a Secretary at its first meeting of each year.
- B. A quorum of four members eligible to vote shall constitute a quorum.
- C. The members of the Commission shall receive no compensation for their services but may be reimbursed for their necessary expenses incurred in the performance of their official duties.

§ 10-51. Minority representation.

The provisions of Connecticut General Statutes, § 9-167a, concerning minority representation shall apply to the membership of the Commission.

ARTICLE XII
Senior Citizen Advisory Board
[Adopted 6-29-1994]

§ 10-52. Membership.

Pursuant to the provisions of § 7-148 of the General Statutes of the State of Connecticut, there shall be an advisory board to study the needs of, and coordinate programs for, the senior citizens of the Town, consisting of the First Selectman, ex officio, the municipal agent for elderly persons and five other members to be appointed by the Board of Selectmen.

§ 10-53. Duties.

The Board shall be known as the "Senior Citizen Advisory Board" and shall study the conditions and needs of senior citizens in the community in relation to housing, economic, employment, health, recreational and other matters. It shall review the services provided by the community and shall make recommendations to the Selectmen, the municipal agent, and the Town.

§ 10-54. Compensation; expenses.

The members of the Board so appointed shall serve without compensation but shall be reimbursed for their necessary expenses. The Town may make appropriations to cover expenses of the Board.

§ 10-55. Terms of office.

The members of the Board shall serve for a term of five years until their successors are appointed and duly qualified.

ARTICLE XIII
Ambulance Commission
[Adopted 7-12-1995]

§ 10-56. Establishment; purpose.

Pursuant to the provisions of Connecticut General Statutes, § 7-148(c)(4)(D), the Town of Thomaston hereby establishes the Thomaston Ambulance Commission to oversee the provision of emergency medical services in the Town of Thomaston.

§ 10-57. Membership; terms of office; vacancies.

- A. The Commission shall consist of five voting members appointed by the Board of Selectmen and the First Selectman as an ex officio member.
- B. All of the members shall be electors of the Town and at least one of the members shall be a member of the Thomaston Volunteer Ambulance Corps. The initial members shall

be appointed as follows: two members for three years, two members for two years, and one member for one year, or until their successors have been appointed and duly qualified. Thereafter, each member shall be appointed for a full term of three years or until a successor is appointed and duly qualified.

- C. Vacancies shall be filled for the unexpired portion of the term.
- D. The provisions of Connecticut General Statutes, 9-167a shall apply such that no more than four members shall be of the same political party.

§ 10-58. Compensation; expenses.

The members of the Commission shall serve without compensation but may be reimbursed for their necessary expenses. The Town may make such appropriations as are necessary to cover the expenses and operations of the Commission.

§ 10-59. Duties.

The Commission shall be responsible for overseeing the provision of emergency medical services in the Town of Thomaston, including but not limited to the Thomaston Volunteer Ambulance Corps building, the Town's capital equipment needs, emergency medical services planning, and the entering of a contract for emergency medical services pursuant to Connecticut General Statutes, § 19a-190.²

ARTICLE XIV Board of Assessment Appeals [Adopted 10-4-1995]

§ 10-60. Change in title.

Pursuant to P.A. No. 95-283, §§ 26 to 31, the Board of Tax Review shall henceforth be known as the "Board of Assessment Appeals." The ballot for the municipal election to be held November 7, 1995, shall be amended accordingly.

§ 10-61. Membership.

Members previously elected to the Board of Tax Review shall henceforth continue to serve as members of the Board of Assessment Appeals until their successors are elected and duly qualified.

§ 10-62. Appeals and actions.

- A. Any appeal taken to, or action taken by, the Board of Tax Review shall henceforth be considered an appeal taken to, or action taken by, the Board of Assessment Appeals.

2. Editor's Note: Section 19a-190 of the statutes was repealed by P.A. 97-8.

- B. Any appeal pending in court in which the Board of Tax Review is named as a defendant shall continue as an appeal from the Board of Assessment Appeals, and appeals may be amended accordingly.

§ 10-63. Appropriation.

The appropriation in the current budget for the Board of Tax Review shall henceforth be considered as the appropriation for the Board of Assessment Appeals.

§ 10-64. Powers and duties.

Except as otherwise provided by P.A. No. 95-283, the powers, duties and procedures of the Board of Assessment Appeals shall henceforth be the same as those of the Board of Tax Review.

ARTICLE XV
Historical Commission
[Adopted 9-7-2006]

§ 10-65. Establishment.

The Town of Thomaston hereby establishes a Commission to be known as the "Thomaston Historical Commission" pursuant to Connecticut General Statutes, § 7-148(c)(3) and (6).

§ 10-66. Purpose.

The purpose of the Thomaston Historical Commission is to manage and oversee the Seth Thomas-Bradstreet House, grounds and furnishings owned by the Town of Thomaston at 237 Main Street and such other historic properties or assets as the Town of Thomaston may acquire in the future.

§ 10-67. Membership; terms of office; vacancies.

- A. The Commission shall consist of seven members who shall be electors appointed by the Board of Selectmen for the following terms of office: two members for one year, two members for two years, two members for three years, and one member for four years.
- B. Thereafter all members shall be appointed for four-year terms and until their successors are appointed and qualified.
- C. Any vacancy in the membership or alternate members of the Commission shall be filled by the Board of Selectmen for the remainder of the term.
- D. The provisions of Connecticut General Statutes, § 9-167a shall apply to the membership of the Commission.

§ 10-68. Powers and duties.

The Commission shall have the authority to do the following:

- A. Manage and oversee the Seth Thomas-Bradstreet House, its grounds and furnishings;
- B. Apply for and administer state and federal grants in the name of the Town for the purpose of preserving, protecting and promoting the Seth Thomas-Bradstreet House;
- C. Accept gifts and bequests, outright or in trust;
- D. Enter into a partnership agreement and/or lease with the Thomaston Historical Society for the management, maintenance, restoration and promotion of the Seth Thomas-Bradstreet House and furnishings;
- E. Propose to the Board of Selectmen beneficial uses for the Seth Thomas-Bradstreet House and grounds;
- F. Propose to the Board of Finance an annual operating budget and a long-term capital budget for restoration, preservation and repair of the Seth Thomas-Bradstreet House and grounds;
- G. Negotiate and recommend to the Board of Selectmen contracts, agreements and leases in furtherance of said purposes;
- H. Propose to the Board of Selectmen other historic sites, properties, assets and monuments worthy of preservation as part of Thomaston's history; and
- I. Exercise such authority over such historic sites, properties, assets and monuments as may be acquired or controlled by the Town of Thomaston, excepting therefrom the Thomaston Town Hall and Complex, Opera House and Hillside Cemetery, which have their own commissions.

§ 10-69. Officers; conduct of affairs.

The Commission shall elect from its members a Chairman and a Secretary at its first regular meeting of the year. The Chairman and the Secretary shall serve for a term of one year and shall each have a vote in the affairs of the Commission. The Commission shall conduct its affairs in accordance with the provisions of Connecticut General Statutes, § 1-200 et seq.

Chapter 21

DEVELOPMENT ACTION PLAN AGENCY

§ 21-1. Creation.

§ 21-2. Appointment; terms of office; vacancies.

§ 21-3. Compensation.

§ 21-4. Joint service with Housing Authority.

§ 21-5. Officers; majority vote required for actions.

§ 21-6. Records; employees.

§ 21-7. Duties.

§ 21-8. Community Development Action Plan.

§ 21-9. Execution of documents.

[HISTORY: Adopted by the Town of Thomaston 7-29-1970. Amendments noted where applicable.]

§ 21-1. Creation.

The Town of Thomaston by this chapter hereby creates the Thomaston Development Action Plan Agency, hereafter referred to as "the Agency," through which it may and shall exercise all the powers granted to such an agency under the provisions of Connecticut General Statutes, Chapter 133, as amended.

§ 21-2. Appointment; terms of office; vacancies.

The Agency shall consist of five persons who shall be electors of the Town of Thomaston and shall be appointed by the First Selectman of the Town with the approval of the legislative body. Their terms of office shall be for two years, except that the term of any member appointed ex officio shall be for the term of the other office of such member. Vacancies on such agency shall be filled for the unexpired terms by the First Selectman as hereinabove specified for initial appointment.

§ 21-3. Compensation.

The members of the Agency shall serve without compensation but may receive from the Town reimbursement for necessary expenses.

§ 21-4. Joint service with Housing Authority.

As provided by statute, any person may serve both as a member of the Agency and as a Housing Authority Commissioner of the Town.

§ 21-5. Officers; majority vote required for actions.

The Agency shall elect from its members a Chairman, a Vice Chairman, a Secretary and a Treasurer, and the office of Secretary and Treasurer may be combined. All action of the Agency shall be taken only on the basis of a majority vote of all the members thereof.

§ 21-6. Records; employees.

The Agency shall keep a public record of its doings and activities and may engage such employees and technical assistance as may be necessary and appropriate to carry out its lawful functions.

§ 21-7. Duties.

The Agency shall have and exercise all such authority as is provided for such agencies under the provisions of Connecticut General Statutes, Chapter 133, as amended, including but not limited to acting by and in behalf of the Town to apply for and accept or reject grants, advances, loans or other financial assistance from the federal government, the state, or any other sources and may do any and all things necessary or desirable to secure such financial aid.

§ 21-8. Community Development Action Plan.

The preparation of a Community Development Action Plan for the Town by said Agency in accordance with the provisions of Connecticut General Statutes, Chapter 133, as amended by Public Act No. 757, and the applicable procedures and regulations of the State Department of Community Affairs is hereby authorized.

§ 21-9. Execution of documents.

The Chairman of the Agency and his successors in office are hereby authorized and empowered to sign, make, execute and deliver and otherwise complete, in the name of the Agency and for and in behalf of the Town, any and all documents, papers and written instruments of every sort, including applications for financial assistance, which may be proper and necessary in connection with the operations of the Agency.

Chapter 32

FIRE DEPARTMENT AND AMBULANCE CORPS

ARTICLE I

Length of Service Awards Program

§ 32-1. Program established.

§ 32-2. Authority of Selectmen.

§ 32-3. Retirement Plan Committee.

§ 32-4. When effective.

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

GENERAL REFERENCES

Fire Department bylaws — See Ch. A400.

ARTICLE I

Length of Service Awards Program

[Adopted 9-18-2002]

§ 32-1. Program established.

The Town of Thomaston hereby establishes the Thomaston Volunteer Fire Department and Thomaston Volunteer Ambulance Corps Length of Service Awards Program pursuant to Connecticut General Statutes, § 7-148(c)(5)(A), to provide supplemental retirement benefits to those members of the Volunteer Fire Department and emergency medical personnel who give their time and risk their lives in dedicated service to the Town of Thomaston.

§ 32-2. Authority of Selectmen.

The Board of Selectmen, acting as the Trustees of the Town of Thomaston Length of Service Awards Program (hereinafter the "Plan"), are hereby authorized to adopt, fund, amend, revise, restate and provide for the administration of the Plan by resolution adopted by a majority of the Trustees; provided, however, that:

- A. Such resolution shall not diminish or eliminate the participants' rights or benefits under this Plan or the Town of Thomaston Retirement Plan.
- B. Such resolution shall otherwise be in accordance with applicable state and federal law.
- C. The status of any Trustee as a participant in the Plan shall not affect that Trustee's right to vote on any matter which does not individually benefit such Trustee to a greater extent than any other participant in the Plan. and
- D. The right to terminate the Plan is reserved exclusively to the electors and those persons eligible to vote in a Town Meeting duly warned for such purpose.

§ 32-3. Retirement Plan Committee.

The Town of Thomaston Retirement Plan Committee, established by Article 9 of the Town of Thomaston Retirement Plan Ordinance adopted November 1, 1979,¹ as amended by resolutions adopted on May 27, 1982, October 25, 1983, October 10, 1985, June 18, 1987, April 26, 1989, August 2, 1992, December 12, 1996 and November 24, 1998, shall have the same rights, privileges, duties and immunities with respect to this Plan as it has with respect to the Town of Thomaston Retirement Plan as set forth in said ordinance and subsequent enactments and as set forth in this Plan as adopted by the Trustees. The status of any Committee member as a participant in the Plan shall not affect that Committee member's right to vote on any matter which does not individually benefit such Committee member to a greater extent than any other participant in the Plan.

§ 32-4. When effective.

This article shall take effect 15 days after publication of a summary of its provisions in a newspaper having a circulation in the Town of Thomaston. The Board of Selectmen, acting as the Trustees of the Plan, may determine that if a sufficient appropriation for the Plan has been made in the budget for the current fiscal year, the Plan shall be established effective as of July 1, 2001.

1. Editor's Note: See Ch. 92, Retirement Plan.

Chapter 43

HOUSING AUTHORITY

§ 43-1. Findings.

§ 43-2. Declaration of need.

[HISTORY: Adopted by the Town of Thomaston 1-3-1966. Amendments noted where applicable.]

§ 43-1. Findings.

The governing body of the Town of Thomaston does find that:

- A. Insanitary or unsafe inhabited dwelling accommodations exist in the Town of Thomaston.
- B. There is a shortage of safe or sanitary dwelling accommodations in the Town of Thomaston available to families of low income at rentals they can afford.
- C. There is a shortage of safe or sanitary dwelling accommodations in the Town of Thomaston available to families of moderate income at rentals they can afford.

§ 43-2. Declaration of need.

The governing body of the Town of Thomaston does hereby declare that there is need for a Housing Authority in the Town of Thomaston based upon the aforementioned findings.

Chapter 52

JUSTICES OF THE PEACE

§ 52-1. Election.

[HISTORY: Adopted by the Town of Thomaston 7-29-1964. Amendments noted where applicable.]

§ 52-1. Election.

Sixteen Justices of the Peace shall henceforth be elected for said Town biennially at the state election instead of the number provided for by statute.

Chapter 75

POLICE DEPARTMENT

ARTICLE I Establishment and Authority

§ 75-1. Establishment.

§ 75-2. Authority of Selectmen.

§ 75-3. Authority of members.

ARTICLE II Appointment of Constables

§ 75-4. Authorization.

§ 75-5. Constables to be appointed.

§ 75-6. Vacancy.

§ 75-7. Minority representation.

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

ARTICLE I Establishment and Authority [Adopted 6-11-1974]

§ 75-1. Establishment.

There hereby is established in the Town of Thomaston an organized, full-time Police Department to be organized, governed and maintained as hereinafter provided, pursuant to the authority provided by § 7-148 of the Connecticut General Statutes, as amended. Said Department shall be known as the "Police Department of the Town of Thomaston."

§ 75-2. Authority of Selectmen.

The Board of Selectmen be and it hereby is authorized and directed to set up, organize and maintain such Police Department. Said Board and its successors shall have and exercise, in respect to said Police Department, all of the powers given by the general statutes to boards of police commissioners and shall have general management, control and supervision of the Police Department and of the property and equipment used in connection therewith and shall make all needful rules and regulations for the government of said Department, not contrary to law, and may prescribe suitable penalties for the violation of any such rules and regulations, including suspension or removal from office of any officer or member of the Police Department. Said Board and its successors shall have the sole power of appointment, promotion and removal of the officers and members of the Department under such regulations as it adopts for the purpose, and such appointees shall hold office during good behavior and shall be removed only for due cause and after full hearing upon the basis of written charges specifying the grounds of removal.

§ 75-3. Authority of members.

The members of such Police Department shall have all such authority with respect to the enforcement of the criminal laws and the service of criminal process as is vested by the general statutes in police officers and constables.

ARTICLE II
Appointment of Constables
[Adopted 6-14-2007]

§ 75-4. Authorization.

This article is adopted pursuant to Connecticut General Statutes, Revised 2007, §§ 9-185 and 9-200, as amended.

§ 75-5. Constables to be appointed.

Commencing with the next municipal election to be held November 6, 2007, the position of Constable shall be appointed by the Board of Selectmen pursuant to Connecticut General Statutes, § 9-185, as amended, in lieu of election under § 9-200. Those Constables whose terms expire on November 20, 2007, shall continue to serve in office until their successors are chosen and have qualified. The Board of Selectmen may appoint a maximum of seven Constables who shall serve for terms of two years to run concurrently with the terms of office of the Board of Selectmen.

§ 75-6. Vacancy.

Any vacancy in the office of Constable shall be filled for the balance of the term in the manner prescribed by Connecticut General Statutes, § 9-185, as amended.

§ 75-7. Minority representation.

The appointment of the Constables shall be subject to the provisions of Connecticut General Statutes, § 9-167a, as amended.

Chapter 83

REGIONAL COUNCILS

ARTICLE I

Regional Council of Elected Officials

§ 83-1. Creation.

§ 83-2. Representative.

§ 83-3. Powers and duties.

§ 83-5. Effective date of membership.

§ 83-6. Powers and duties.

§ 83-7. Representative to Council.

§ 83-8. Membership in Council of Governments of Central Naugatuck Valley; successor association.

ARTICLE II

Naugatuck Valley Council of Governments

§ 83-9. Repealer.

§ 83-4. Creation.

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

ARTICLE I

Regional Council of Elected Officials

[Adopted 7-29-1970¹]

§ 83-1. Creation. [Amended 5-29-2007]

The Town of Thomaston does hereby join with such of the towns and cities within its planning region, as defined by the Secretary of the Office of Policy and Management, as may enact a similar ordinance to create a Regional Council of Elected Officials as said Council is defined by C.G.S. §§ 4-124c to 4-124f.

§ 83-2. Representative.

The representative to said Regional Council shall be the First Selectman.

§ 83-3. Powers and duties. [Amended 5-29-2007]

The Regional Council shall have such powers, purposes, responsibilities and duties as stated in C.G.S. §§ 4-124c to 4-124f.

1. Editor's Note: An ordinance adopted 3-26-2014 provided that this article would be repealed on or after 1-1-2015. See § 83-9.

ARTICLE II
Naugatuck Valley Council of Governments
[Adopted 3-26-2014]

§ 83-4. Creation.

The Town hereby joins with such municipalities of the Naugatuck Valley Planning Region, as designated by the Secretary of the Office of Policy and Management of the State of Connecticut, to create a regional council of governments to be known as the "Naugatuck Valley Regional Council of Governments" by adopting the provisions of C.G.S. §§ 4-1241 through 4-124p.

§ 83-5. Effective date of membership.

On and after January 1, 2015, the Town shall be a member of the Naugatuck Valley Council of Governments.

§ 83-6. Powers and duties.

The Naugatuck Valley Council of Governments shall have such powers, purposes, rights, duties and responsibilities as shall be set forth in the Connecticut General Statutes.

§ 83-7. Representative to Council.

The First Selectman shall be the representative of the Town to the Council of Governments. In the absence of the First Selectman, the legislative body of the Town shall appoint an elected official to serve as a member. The First Selectman may send an alternate in his or her stead; however, such alternate shall be entitled to such rights as may be established by the Council of Governments. The Town shall be entitled to one vote in the affairs of the Council of Governments.

§ 83-8. Membership in Council of Governments of Central Naugatuck Valley; successor association.

The Town shall remain a member of Council of Governments for the Central Naugatuck Valley as it continues to operate and wind down as a council of elected officials until December 31, 2014. The Town shall also participate with the current members of the Council of Elected Officials in an unincorporated association of such municipalities in order to wind down the affairs and assets of the Council of Governments of the Central Naugatuck Valley that are not assigned to and integrated within the operations of Naugatuck Valley Council of Governments.

§ 83-9. Repealer.

On or after January 1, 2015, the following ordinance provisions regarding the Council of Elected Officials shall be repealed: Thomaston Code of Ordinances, Chapter 83, Article I, entitled "Regional Council of Elected Officials."

Chapter 87

REGIONAL PLANNING AGENCY

§ 87-1. Adoption of statute; election to join.

§ 87-3. Attendance.

§ 87-2. Local representation.

§ 87-4. Removal of members.

[HISTORY: Adopted by the Town of Thomaston 6-2-1960. Amendments noted where applicable.]

§ 87-1. Adoption of statute; election to join. [Amended 5-29-2007]

Pursuant to the provisions of Connecticut General Statutes, § 8-31a, the Town of Thomaston, having a duly constituted Planning and Zoning Commission established pursuant to the provisions of the General Statutes, hereby adopts Chapter 127 of the General Statutes, as amended, and joins in the creation of the Regional Planning Agency for the Central Naugatuck Region as defined by the Secretary of the Office of Policy and Management under the provisions of Connecticut General Statutes, § 8-31a, which planning region includes the municipalities of Beacon Falls, Bethlehem, Cheshire, Middlebury, Naugatuck, Oxford, Prospect, Southbury, Thomaston, Waterbury, Watertown, Wolcott and Woodbury.

§ 87-2. Local representation. [Amended 5-29-2007]

The Town of Thomaston, having a population of 4,876, according to the federal census of 1950, shall have two representatives on the board of said Planning Agency who shall be appointed as follows: the Planning and Zoning Commission of the Town of Thomaston is hereby authorized to appoint to the board of said Planning Agency two electors of the Town of Thomaston in the following manner: one member to serve for two years and one member to serve for one year; thereafter, all appointments shall be made for a period of two years. Appointees under this section shall continue to serve after expiration of their terms until their successors shall have been appointed and qualified and take office. Appointees may be reappointed for successive terms. At least one appointee shall be a member of the Planning and Zoning Commission. The terms of office of the initial appointees shall commence upon establishment of said Regional Planning Agency.

§ 87-3. Attendance. [Amended 5-29-2007]

Any representative who is absent from three consecutive regular meetings of the Regional Planning Agency and any intervening duly called special meetings thereof shall be considered to have resigned from said Regional Planning Agency and the vacancy shall be filled by the Planning and Zoning Commission, except that the requirements of this section may be waived where illness or other extenuating circumstances make it impossible for a representative to meet the attendance requirements of this section.

§ 87-4. Removal of members. [Added 2-9-1971]

Any member of said Agency may be removed therefrom by the Board of Selectmen when, in the opinion of said Board, after due notice and hearing, any such member has been or is guilty of misconduct, material neglect of duty or incompetence in the conduct of his office.

Chapter 92

RETIREMENT PLAN

ARTICLE I Authority; Contributions

- § 92-1. Authority of Selectmen.
- § 92-2. Mandatory employee contributions.

ARTICLE II Retirement Committee

- § 92-3. Appointment.
- § 92-4. Terms of office.
- § 92-5. Decisions of Committee; officers.

- § 92-6. Authority.
- § 92-7. Claims procedure.

ARTICLE III Other Post-Employment Benefit (OPEB) Trust

- § 92-8. Authority; establishment.
- § 92-9. Appointment of Trustee.
- § 92-10. Establishment of OPEB Board.
- § 92-11. Duties of OPEB Board.
- § 92-12. Duties of OPEB Trustee.

[HISTORY: Adopted by the Town of Thomaston 11-24-1998; amended in its entirety 4-23-2013. Subsequent amendments noted where applicable.]

ARTICLE I Authority; Contributions

§ 92-1. Authority of Selectmen.

The Board of Selectmen, acting as the Trustees of the Town of Thomaston Retirement Plan,¹ are hereby authorized to amend, revise and restate the terms and provisions of the plan by resolution adopted by a majority of the Trustees; provided, however, that:

- A. Such resolution shall not diminish or eliminate rights and benefits previously granted or conferred;
- B. Such resolution shall otherwise be in accordance with applicable state and federal law; and
- C. The right to terminate the plan is reserved exclusively to the electors and those persons eligible to vote in a Town Meeting duly warned for such purpose.

§ 92-2. Mandatory employee contributions.

The Board of Selectmen, acting as the trustees of the Town of Thomaston Retirement Plan, pursuant to the Internal Revenue Code, § 414(h)(2), are hereby authorized and directed to pick up mandatory employee contributions to the plan by all officers and employees who are not

1. Editor's Note: A copy of the current Retirement Plan is on file at the Finance Office.

covered under the Connecticut Teachers' Retirement System under Chapter 176A of the Connecticut General Statutes, specifically § 10-183kk; provided, however, that:

- A. Such picked-up contributions shall be in lieu of employee contributions;
- B. The Town shall pick up these mandatory contributions by means of an equivalent reduction in the employee's pay or salary;
- C. The employee shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the Town into the plan; and
- D. Employee contributions so picked up shall be treated for all purposes in the same manner and to the same extent as employee contributions prior to July 1, 1998.

ARTICLE II Retirement Committee

§ 92-3. Appointment.

The Board of Selectmen shall appoint a committee of five residents of the Town to be known as the "Retirement Committee." At least one member of the Committee shall be an employee of the Town who is a plan participant, and one member of the Committee shall be a member of the Board of Finance. The other members shall be electors or taxpayers of the Town. All current members serving on the Retirement Plan Committee as of the effective date of this article shall continue to serve in office on the Retirement Committee. The provisions of C.G.S. § 9-167a, as amended, shall apply to the membership of the Retirement Committee.

§ 92-4. Terms of office.

The term of office of each member of the Committee shall be subject to determination by the Board of Selectmen. Any member may resign upon written notice to the Board of Selectmen. At any time during the term of office, any member may be removed by the Board of Selectmen for cause. In the event of the death, resignation, or removal of any member of the Committee, the remaining members shall act as the Committee until a successor shall be appointed by the Board of Selectmen. Any member of said Committee may be reappointed by the Board of Selectmen.

§ 92-5. Decisions of Committee; officers.

The decision of a majority of the members of the Committee shall be binding and shall be made at a duly noticed meeting. A written document signed by a majority of the members shall be sufficient evidence of the Committee's decision. The Committee may, in writing, designate any one or more of its members to sign any document on its behalf. The Board of Selectmen may appoint a chairman from the members of the Committee and a secretary who need not be a member of the Committee. The secretary shall keep records of all action taken by the Committee.

§ 92-6. Authority.

- A. The Committee shall have complete authority in all matters pertaining to the administration, operation, oversight and management of the Town of Thomaston Retirement Plan and any other retirement or deferred compensation plan established by the Town for its eligible employees (collectively the "plans"), except that the Committee's authority shall not include the authority to amend, revise and restate the terms and provisions of the plans, which shall be retained by the Board of Selectmen. Where designated in the terms of said plans, the Committee shall also serve as the plan administrator of said plans, with such responsibilities as set forth in the plan documents which are not inconsistent with its authority under this Subsection A. Any trustee or insurance company shall, in all matters relating to payment of benefits, act in accordance with the written instructions of the Committee, signed by an authorized member thereof.
- B. Except in case of willful wrongdoing, no member of the Committee shall incur any individual liability or obligation for any action taken or permitted to be taken or for any act omitted to be taken by the Committee, or by any other member thereof.
- C. No member of the Committee shall have any right to make any decision or, as a member, to take any action respecting his own right of participation in the plans, but all matters respecting his position as a participant shall be decided by the unanimous vote of the remaining members of the Committee, except that this Subsection C shall not apply to any decision which affects all participants or any group of participants of which he is a member.

§ 92-7. Claims procedure.

If the Committee determines that any individual who has claimed a right to receive benefits under any of the plans is not entitled to receive all or any part of the benefits claimed, it shall inform the claimant by certified mail of its determination and the reasons therefor in layman's terms, with specific reference to pertinent plan provisions and with a description of the review procedures set forth below. The claimant may, within 90 days thereafter, submit to the Committee, by certified mail, such further information as will, in the claimant's opinion, establish his rights to such benefits. If, upon receipt of this further information, the Committee determines that the claimant is not entitled to the benefits claimed, it shall afford the claimant or his representative a reasonable opportunity to appear personally before it, to submit issues and comments, in writing, and to review pertinent documents. The Committee shall render its final decision with the specific reasons therefor, in writing, and shall transmit it to the claimant by certified mail within 90 days for any such appearance.

ARTICLE III**Other Post-Employment Benefit (OPEB) Trust****§ 92-8. Authority; establishment.**

Pursuant to the authority granted to the Town of Thomaston in § 7-450(b) of the Connecticut General Statutes, there shall be created and established the Town of Thomaston Other Post-Employment Benefits (OPEB) Trust to fund certain post-employment benefits, other than

pension benefits, pursuant to the terms of previously established plans for the benefit of certain Town and Board of Education employees, retirees, their spouses and dependents. The provision of such OPEB Trust shall be as set forth in the OPEB Declaration of Trust, including revisions thereto, as are hereafter approved by the Board of Selectmen.

§ 92-9. Appointment of Trustee.

Immediately upon the enactment of this article, the members of the Retirement Committee, formerly known as the "Pension Committee," shall serve as Trustee of the OPEB Trust, hereinafter referred to as the "OPEB Trustee." The members of the Retirement Committee serving as OPEB Trustee shall receive no compensation for serving, and shall serve terms coextensive with their respective terms as members of the Retirement Committee. A Retirement Committee member's service as the OPEB Trustee shall be subject to all of the applicable terms governing his or her membership on the Retirement Committee. A resignation by, or removal of, a member of the Retirement Committee for any reason shall automatically constitute a resignation or removal of the member from the OPEB Trustee, with said resignation or removal to be effective on the same date and time as said resignation or removal from the Retirement Committee. Vacancies on the OPEB Trustee shall be filled in accordance with the same process that would apply for filling vacancies on the Retirement Committee.

§ 92-10. Establishment of OPEB Board.

Immediately upon the enactment of this article, the Retirement Committee shall constitute the OPEB Board for the OPEB Trust, hereinafter referred to as the "OPEB Board." The members of said OPEB Board shall receive no compensation for serving, and shall serve terms coextensive with their respective terms as members of the Retirement Committee. A Retirement Committee member's membership on the OPEB Board shall be subject to all of the applicable terms governing membership on the Retirement Committee. A resignation by, or removal of, a member of the Retirement Committee for any reason shall automatically constitute a resignation or removal of the member from the OPEB Board, with said resignation or removal to be effective on the same date and time as said resignation or removal from the Retirement Committee. Vacancies on the OPEB Board shall be filled in accordance with the same process that would apply for filling vacancies on the Retirement Committee.

§ 92-11. Duties of OPEB Board.

The OPEB Board shall perform the duties set forth in the OPEB Declaration of Trust, as amended from time to time, relating to the management and investment of the assets held in the OPEB Trust.

§ 92-12. Duties of OPEB Trustee.

The OPEB Trustee shall perform the duties of the Trustee as set forth in the OPEB Declaration of Trust, including the care and custody of funds, and, with the approval of the

OPEB Board, the investment of such funds in securities legal for investment for such trust funds.

Chapter 100

TERMS OF OFFICE

ARTICLE I Municipal Officials

- § 100-1. Biennial elections.
- § 100-2. Start of term.

ARTICLE II Town Clerk

- § 100-3. Term increased.
- § 100-4. Vacancy.
- § 100-5. Incumbent.
- § 100-6. When effective.

ARTICLE III Tax Collector

- § 100-7. Term increased.
- § 100-8. Vacancy.
- § 100-9. Incumbent.
- § 100-10. When effective.

ARTICLE IV Registrars of Voters

- § 100-11. Authorization.
- § 100-12. Term established.
- § 100-13. Deputy Registrars of Voters.
- § 100-14. Vacancy.

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

ARTICLE I Municipal Officials [Adopted 4-8-1953]

§ 100-1. Biennial elections.

At the next Annual Town Meeting and biennially thereafter, all Town officers presently required by law to be elected annually shall be elected to hold office for the term of two years from the date of their election and until their successors shall be elected and shall have qualified.

§ 100-2. Start of term. [Added 8-20-1975]

Pursuant to Public Act No. 75-91, Subsection (II), prior legislative action is amended to provide that with the exception of the Town Clerk, the term of all municipal officials shall begin on the second Tuesday next following the day of the municipal election at which time such officials are elected, and terms of office of any incumbents affected hereby shall be extended to conform to the new term of office created herein. This article shall take effect for all elections on and after January 1, 1976.

ARTICLE II
Town Clerk
[Adopted 7-31-1996]

§ 100-3. Term increased.

Pursuant to C.G.S. § 9-189a, as amended, the term of office of the Town Clerk of the Town of Thomaston shall be increased from two years to four years and until a successor has been elected and duly qualified.

§ 100-4. Vacancy. [Amended 5-29-2007]

Any vacancy occurring in the office of the Town Clerk shall be filled for the unexpired portion of the term in accordance with C.G.S. § 9-220, as amended.

§ 100-5. Incumbent.

The adoption of this article shall not in any way affect the term of office of the incumbent Town Clerk or the validity of any act or action taken by the incumbent Town Clerk in the operation of the Town Clerk's office.

§ 100-6. When effective.

This article shall take effect 15 days after publication in accordance with C.G.S. § 7-157 and shall apply to the election of the Town Clerk at the next ensuing municipal election and thereafter.

ARTICLE III
Tax Collector
[Adopted 7-31-1996]

§ 100-7. Term increased.

Pursuant to C.G.S. § 9-189, as amended, the term of the office of the Tax Collector of the Town of Thomaston shall be increased from two years to four years and until a successor has been elected and duly qualified.

§ 100-8. Vacancy. [Amended 5-29-2007]

Any vacancy occurring in the office of the Tax Collector shall be filled for the unexpired portion of the term in accordance with C.G.S. § 9-220 or 12-137, as amended, as applicable.

§ 100-9. Incumbent.

The adoption of this article shall not in any way affect the term of office of the incumbent Tax Collector or the validity of any act or action taken by the incumbent Tax Collector in the collection of taxes.

§ 100-10. When effective.

This article shall take effect 15 days after publication in accordance with C.G.S. § 7-157 and shall apply to the election of the Tax Collector at the next ensuing municipal election and thereafter.

ARTICLE IV
Registrars of Voters
[Adopted 4-10-2006]

§ 100-11. Authorization.

This article is adopted pursuant to C.G.S. §§ 9-189a, 9-190 and 9-192, as amended.

§ 100-12. Term established.

Commencing with the next general statewide election to be held November 7, 2006, and thereafter, the two Registrars of Voters shall be elected to serve for terms of four years each and until their successors are elected and duly qualified.

§ 100-13. Deputy Registrars of Voters.

Each Registrar of Voters shall appoint a Deputy Registrar of Voters who shall serve for the same term of office as the Registrar of Voters who made the appointment. The terms of the Deputy Registrars of Voters shall run concurrently with the terms of the Registrars of Voters and until their successors are appointed and duly qualified.

§ 100-14. Vacancy.

Any vacancy in the office of Registrar of Voters, or Deputy Registrar of Voters, shall be filled for the balance of the term in the manner prescribed by C.G.S. § 9-192, as amended.

PART II

**GENERAL
ORDINANCES**

Chapter 104

TREASURER, DEPUTY

§ 104-1. Authority.

§ 104-3. Duties; bond.

**§ 104-2. Position created; appointment;
term; qualifications.**

[HISTORY: Adopted by the Town of Thomaston 10-1-2008; amended in its entirety 9-12-2012. Subsequent amendments noted where applicable.]

§ 104-1. Authority.

This chapter is adopted pursuant to C.G.S. § 7-80, as amended.

§ 104-2. Position created; appointment; term; qualifications.

The office of Assistant Treasurer created by resolution of a Town Meeting held December 28, 1983, shall henceforth be known as the office of "Deputy Treasurer." The Deputy Treasurer shall be appointed by the Treasurer and confirmed by a majority vote of the Board of Selectmen. The term of office shall be concurrent with that of the Treasurer. The Deputy Treasurer shall be an elector of the Town of Thomaston.

§ 104-3. Duties; bond.

The Deputy Treasurer shall be sworn to the faithful performance of the duties of the office and shall post a sufficient bond. The Deputy Treasurer shall, in the absence or disability of the Treasurer, perform all of the duties of that office, and shall perform such duties as are delegated by the Treasurer or prescribed by law. The Deputy Treasurer shall have signatory authority on all Town depository accounts, checks, orders, notes, bonds and investments subject to the supervision of the Treasurer.

Chapter 109

ADULT-ORIENTED BUSINESSES

- | | |
|--------------------------------------|-------------------------------------|
| § 109-1. Authorization. | § 109-7. License revocation. |
| § 109-2. General purpose and intent. | § 109-8. Appeal. |
| § 109-3. Definitions. | § 109-9. Operating requirements. |
| § 109-4. Permit requirements. | § 109-10. Live adult entertainment. |
| § 109-5. Application. | § 109-11. Massage parlors. |
| § 109-6. Licensing procedure. | § 109-12. Penalties for offenses. |

[HISTORY: Adopted by the Town of Thomaston 2-4-2016. Amendments noted where applicable.]

§ 109-1. Authorization.

This chapter is adopted pursuant to Connecticut General Statutes §§ 7-148(c)(7)(A)(ii), 7-148(c)(7)(E), 7-148(c)(7)(H)(xiii), and 7-148(c)(10)(A). This chapter is adopted concurrently with amendments to the Thomaston Zoning Regulations adopted by the Thomaston Planning and Zoning Commission pursuant to Connecticut General Statutes §§ 8-2(a) and 8-3, and is to be applied and construed consistent with said regulations.

§ 109-2. General purpose and intent.

- A. The Town finds that the operation of adult-oriented businesses requires special regulation and supervision to protect, preserve and promote the health, safety and welfare of the patrons of such businesses, as well as the health, safety and welfare of the Town's residents. Further, protecting public order, preserving the character and preventing the deterioration of the Town's neighborhoods, promoting retail trade, maintaining property values, and ensuring sanitary and safe public places are desirable objectives of the community and its government.
- B. It is the purpose and intent of the Town, in enacting this chapter, to regulate adult-oriented businesses to promote the health, safety and general welfare of the residents of the Town and to establish reasonable and uniform regulations of such businesses in order to reduce or eliminate the adverse secondary effects of such adult-oriented businesses, to protect residents from increased crime, to preserve the quality of life, to preserve the property values and the character of surrounding neighborhoods and businesses, including but not limited to, the downtown retail and development districts and adjacent residential areas, to deter the establishment of any nuisance and the spread of blight, and to protect against the threat to public health from the spread of communicable and social diseases.
- C. It is not the intent of the Town, in enacting this chapter, to deny to any person rights to speech protected by the United States or State of Connecticut constitutions, nor is it the intent of the Town to impose any additional limitations or restrictions on the content of

any communicative materials including sexually oriented films, videotapes, books or other materials. Further, by enacting this chapter, the Town does not intend to deny or restrict the constitutionally protected rights of any adult to obtain or view any sexually oriented materials under the United States or State of Connecticut constitutions, nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of such sexually oriented materials may have to sell, distribute or exhibit such materials.

§ 109-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ADULT ARCADE — Any establishment where one or more still or motion picture projectors, slide projectors or similar machines, or other image producing machines, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities.

ADULT BOOKS — Any books, magazines, periodicals, pamphlets, or other printed materials that depict, display or describe specified anatomical areas or specified sexual activities.

ADULT CABARET — Any night club, bar, cafe, tavern, restaurant or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:

- A. Persons who appear nude or seminude;
- B. Live performances that are characterized by the exposure of specified anatomical areas;
or
- C. Films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities.

ADULT ENTERTAINMENT —

- A. Any exhibition of any adult-oriented motion picture, live performance, display or dance of any type that has as a significant or substantial portion of such performance, any performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal services offered customers, when such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect; and
- B. Any amusement machine that is regularly used for presenting material that is characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons thereof.

ADULT MINIMOTION PICTURE THEATER — Any enclosed building with a capacity of 50 or fewer persons regularly used for showing films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons therein.

ADULT MOTION PICTURE THEATER — Any enclosed building with a capacity of more than 50 persons regularly used for showing films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons therein.

ADULT NOVELTIES —

- A. Instruments, devices, toys or paraphernalia that are designed for or marketed primarily for stimulating human genital organs, sexual arousal or sadomasochistic use;
- B. Instruments, devices, gag gifts, toys or paraphernalia that depict, display or are shaped in the form of specified anatomical areas; and
- C. Oils, lotions, gels or creams that are designed for or marketed primarily for use upon specified anatomical areas and intended for stimulating human genital organs, sexual arousal or as an aid to enhance or promote specified sexual activities.

ADULT ORIENTED BUSINESS —

- A. An adult arcade, adult-oriented store, adult cabaret, adult minimotion picture theater, adult motion picture theater, adult theater, escort agency, massage parlor, nude model studio or sexual encounter establishment;
- B. Any premises to which the public, patrons, or members are invited or admitted and wherein an entertainer provides adult entertainment, or which premises are so physically arranged as to provide booths, cubicles, studios, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures or wherein an entertainer provides adult entertainment, when such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect; or
- C. Any adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

ADULT ORIENTED STORE — Any establishment having:

- A. A substantial or significant portion of its stock in trade in adult books, adult videos or adult novelties or any combination thereof;
- B. Any portion of its stock in trade in adult books, adult videos or adult novelties and in conjunction therewith has rooms, designated areas or facilities for the presentation, observation or use by patrons of any item sold or rented in such establishment.

ADULT THEATER — Any theater, concert hall, auditorium or similar commercial establishment that regularly features persons who appear nude or seminude or who appear in

live performances that are characterized by the depiction or description of specified anatomical areas or specified sexual activities, for observation by patrons therein.

ADULT VIDEOS — Films, motion pictures, videocassettes, DVDs, software, slides or other photographic reproductions that depict, display or describe specified anatomical areas or specified sexual activities.

EMPLOYEE — Any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of a sexually oriented business.

ENTERTAINER — Any person who provides adult entertainment within a sexually oriented business, whether or not a fee is charged or accepted for such entertainment and whether or not such entertainment is provided as an employee or independent contractor.

ESCORT — Any person who, for any form of consideration, agrees or offers to act as a social companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY — Any person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

INSPECTOR — The Police Chief, Fire Marshal, Building Official, Health Department Sanitarian, Zoning Enforcement Officer, their agent or representative, or any Town or state employee designated to make inspections for public safety, Town ordinance, fire code, building code, public health, zoning purposes, violations of this chapter, or for violations of other laws and ordinances of the Town or state.

LIVE ADULT ENTERTAINMENT — Any live performance by a person who appears nude or seminude or any live performance that is characterized by the exposure of specified anatomical areas.

MASSAGE PARLOR — Any establishment having a fixed business where any person engages in or carries on, or permits to be engaged in or carried on, any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electric apparatus or appliance with or without any supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice. The definition of "massage parlor" shall not include the practice of massage:

- A. In any state-licensed hospital, nursing home, clinic, medical office or rehabilitation facility;
- B. By a state-licensed physician, surgeon, chiropractor, osteopath, physical therapist, or massage therapist;
- C. By any registered nurse, licensed practical nurse or technician working under the supervision of a state-licensed physician, surgeon, chiropractor, osteopath, physical therapist, or certified massage therapist who shall be present on the licensed premises during the time the service is rendered;

- D. By trainers for any amateur or professional athlete or athletic team or school athletic program; or
- E. By any state-licensed barber or beautician with regard to the massaging of the neck, face, scalp and hair for cosmetic or beautifying purposes.

MASSEUR — Any person who, for any form of consideration, performs massage activities as described in the previous definition of this section.

MINOR — Any person under the age of 18 years.

NUDE MODEL STUDIO — Any place where a person, for any form of consideration, regularly appears nude or seminude or displays specified anatomical areas to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. A nude model studio shall not include a modeling class operated by an accredited public or private school or college.

NUDITY —

- A. The appearance of human bare buttocks, anus, genitals, pubic region or the areola or nipple of the female breast; or
- B. State of dress that fails to opaquely and fully cover human buttocks, anus, genitals, pubic region or areola or nipple of the female breast; but shall not include breast-feeding discreetly conducted in a public or private place.

OPERATOR — Any person operating, owning, managing, conducting or maintaining a sexually oriented business.

PERMITTED PREMISES — Any premises that require a sexually oriented business permit pursuant to this chapter, including any buildings, parking areas and all other portions of the property of which the permittee has control.

PERMITTEE — Any person in whose name a permit to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on an application for a permit.

PLACE OF WORSHIP — Any church, synagogue, mosque, temple or building that is used primarily for religious worship and related religious activities.

PUBLIC BUILDING — Any building owned, leased or otherwise held by the United States, the state, the Town, any other Town, any school, any fire department, and ambulance corps or any other agency or political subdivision of the United States or the state, which building is used for governmental purposes.

PUBLIC PARK AND RECREATION AREA — Public land that has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, golf course, basketball or tennis courts, pedestrian or bicycle paths, open space, wilderness areas, or similar public land within the Town that is under the control, operation, or management of the Town, any other Town or the state.

SCHOOL — Any public, private or parochial educational facility including, but not limited to, child day-care facilities (excluding home day care), nursery schools, preschools,

kindergartens, elementary schools, middle schools, junior high schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, alternative schools, junior colleges, colleges and universities. School includes the school grounds, but does not include any facility used primarily for another purpose and only incidentally as a school.

SEMINUDE — A state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

SEXUAL ACTIVITIES, EXEMPTIONS —

- A. Medical publications or films or bona fide educational publication or films;
- B. Any art or photography publications that devote at least 25% of the lineage of each issue to articles and advertisements dealing with subjects of art or photography;
- C. Any news periodical that reports or describes current events and which, from time to time, publishes photographs of nude or seminude persons in connection with the dissemination of the news; or
- D. Publications or films that describe and report different cultures and which, from time to time, publish or show photographs or depictions of nude or seminude persons when describing cultures in which nudity or seminudity is indigenous to the population.

SEXUAL ENCOUNTER ESTABLISHMENT — A business or commercial establishment that, for any form of consideration, offers a place where two or more persons may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas. A sexual encounter establishment shall not include an establishment where a state-licensed medical practitioner, psychologist, psychiatrist, or similar professional person engages in medically approved and recognized sexual therapy.

SPECIFIED ANATOMICAL AREAS —

- A. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or
- B. Human male genitals in a discernibly turgid state, even if completely opaquely covered.

SPECIFIED SEXUAL ACTIVITIES —

- A. Showing of human genitals in a state of sexual stimulation or arousal;
- B. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus;
- C. Fondling or touching of another person's genitals, pubic region, buttocks or female breasts;
- D. Lap dancing; or
- E. Excretory functions as part of or in connection with any of such activities.

§ 109-4. Permit requirements.

- A. After the effective date of this chapter, it shall be unlawful for any person to engage in, conduct or carry on or permit to be engaged in, conducted or carried on, in or upon any premises in the Town, the operation of an adult-oriented business without first obtaining a license from the Chief of Police of the Town of Thomaston and a special permit and site plan location approval from the Thomaston Planning and Zoning Commission, pursuant to the Thomaston Zoning Regulations, as amended. A license may be issued for only one adult-oriented business located at a fixed and certain place. Any person who desires to operate more than one adult-oriented business must have a license for each such business. It shall be a violation of this chapter for any owner, operator, entertainer or employee to knowingly work in or about, or to knowingly perform any service directly related to, the operation of any unpermitted adult-oriented business.
- B. Each license shall be specific to a location and may not be sold, assigned or transferred to any other location in any way. Abandonment or change of the adult-oriented business not consistent with the terms and conditions of the permit may result in revocation of a special permit.

§ 109-5. Application.

- A. The operator of each adult-oriented business shall first submit an application for a special permit to the Planning and Zoning Commission with application fees as listed in the Town land use fee schedule. If a permit is granted by the Planning and Zoning Commission, a license application shall then be submitted to the Chief of Police with a nonrefundable application fee of \$150. The application shall be made upon a form prepared by the Thomaston Police Department and approved by the Board of Selectmen and the Planning and Zoning Commission. The applications shall be signed and filed by a person having direct control or management of the proposed adult-oriented business. In instances where the applicant is a partnership, limited liability company or corporation, the application shall be signed and filed by a duly authorized partner, member, manager, officer, director, or majority shareholder of such entity, as the case may be. The application shall be sworn to be true and correct by the applicant.
- B. The applicant for a license shall furnish the following information:
- (1) Name and business and residence address of the applicant, owner, operator, manager and any other person having direct control or management of the adult-oriented business, including all fictitious names. If the applicant is a partnership, the names of all general partners. If the applicant is a limited liability company, the names of all members and managers of such company. If the applicant is a corporation, the names of all officers, directors and shareholders holding a ten-percent or greater interest in the total number of shares of such corporation;

- (2) Written proof or affidavit that the applicant and employees are at least 18 years of age;
- (3) If a partnership, the application shall be accompanied by the partnership agreement, if any;
- (4) If a limited partnership, the application shall specify the name of the partnership, the date and state of the filing of its certificate of limited partnership, and the name and address of its statutory agent for service of process, and shall be accompanied by a copy of the partnership agreement, if any, and by evidence that such partnership is in good standing under the laws of the state;
- (5) If a limited liability company, the application shall specify the name of the company, the date and state of the filing of its articles of organization, and the name and address of its statutory agent for service of process, and shall be accompanied by a copy of the operating agreement, if any, and by evidence that such company is in good standing under the laws of the state;
- (6) If a corporation, the application shall specify the name of the corporation, the date and state of incorporation, and the name and address of its statutory agent for service of process, and shall be accompanied by a copy of its bylaws, if any, and by evidence that such corporation is in good standing under the laws of the state.
- (7) If operating under a fictitious name, the application shall be accompanied by a copy of the applicant's recorded trade name certificate.
- (8) The applicant's adult-oriented business or adult entertainment license or permit history, which shall include, but not be limited to whether such person is currently licensed or has previously operated in this or another municipality or state under license; the names and locations of such businesses; whether the applicant has had such license suspended or revoked; the dates of and reasons for such suspension or revocation; and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation. Such history shall include any entity of which the applicant was a partner, member, officer, director or shareholder.
- (9) Any criminal convictions of the applicant, operator, employees and other persons directly involved in the management or control of the adult-oriented business, to any crime involving moral turpitude, prostitution, obscenity or other sex-related crimes in any jurisdiction within three years of the date of filing of the application. Such convictions within this time frame may result in denial of an application due to public safety risks. Such crimes include, but are not limited to, obscenity, child pornography, prostitution, patronizing a prostitute promoting or permitting prostitution and sexual assault, in the state, being Connecticut General Statutes §§ 53a-194, 53a-196, 53a-196a, and 53a-196b (obscenity); §§ 53a-196c and 53a-196d (child pornography); §§ 53a-82, 53a-83 and 53a-83a (prostitution, patronizing a prostitute, and patronizing a prostitute from a motor vehicle); §§ 53a-88 and 53a-89 (promoting or permitting prostitution); and §§ 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b and 53a-73a (sexual assault).

- (10) The location of the adult-oriented business to be operated by the applicant, including the street address, legal description of the property, and telephone number, if any;
 - (11) The exact nature of the entertainment to be conducted at the adult-oriented business;
 - (12) A sketch or diagram showing the floor plan of the premises drawn to a designated scale and with marked dimensions of the interior of the premises, including a statement of total floor space occupied by the business. Such sketch or diagram shall include, without limitation, all doors, windows, bars, stages, manager's stations, restrooms, dressing rooms, booths, cubicles, rooms, studios, compartments, stalls, overhead lighting fixtures and any areas where patrons are not permitted; and
 - (13) A signed statement by the applicant that he/she is familiar with the provisions of this chapter, is in compliance with them, and consents to the authority of the Town in licensing and regulating the proposed adult-oriented business.
- C. The Chief of Police, Planning and Zoning Commission or Zoning Enforcement Officer shall have the right to request additional information and documentation of the applicant and the proposed business to support or clarify any information previously provided. If a license to operate an adult-oriented business is granted, the information furnished in the application, including employee information, shall be updated within 30 days of any material changes. Such update shall be filed with the Chief of Police and the Planning and Zoning Commission.

§ 109-6. Licensing procedure.

- A. The Chief of Police shall be responsible for investigating, granting, denying, renewing, suspending and revoking all sexually oriented business applications and licenses pursuant to this chapter. Upon receipt of a properly completed application with all required attachments, the Chief of Police shall immediately forward copies of such application to the following Town officials for their investigation:
- (1) The Chief of Police shall investigate the criminal convictions, qualifications and suitability of the applicant to be licensed and shall inspect the premises for compliance with all laws and regulations.
 - (2) The Fire Marshal shall investigate the compliance of the proposed premises with all applicable fire codes and laws.
 - (3) The Building Official shall investigate the compliance of the proposed premises with all applicable building codes and laws.
 - (4) The Director of Health shall investigate the compliance of the proposed premises with all applicable public health codes and laws.

- (5) The Zoning Enforcement Officer shall investigate the compliance of the proposed premises with all applicable zoning regulations and laws and also compliance with all distance requirements set forth in the Thomaston Zoning Regulations.
- B. Within 30 days of the date the application was filed, all such investigations to be performed pursuant to this section shall be completed. At the conclusion of each investigation, each Town official shall indicate on the photocopy of the application his approval or disapproval of the application, state the reasons for any disapproval, date it, sign it, and return it immediately to the Chief of Police. The Chief of Police shall disapprove an application if he finds that the proposed sexually oriented business will be in violation of any provision of any statute, code, article, regulation or other law in effect in the Town, including this chapter.
- C. Within 45 days of the date the application was filed, the Chief of Police shall render a decision approving or denying such application and shall file such decision with the Town Clerk and mail such decision to the applicant by certified mail, return receipt requested. If the Chief of Police denies the application, he shall state in writing the reasons for such denial. All copies of the investigations performed pursuant to this section shall be attached to the decision.
- D. The Chief of Police shall issue to the applicant a license to operate a sexually oriented business within 45 days of the date the application was filed if all requirements for a sexually oriented business described in this chapter are met, unless he finds that:
- (1) The applicant is under 18 years of age.
 - (2) The applicant or any other person who will be directly engaged in the management and operation of the business has been convicted in this or any other state of any of the crimes specified in this chapter, regardless of the pendency of any appeal, within three years of the date the application was filed.
 - (3) Within five years of the date the application was filed, the applicant or his spouse has been denied a license by the Town to operate a sexually oriented business, has had a license revoked by the Town, or has failed to correct any material violation of this chapter for more than 30 days, of which the licensee has received written notice.
 - (4) Within three years of the date the application was filed, the applicant or his spouse has had a license to operate a sexually oriented business denied or revoked by another municipality or state.
 - (5) The applicant or his spouse is overdue on payment to the Town of any taxes, fees, fines or other penalties relating to the sexually oriented business or the licensed premises.
 - (6) The business as proposed by the applicant, if permitted, would not have complied with all applicable statutes, codes, ordinances, laws and regulations, including, but not limited to, the fire, building, health, and zoning codes of the Town, and this chapter. If the premises are not in compliance, the applicant shall be advised of the

reasons in writing and what, if any, measures the applicant can take to bring the premises into compliance for a license to issue.

- (7) The premises are not in compliance with all distance requirements set forth in the Thomaston Zoning Regulations.
 - (8) The applicant has failed to complete the license application as specified in this chapter, has failed to provide any supporting or clarifying documentation when requested by the Chief of Police, or has provided materially false or misleading information in the application.
 - (9) The application fee has not been paid.
 - (10) The granting of the application would violate a statute, ordinance or court order.
 - (11) The applicant, if a limited partnership, limited liability company or corporation, is not in good standing under the laws of the state.
- E. Any failure of the license to issue within 45 days of the date the application was filed shall constitute a denial subject to appeal.
- F. If the sexually oriented business application is denied, the Town shall retain the permit fee for expenses incurred in the investigation of the application and shall return the remainder to the applicant.
- G. When an application is denied solely for reasons stated in this section and such violation is correctable, the applicant shall be given an additional 30 days from the date of such notification of denial to bring the premises into compliance. Upon verification by inspection that the correction has been made, which shall be determined no later than 48 hours after receipt by the Chief of Police of written notice of such correction, a license shall be issued to the applicant so long as no new violations or other disqualifying factors have occurred within such 30 days.
- H. As a condition of the license, the entire licensed premises shall be open to random physical inspections for compliance with this chapter by any inspector during all hours when the premises are open for business. Any refusal to allow such inspection shall constitute a violation of this chapter.
- I. The license, if granted, shall state on its face the name and residence address of the person to whom it is granted, the expiration date, the address of the sexually oriented business, and the department or public official and telephone number to report any violation of this chapter. The license shall also include a notice that the subject premises are subject to random inspections by inspectors of the Town for compliance with this chapter.
- J. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at all times.

§ 109-7. License revocation.

- A. The Chief of Police may revoke an adult-oriented business license upon determination that a licensee, operator or employee has materially violated any provision contained in this chapter or, upon report of the Zoning Enforcement Officer, any violation of Thomaston Zoning Regulations. The Chief of Police shall issue such revocation in writing stating the reasons and shall notify the licensee by certified mail, return receipt requested, addressed to the licensee at his/her business or residence address, or by service by any process server at the usual place of abode of the licensee or at the permitted premises. No sexually oriented business shall continue operations with a revoked permit. The Chief of Police shall revoke any license where any of the following occur:
- (1) It is discovered that materially false or misleading information or data was given on, or material facts were omitted from, any application for adult-oriented business permit.
 - (2) A license holder, operator, employee or other person directly involved in the management or control of the adult-oriented business has been convicted of any crime specified in this chapter.
 - (3) A license holder has one or more uncorrected material violations of this chapter pending for over 30 days, to which the licensee has received written notice.
 - (4) A license holder, operator or employee has knowingly allowed any live performance or conduct featuring any specified sexual activities as defined in this chapter to occur on the licensed premises.
 - (5) A license holder, operator or employee has knowingly allowed any illegal activity to occur on the licensee's premises including, but not limited to, prostitution, gambling, or the possession, use or sale of controlled substances.

§ 109-8. Appeal.

- A. Within five days of receipt of notification of a denial, nonrenewal, suspension or revocation of a license, the licensee may contest such decision by submitting a written application to the Town Clerk requesting a public hearing before the Board of Selectmen.
- B. The public hearing shall be scheduled to take place no later than 30 days from the date of the application for such hearing. Not less than 10 days before the date of such hearing, a notice of hearing shall be sent to the licensee by certified mail, return receipt requested, and posted in a conspicuous place on the proposed or licensed premises.
- C. In such application, the licensee may request that the Chief of Police or any other Town official who investigated the application or inspected the premises shall be present at the public hearing. At such hearing, the licensee shall have the opportunity to present evidence on his behalf and shall have the right to cross examine all Town officials and witnesses. The Board of Selectmen shall conduct the hearing in order and form and with such methods of proof as it 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.

- D. Immediately following such hearing, the Board of Selectmen shall enter its vote to either sustain or overrule the denial, nonrenewal, suspension or revocation. Within five days after such hearing, the Board of Selectmen shall issue written notice of its final decision, stating the reasons therefor, and shall forward such decision to the licensee by certified mail, return receipt requested. If the denial, nonrenewal, suspension or revocation is overruled, the Chief of Police shall immediately issue such license or renewal of license, or revoke the suspension or revocation, as the case may be.
- E. The decision of the Board of Selectmen may be appealed to the superior court within 15 days of the mailing of the written notice of such decision.
- F. During the pendency of any appeal of a nonrenewal, suspension or revocation, the operations of the sexually oriented business may be maintained by the licensee, unless otherwise ordered by the Superior Court.

§ 109-9. Operating requirements.

A. General requirements.

- (1) No license holder, operator or employee of an adult-oriented business shall perform or permit to be performed, offer to perform, or allow patrons to perform any live performance or conduct featuring any specified sexual activities on the permitted premises, as defined in this chapter.
- (2) Every adult-oriented business shall comply with all applicable statutes, codes, ordinances, laws and regulations including, but not limited to, the fire, building, health, and zoning codes of the Town and state.
- (3) Every adult-oriented business shall be physically arranged in such a manner that the entire interior portion of any room or other area used for the purpose of viewing adult books, adult videos or adult novelties or other types of adult entertainment shall be clearly visible from the common areas of the premises. Visibility into such areas shall not be blocked or obscured by doors, curtains, partitions, drapes or any other obstruction whatsoever. Such areas shall be readily accessible at all times to employees and shall be continuously open to view in their entirety. It shall be a violation of this chapter to install enclosed booths, cubicles, rooms or stalls within adult-oriented businesses, for whatever purpose, but especially for the purpose of providing for the secluded viewing of adult-oriented motion pictures or other types of adult entertainment.
- (4) Every adult-oriented business, including common areas, entryways, parking areas, restrooms, and any room or other area used for the purpose of viewing adult-oriented motion pictures or other types of adult entertainment, shall be well lighted. The entire premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted to access at an illumination of not less than one footcandle as measured at the floor or ground level. It shall be the duty of the operator and his agents to ensure that such illumination is maintained at all times that any patron is present on the premises.

- (5) No booths, cubicles, rooms or stalls used for the purpose of viewing adult-oriented motion pictures or other types of adult entertainment shall be occupied by more than one person at any one time. No holes shall be allowed in the walls or partitions that separate each such room from any adjoining room.
- (6) No adult-oriented business shall be conducted in such a manner that permits the observation of any material depicting specified anatomical areas or specified sexual activities from outside of the building that houses the adult-oriented business.
- (7) No adult-oriented business shall advertise the availability at such business of any activity that would be in violation of this chapter or any state or federal law. Nor shall any exterior sign, display, decoration, show window or other advertising of such business contain any material depicting, describing or relating to specified anatomical areas or specified sexual activities.
- (8) No alcoholic beverage or other intoxicant shall be displayed, served, ingested or sold on the premises of any sexually oriented business unless permitted by the State Department of Consumer Protection, Liquor Control Division, and the Planning and Zoning Commission. No licensee, operator or employee shall be under the influence of any alcoholic beverage or other intoxicant while working at a adult-oriented business.
- (9) No gambling shall be permitted by any person in any adult-oriented business.

B. Employees.

- (1) The permittee and operator shall be responsible for the conduct of all employees while on the permitted premises. Any act or omission of any employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the permittee and operator, when such permittee or operator knew or should have known of such act or omission, for purposes of determining whether the permit shall be revoked.
- (2) No permittee or operator shall knowingly employ in any adult-oriented business any person who, within three years of the commencement of such employment, has been convicted in this or any other state of any of the crimes specified in this chapter, regardless of the pendency of any appeal.

C. Minors.

- (1) No permittee, operator or employee of an adult-oriented business shall allow or permit any minor to enter into or in any way loiter in or on any part of the permitted premises, purchase goods or services at the permitted premises, or work at the permitted premises as an employee.
- (2) Every adult-oriented business shall display a sign outside each entrance of such business bearing the words "Adult-Oriented Business. Persons Under 18 Not Admitted" in legible letters between two and six inches tall.

- D. Hours of operation. No adult-oriented business shall open to do business before 10:00 a.m., Monday through Saturday, nor shall remain open after 1:00 a.m. Tuesday through

Friday, nor after 2:00 a.m. Saturday, Sunday or any legal holiday as designated in Connecticut General Statutes § 1-4.

§ 109-10. Live adult entertainment.

- A. In addition to the requirements contained in this chapter, the following requirements shall apply to all adult-oriented businesses within the Town containing live adult entertainment:
- (1) No person shall perform live adult entertainment for patrons of an adult-oriented business except upon a stage at least 18 inches above floor level and separated from any and all such patrons by a minimum distance of four feet or as approved by the liquor division of the state department of consumer protection.
 - (2) Separate dressing room facilities for male and female entertainers shall be provided that shall not be occupied or used in any way by any persons other than such entertainers.
 - (3) No entertainer shall expose any specified anatomical areas to any patron of an adult-oriented business either before or after a performance including, but not limited to, when such entertainer is entering or exiting the stage.
 - (4) No entertainer, either before, during or after a performance, shall have physical contact with any patron of an adult-oriented business while on the licensed premises.
 - (5) No employee of any adult-oriented business shall engage in any live adult entertainment while acting as a waiter, host or bartender for such business.

§ 109-11. Massage parlors.

- A. Application procedure.
- (1) A special permit approval shall be obtained from the Planning and Zoning Commission to operate the facility along with permit fees as outlined in the land use fee schedule.
 - (2) A licensing application shall be submitted to the Chief of Police along with a nonrefundable application fee of \$150. A floor plan and other documentation as listed in this chapter shall be provided to the Chief of Police for licensing review, in consultation with the Building Official, Zoning Enforcement Officer and Fire Marshal.
- B. Facility requirements.
- (1) Construction of rooms used for toilets, tubs, steam baths and showers shall be waterproofed with approved waterproof materials.
 - (2) Toilet facilities shall be provided in convenient locations. When five or more persons of different sexes are on the premises at the same time, separate toilet

facilities shall be provided. Toilets shall be designed as to the sex accommodated therein.

- (3) Lavatories or wash basins provided with both hot and cold running water shall be installed in either the toilet room or vestibule. Lavatories or wash basins shall be provided with soap in a dispenser and with sanitary towels.
- (4) Every portion of the massage parlor, including appliances and apparatus, shall be kept clean and operated in a sanitary condition. Adequate lighting shall be provided, and each room or enclosure where a massage is administered shall have an illumination of not less than one footcandle as measured at the floor level while such room or enclosure is occupied.
- (5) All employees of the massage parlor shall be clean and wear clean outer garments, which use is restricted to the massage parlor. Provisions for a separate dressing room for each sex must be available on the permitted premises with individual lockers for each employee. Doors to such dressing rooms shall open inward and shall be self closing.
- (6) All employees and masseurs shall be modestly attired. Diaphanous, flimsy, transparent, form-fitting, or tight clothing is prohibited. Clothing must cover the employee's or masseur's chest at all times. Hemlines of skirts, dresses or other attire may be no higher than three inches above the top of the knee.
- (7) All specified anatomical areas of patrons must be covered by towels, cloth or undergarments when in the presence of any employee or masseur. It shall be unlawful for any person in a massage parlor to expose his specified anatomical areas to any other person or for any person to expose the specified anatomical areas of another person.
- (8) It shall be unlawful for any person in a massage parlor to engage in any specified sexual activities or to place his/her hand upon, to touch with any part of his body, to fondle in any manner, or to massage any specified anatomical areas of any other person. All massage parlors shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in an approved sanitary manner.
- (9) Wet and dry heat rooms, shower compartments and toilet rooms shall be thoroughly cleaned each day business is in operation. Bathtubs shall be thoroughly cleaned after each use.
- (10) No massage parlor shall place, publish, or distribute or cause to be placed, published, or distributed any advertising material that depicts any portion of the human body or contains any written text that would reasonably suggest to prospective patrons that any services are available other than those services described in this chapter, or that employees or masseurs are dressed in any manner other than described in this section.
- (11) All services enumerated in this chapter shall be performed in a cubicle, room, booth or area within the massage parlor, which cubicle, room, booth or area shall

have transparent doors or walls that all activity therein shall be visible from outside the same.

- (12) No massage parlor shall carry on, engage in, or conduct business on Sunday or on any other day before 8:00 a.m. or after 9:00 p.m.
- (13) A full schedule of service rates shall be posted in a prominent place within the massage parlor in such a manner as to come to the attention of all patrons. No charges other than the specified rates for specified services shall be allowed and all patrons shall be notified of the full cost of services prior to the rendering of any service.

§ 109-12. Penalties for offenses.

- A. Any licensee, operator, employee or other person who violates any of the provisions of this chapter shall be subject to a fine of \$250 as provided in the Town fee schedule for each such violation.
- B. Each violation of this chapter shall be considered a separate offense, and any violation continuing more than one hour of time shall be considered a separate offense for each hour of violation.
- C. In addition to any fines or penalties imposed in this section, this chapter may be enforced by injunctive procedure in the Superior Court. The Town may further recover from any violator any and all costs and fees, including reasonable attorney's fees, expended by the Town in enforcing the provisions of this chapter.
- D. This chapter shall not preclude any additional enforcement action taken by any appropriate Town, state or federal official conducted pursuant to any applicable ordinance, regulation or law of the Town or state or the United States of America.
- E. All remedies and penalties provided for in this section shall be cumulative and independently available to the Town, and the Town shall be authorized to pursue any and all remedies set forth in this section to the fullest extent allowed by law.

Chapter 110

ALARMS

§ 110-1. Purpose.

§ 110-4. User fee for false alarms.

§ 110-2. Definitions.

§ 110-5. Penalties for offenses.

§ 110-3. Registration required;
installation standards.

[HISTORY: Adopted by the Town of Thomaston 9-25-1991. Amendments noted where applicable.]

§ 110-1. Purpose.

It is the intent and purpose of this chapter to provide minimum standards and regulations applicable to users and installers of burglar, fire, holdup and automatic telephone dialer alarms within the Town of Thomaston, to provide penalties for noncompliance, and to encourage the installation of protective alarm systems in all dwellings and commercial structures.

§ 110-2. Definitions.

The following definitions shall apply to this chapter:

ALARM SYSTEM — An assembly of equipment and devices (or a single device, such as a solid state unit, which may operate from a one-hundred-ten-volt AC line) arranged to signal the presence of a hazard requiring urgent attention and to which Police or Fire Department personnel are expected to respond. This includes all burglar alarms, fire alarms, holdup alarms and automatic telephone dialer alarms, except this does not include smoke detectors which do not signal outside an alarmed premises or alarm system on motor vehicles.

ALARM USER — Any person, firm or corporation on whose premises any alarm system is maintained within the Town.

AUTOMATIC TELEPHONE DIALING DEVICE — Refers to an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message indicating the existence of the emergency situation that the alarm system is designed to detect.

FALSE ALARM — The activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence or carelessness of the owner or lessee of an alarm system or of his or her employees or agents. Such terminology does not include, for example, alarms caused by hurricanes, tornadoes, earthquakes or other normally infrequent violent conditions or acts of God. Excluded from this definition are false alarms that are transmitted with a criminal, malicious or mischievous intent. Such violations will be prosecuted under the applicable Connecticut General Statutes.

§ 110-3. Registration required; installation standards.

- A. Any person, firm or corporation installing an alarm system within the Town shall register with the Thomaston Police Department at least 10 days prior to the system's anticipated installation. All existing alarm systems shall be registered with the Thomaston Police Department within 60 days of the effective date of this chapter.
- B. No alarm system shall be installed by other than a licensed person or other person meeting the requirements set forth in the Connecticut State Building Code. No alarm system shall be installed unless an electrical permit to install an alarm system has been obtained from the Building Official of the Town of Thomaston, or his or her designated representative, as required by Connecticut State Building Code.
- C. Alarm users having existing automatic telephone dialing devices shall comply with § 7-282b of the Connecticut General Statutes, as amended.
- D. No automatic telephone dialing device shall be programmed to dial 911.
- E. No person, firm or corporation shall install an automatic telephone dialing device within the Town of Thomaston terminating at the Thomaston Police Department after the effective date of this chapter.
- F. All alarm systems, as defined in this chapter, which sound an audible signal which may be heard outside of the protected premises shall be equipped with a device which shall limit the duration of such audible signal to not more than 30 minutes in accordance with § 22a-69-5.1 of the Regulations of Connecticut State Agencies, as amended.

§ 110-4. User fee for false alarms.

A maximum of three false alarms per calendar year shall be allowed from any alarm system of any person, firm or corporation. On receipt of a fourth and for each false alarm thereafter during the calendar year, a user fee shall be assessed by the Chief of Police in the amount of \$25. Alarms originating from any building owned or occupied by the Town of Thomaston shall be exempt from the user fee requirements.

§ 110-5. Penalties for offenses.

- A. Any person, firm or corporation found to be in violation of § 110-3E shall be fined \$100.
- B. Any person, firm or corporation who or which shall fail to pay a user fee which has been assessed as provided in § 110-4 of this chapter within 30 days of the date of notice of assessment shall be responsible for all attorneys' fees, court costs and legal fees of any nature incurred by the Town of Thomaston in any proceeding required to enforce the collection of said fees.

Chapter 114

ALCOHOLIC BEVERAGES

§ 114-1. Sale on Sunday.

[HISTORY: Adopted by the Town of Thomaston 7-30-1935. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages in parks — See Ch. 204.

§ 114-1. Sale on Sunday.

The sale of wine, beer and liquors shall be allowed on Sundays according to law.

Chapter 114

ALCOHOLIC BEVERAGES

ARTICLE I Hours of Sale

§ 114-1. Sale on Sunday.

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

ARTICLE II Liquor Permits

§ 114-2. Notice of liquor permit renewal.

GENERAL REFERENCES

Alcoholic beverages in parks — See Ch. 204.

ARTICLE I Hours of Sale [Adopted 7-30-1935]

§ 114-1. Sale on Sunday.

The sale of wine, beer and liquors shall be allowed on Sundays according to law.

ARTICLE II Liquor Permits [Adopted 8-26-2015]

§ 114-2. Notice of liquor permit renewal.

Any person who files an application pursuant to § 30-39 of the Connecticut General Statutes for renewal of a liquor permit which allows on-premises serving or consumption of alcoholic liquor in the Town of Thomaston shall simultaneously give written notice of such liquor permit renewal application to the Chief of Police, or his or her designee, who may respond in writing, not later than 15 days after receipt of such notice, to the Commissioner of Consumer Protection, with comments regarding the renewal application that is the subject of such notice, which comments shall be considered by the Commissioner prior to acting on such application.

Chapter 121

BAZAARS AND RAFFLES

§ 121-1. Act adopted.

[HISTORY: Adopted by the Town of Thomaston 8-17-1955. Amendments noted where applicable.]

§ 121-1. Act adopted.

Resolution adopted the provisions of Public Act 409 of the 1955 Session of the General Assembly (An Act Concerning Bazaars and Raffles) as provided by said Act.

Chapter 128

BUILDING CONSTRUCTION

ARTICLE I State Building Code

§ 128-1. Adoption of state code.

ARTICLE II Buildings on Unaccepted Streets

§ 128-2. Conditions for building permit issuance.

§ 128-3. Lots.

§ 128-4. Permits for certain building types.

§ 128-5. Appeals and variances.

§ 128-6. Statutory authority; intent.

ARTICLE III Building Permits Withheld for Delinquent Taxes

§ 128-7. Statutory authority.

§ 128-8. Evidence of payment.

§ 128-9. Exceptions.

§ 128-10. Appeals.

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

GENERAL REFERENCES

Building permit fees — See Ch. 154, Art. II.
Historic preservation — See Ch. 169.

Sewers and sewage disposal — See Ch. 228.
Street numbers — See Ch. 240, Art. III.

ARTICLE I State Building Code [Adopted 9-23-1970]

§ 128-1. Adoption of state code. [Amended 5-29-2007]

The State Building Code, presently denominated "Basic Building Code," as adopted, promulgated and administered by the Department of Public Safety of the State of Connecticut, is hereby adopted as the Building Code of the Town of Thomaston. Any amendments to said code hereafter adopted by the State Building Inspector shall also apply to said code as adopted by this article, and any such amendment shall take effect 60 days after adoption and publication thereof by the State Building Inspector unless, during such time, the Town rejects any such amendment by ordinance. No requirements of law for the publication of ordinances shall be deemed to require the publication of the code hereby adopted, or of any such amendment, in any newspaper. The adoption of this code includes the adoption of any code, rule or regulation incorporated therein by reference. Said code is adopted by the Town of Thomaston by this article in conformity with the provisions of Connecticut General Statutes, § 29-252.

ARTICLE II
Buildings on Unaccepted Streets
[Adopted 7-29-1988]

§ 128-2. Conditions for building permit issuance.

- A. No building permit shall be issued for the erection or placement of a building or structure unless such building or structure is located on a lot having frontage on or direct access to:
- (1) A state highway, other than a limited access state highway; or
 - (2) A Town highway or street accepted pursuant to Connecticut General Statutes, § 13a-48, as amended (or any predecessor statute), and not discontinued pursuant to Connecticut General Statutes, § 13a-49 or 13a-50 (or any predecessor statutes); or
 - (3) A proposed public highway or street shown on a map approved by the Thomaston Planning and Zoning Commission pursuant to Connecticut General Statutes, § 8-26 or 8-29, as amended (or any predecessor statutes), filed in the office of the Town Clerk, and so constructed as to meet all specifications of said Commission and any Town ordinances or resolutions concerning construction and acceptance of public highways or streets, except for the final course of bituminous concrete paving and curbing, the construction and maintenance of which shall be adequately guaranteed by means of a bond acceptable to said Commission.
- B. For purposes of this article, the phrase "having frontage" or "direct access to" shall mean a lot satisfying the frontage or interior lot requirements of the Thomaston Zoning Regulations.

§ 128-3. Lots.

In addition to the provisions of § 128-2 of this article, no building permit shall be issued for the erection or placement of a building or structure on any lot which is created by a division of a tract of land constituting a subdivision or a resubdivision of land pursuant to Connecticut General Statutes, § 8-18, as amended (or any predecessor statute), unless such lot is shown on a map approved by said Commission and filed in the office of the Town Clerk or unless such lot is a nonconforming lot of record as defined by the provisions of the Thomaston Zoning Regulations and a zoning permit has been issued by said Commission or its Zoning Enforcement Officer.

§ 128-4. Permits for certain building types.

Notwithstanding the provisions of §§ 128-2 and 128-3 of this article, building permits may be issued for the erection, placement, or alteration of the following types of buildings or structures, provided that all applicable provisions of the Thomaston Zoning Regulations are satisfied:

- A. Farm buildings or structures not used, or capable of use, for human habitation; or
- B. Accessory use buildings or structures not used, or capable of use, for human habitation; or
- C. An addition to an existing building or structure as defined in Subsection A or B, or an existing occupied dwelling, provided that nothing herein shall require the issuance of a building permit for a building, structure or addition thereto, the purpose or effect of which is the conversion of a seasonal cottage to a year-round dwelling or to permit occupancy of any dwelling by additional families.

§ 128-5. Appeals and variances.

The Thomaston Zoning Board of Appeals is hereby authorized and empowered to hear and decide appeals and hear and decide requests for variances hereunder in the same manner and subject to the same procedures and standards as zoning appeals and variances under Connecticut General Statutes, § 8-6, as amended, and any further appeal of the Board's decision shall be in the same manner and subject to the same procedures and standards as under Connecticut General Statutes, § 8-8, as amended.

§ 128-6. Statutory authority; intent.

This article is enacted pursuant to Connecticut General Statutes § 8-27, as amended, and is intended to promote the development of a public street and highway system in the Town of Thomaston which is safe and convenient; to assure that all buildings and structures will have ingress and egress satisfactory for fire, police, ambulance and other emergency vehicles; to assure that buildings and structures are located on lots which meet the standards of the Thomaston Subdivision Regulations and the Thomaston Zoning Regulations; and to permit the issuance of building permits on proposed subdivision streets which are substantially completed to the Town's standards and adequately bonded, prior to formal acceptance of such streets by Town Meeting, after publication in a newspaper having circulation in the Town of Thomaston.

ARTICLE III

Building Permits Withheld for Delinquent Taxes

[Adopted 8-28-1996]

§ 128-7. Statutory authority. [Amended 9-29-2010]

Pursuant to C.G.S. § 7-148(c)(2)(B), as amended, no building permit shall be issued for improvements to any property on which the property taxes, sewer rates, charges or assessments imposed by the Town of Thomaston or the Thomaston Water Pollution Control Authority are delinquent.

§ 128-8. Evidence of payment. [Amended 9-29-2010]

In order to obtain a building permit; a property owner, contractor or other applicant must present written evidence that all property taxes, sewer rates, charges or assessments, including interest, lien fees, attorney's fees and costs of collection, are current. Such documentation shall be in the form of a paid tax bill, canceled check, or Tax Collector's receipt.

§ 128-9. Exceptions.

This article shall not apply to the following situations:

- A. Improvements ordered or required by any governmental authority for reasons of public health or safety;
- B. Improvements required to bring the property into compliance with the State Fire Safety Code, C.G.S. § 29-291 et seq., as amended, the State Building Code, C.G.S. § 29-251 et seq., as amended, or the accessibility requirements of the Americans with Disabilities Act of 1990, 42 U.S.C § 12101 et seq., as amended;
- C. Improvements deemed necessary by the Building Official for the health or safety of the occupants or the public; and
- D. Improvements previously covered under a building permit issued prior to the effective date of this article, provided that such permit has not expired, been suspended or revoked.

§ 128-10. Appeals.

Any person aggrieved by a decision of the Building Official acting pursuant to this article may appeal to the Board of Selectmen, thence to the Superior Court for the Judicial District of Litchfield, pursuant to C.G.S. § 29-266, as amended.

- A. Farm buildings or structures not used, or capable of use, for human habitation; or
- B. Accessory use buildings or structures not used, or capable of use, for human habitation; or
- C. An addition to an existing building or structure as defined in Subsection A or B, or an existing occupied dwelling, provided that nothing herein shall require the issuance of a building permit for a building, structure or addition thereto, the purpose or effect of which is the conversion of a seasonal cottage to a year-round dwelling or to permit occupancy of any dwelling by additional families.

§ 128-5. Appeals and variances.

The Thomaston Zoning Board of Appeals is hereby authorized and empowered to hear and decide appeals and hear and decide requests for variances hereunder in the same manner and subject to the same procedures and standards as zoning appeals and variances under Connecticut General Statutes, § 8-6, as amended, and any further appeal of the Board's decision shall be in the same manner and subject to the same procedures and standards as under Connecticut General Statutes, § 8-8, as amended.

§ 128-6. Statutory authority; intent.

This article is enacted pursuant to Connecticut General Statutes § 8-27, as amended, and is intended to promote the development of a public street and highway system in the Town of Thomaston which is safe and convenient; to assure that all buildings and structures will have ingress and egress satisfactory for fire, police, ambulance and other emergency vehicles; to assure that buildings and structures are located on lots which meet the standards of the Thomaston Subdivision Regulations and the Thomaston Zoning Regulations; and to permit the issuance of building permits on proposed subdivision streets which are substantially completed to the Town's standards and adequately bonded, prior to formal acceptance of such streets by Town Meeting, after publication in a newspaper having circulation in the Town of Thomaston.

ARTICLE III Building Permits Withheld for Delinquent Taxes [Adopted 8-28-1996]

§ 128-7. Statutory authority.

Pursuant to C.G.S. § 7-148(c)(2)(B), as amended by P.A. No. 95-320, no building permit shall be issued for improvements to any real property, the property taxes for which are delinquent.

§ 128-8. Evidence of payment.

In order to obtain a building permit, a property owner, contractor or other applicant must present written evidence that all property taxes, including interest, lien fees, attorneys' fees

and costs of collection, are current. Such evidence may be in the form of a paid tax bill, canceled check, or Tax Collector's receipt.

§ 128-9. Exceptions.

This article shall not apply to the following situations:

- A. Improvements ordered or required by any governmental authority for reasons of public health or safety;
- B. Improvements required to bring the property into compliance with the State Fire Safety Code, C.G.S. § 29-291 et seq., as amended, the State Building Code, C.G.S. § 29-251 et seq., as amended, or the accessibility requirements of the Americans with Disabilities Act of 1990, 42 U.S.C § 12101 et seq., as amended;
- C. Improvements deemed necessary by the Building Official for the health or safety of the occupants or the public; and
- D. Improvements previously covered under a building permit issued prior to the effective date of this article, provided that such permit has not expired, been suspended or revoked.

§ 128-10. Appeals.

Any person aggrieved by a decision of the Building Official acting pursuant to this article may appeal to the Board of Selectmen, thence to the Superior Court for the Judicial District of Litchfield, pursuant to C.G.S. § 29-266, as amended.

Chapter 135
CEMETERIES

- | | |
|--|--|
| § 135-1. Cemetery Committee. | § 135-8. Charges for opening and closing graves. |
| § 135-2. Conflicts of interest. | § 135-9. Interments. |
| § 135-3. Peace and good order. | § 135-10. Deeds. |
| § 135-4. Cemetery workers. | § 135-11. Lots. |
| § 135-5. Monuments and other structures. | § 135-12. Transfer of lots. |
| § 135-6. Trees, shrubs and flowers. | § 135-13. Access. |
| § 135-7. Plans and records. | |

[HISTORY: Adopted by the Town of Thomaston 10-3-1904. Amendments noted where applicable.]

§ 135-1. Cemetery Committee. [Amended 12-18-2000; 8-26-2015]

- A. Said Committee shall have power to authorize and empower the Superintendent, to be chosen for that purpose, to execute deeds of conveyance of burial lots, and the signature of said member shall be sufficient signing of such deed of conveyance. Said Committee shall also receive and appropriate the proceeds of any such sales to defray the expenses of care and improving said grounds.
- B. Said Cemetery Committee shall annually elect a President, Secretary and Treasurer and appoint a Superintendent who shall have charge of all work done in the cemetery and at all times carry out any instructions he may receive from the Committee. The persons now in office as Cemetery Committee shall continue in office under these bylaws and regulations. The Board of Selectman shall have the power to fill any vacancy occurring until the next Town meeting. All final appointments shall be made at any annual Town meeting for the balance of the term.
- C. The number of members of the Cemetery Committee constituting a quorum necessary to conduct business shall be two members.

§ 135-2. Conflicts of interest. [Amended 8-26-2015]

The Committee, Superintendent, or any employee thereof shall have no pecuniary interest whatever in any work or material furnished for the cemetery, or be engaged in buying or selling lots in the cemetery, except for the Town. The Superintendent shall not sell monuments of any description, or in any manner be connected with any monumental works from which he/she may receive remuneration for any information he/she may furnish. Any employee who shall accept pay for the special care of any lot will be discharged. All business of this character must be done with the Superintendent or Committee.

§ 135-3. Peace and good order. [Amended 8-26-2015]

Visitors must not drive faster than conditions will allow and in no instance faster than five miles per hour. Improper conduct or violation of cemetery regulations will result in expulsion from the cemetery grounds, and a report will be filed with the cemetery committee.

§ 135-4. Cemetery workers. [Amended 8-26-2015]

Workers both employed by the cemetery and outside parties shall be under the supervision of the Superintendent or his/her designee. All rubbish shall be removed and the grounds or driveways shall be restored to acceptable standards as determined by the Superintendent.

§ 135-5. Monuments and other structures. [Amended 8-26-2015]

In the erection of monuments or other structures or improvements, a place shall be designated for the deposit of stones or other materials. Foundations shall be adequate to support structures and approved by the Superintendent.

§ 135-6. Trees, shrubs and flowers.

- A. Trees, shrubs and flowers may be planted on any lot, but no tree growing upon a lot shall be cut down or destroyed without the consent of the Cemetery Committee.
- B. The Cemetery Committee shall have the right to cause the removal of trees or shrubs that shall, by their roots, branches, or otherwise, become dangerous, detrimental or inconvenient to the adjacent lots or avenues. It may also cause to be removed any monumental structures or effigy or any inscription judged by it to be offensive or improper.

§ 135-7. Plans and records. [Amended 8-26-2015]

Where graves are not designated by stones, every lot owner should have a plan of the lot and interments thereon and a record of every internment, with name and date, and on ordering a grave opened, a transcript of this drawing designating where the grave is desired should be sent to the Superintendent.

§ 135-8. Charges for opening and closing graves. [Amended 8-26-2015]

For opening, closing and turving graves, the charges will be set by the Cemetery Committee on a yearly basis.

§ 135-9. Interments. [Amended 8-26-2015]

Interments must not exceed one full burial with two cremains per lot, or four cremains per lot.

§ 135-10. Deeds.

The price of lots will include the expense of having the deed recorded, and no deed will be delivered until it has been placed upon the Town records.

§ 135-11. Lots.

No interment will be allowed upon a lot until it is fully paid for or a satisfactory guarantee given, and all lots shall be subject to the bylaws and rules which may from time to time be adopted by the Town of Thomaston.

§ 135-12. Transfer of lots.

In order to ensure a perfect record the Committee must be notified of all transfers of lots.

§ 135-13. Access. [Added 8-26-2015]

The Cemetery Committee shall keep the cemetery opened from dawn until dusk, weather permitting. Winter weather may necessitate closing the access road. No off-road vehicles are allowed on any portion of the cemetery's property.

Chapter 142

DRIVEWAYS

- | | |
|--|---|
| § 142-1. Permit required. | § 142-7. Penalties for offenses. |
| § 142-2. Conditions for approval. | § 142-8. Correction of defects by Town. |
| § 142-3. Permit validity. | § 142-9. Permit fee. |
| § 142-4. Inspections. | § 142-10. Proximity to boundary lines. |
| § 142-5. Validation. | § 142-11. Specifications. |
| § 142-6. Action on request for permit. | |

[HISTORY: Adopted by the Town of Thomaston 4-7-1986. Amendments noted where applicable.]

§ 142-1. Permit required. [Amended 5-29-2007]

No person shall construct, resurface, or rebuild on Town property or Town right-of-way connecting private property with a highway any roadway without first obtaining a permit from the Town of Thomaston Building Official.

§ 142-2. Conditions for approval.

Approval of an application for a permit shall be subject to the following conditions: that the applicant is the owner of the property, or the contractor of said owner, and that any driveway approach constructed by him or her is for the bona fide purpose of securing access to his or her property and not for the purpose of parking or servicing vehicles on the Town highway right-of-way.

§ 142-3. Permit validity. [Amended 5-29-2007]

A permit becomes valid when the person completes the construction adhering to the guidelines set forth by the Town of Thomaston and a final inspection and approval have been completed by the Thomaston Superintendent of Highways and the Thomaston Building Official.

§ 142-4. Inspections.

Any driveway, approach, or improvement constructed within the right-of-way under permit shall be subject to inspection by the Town.

§ 142-5. Validation.

Validation of an application for permit shall be based upon the following guidelines:

- A. Sight line.
- B. Drainage.
- C. Culvert installation.
- D. Grade.
- E. Pavement.

§ 142-6. Action on request for permit.

Requests for permits shall be acted upon within 15 days.

§ 142-7. Penalties for offenses. [Amended 2-4-2016]

Any person who violates any provision of this chapter shall be fined not more than \$90 per day for each day of violation.

§ 142-8. Correction of defects by Town.

Any construction(s) carried out by the owner of the property that is performed at variance from the approved standards will be cause for the Town of Thomaston to correct any defects at the expense of the property owner.

§ 142-9. Permit fee. [Amended 2-4-2016]

A permit fee of \$25 shall be paid to the Town.

§ 142-10. Proximity to boundary lines.

No construction or alteration of a driveway shall be allowed within five feet of a boundary line.

§ 142-11. Specifications. [Added 2-9-2006]

- A. Authorization. This section is adopted pursuant to C.G.S. § 7-148(c)(6)(C).
- B. Driveway permit specifications. This chapter is amended to incorporate the Driveway Permit Specifications, Appendix A - Specifications for Driveways and Application for Driveway Permit, on file with the Town Clerk and Board of Selectmen, to be administered by the Superintendent of Highways or his designee.
- C. Delegation of authority. The Superintendent of Highways may revise and republish the Driveway Permit Specifications, Appendix A - Specifications for Driveways and Application for Driveway Permit, as necessary to protect the Town's highways and public safety, following a duly noticed public hearing and approval by the Board of Selectmen.

Chapter 148

ENTERPRISE ZONE

**§ 148-1. Enterprise Zone established;
authority.**

[HISTORY: Adopted by the Town of Thomaston 12-30-2014. Amendments noted where applicable.]

GENERAL REFERENCES

Taxation — See Ch. 247.

§ 148-1. Enterprise Zone established; authority.

Pursuant to Connecticut General Statutes § 32-70, as amended by P.A. 14-217, Section 177, the Town of Thomaston hereby authorizes the establishment of the Thomaston Enterprise Zone in census tracts 09005349100 and 09005349200 as shown on a map entitled "Thomaston Enterprise Zone," as approved by Catherine Smith, Commissioner, dated November 24, 2014, the "map"), prepared by the Town of Thomaston with assistance from the Naugatuck Valley Council of Governments and incorporated by reference herein;¹ and authorizes the Board of Selectmen and First Selectman Edmond V. Mone to exercise all statutory authority and to do any and all acts necessary or convenient to establish and administer the Thomaston Enterprise Zone, including the appointment of a Community Enterprise Zone Board pursuant to Connecticut General Statutes § 32-70d, within 30 days after approval of Thomaston's application by the Commissioner of Economic and Community Development; and to execute and deliver any and all documents necessary or convenient for said purposes.

1. Editor's Note: A copy of the Map is on file in the Town offices.

Chapter 154

FEES

ARTICLE I Land Use Applications

- § 154-1. Statutory authority.
- § 154-2. Purposes.
- § 154-3. Base application fees.
- § 154-4. Surcharge fees.
- § 154-5. Outside consultants.
- § 154-6. Enforcement and collection.

§ 154-7. When effective.

ARTICLE II Building Permits

- § 154-8. Authorization and fee schedule.
- § 154-9. Appeals.
- § 154-10. Waivers.

Appendix A

Appendix B

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

ARTICLE I Land Use Applications

[Adopted 11-27-2001; amended in its entirety 10-24-2012]

§ 154-1. Statutory authority.

Pursuant to §§ 8-1c and 22a-42a(e) of the Connecticut General Statutes, as amended, the Town of Thomaston amends the ordinances previously adopted August 15, 1990, March 25, 1992, June 29, 1999, and November 27, 2001, to amend its land use application fee schedules to cover the reasonable cost of administrative processing, technical review, legal notices, and transcription and publication required for various land use applications and to defray the reasonable cost of pre-approval and post-approval technical review and on-site inspections to ensure compliance with its municipal land use regulations.

§ 154-2. Purposes.

The purposes of this article are to:

- A. Ensure that the base application fees cover the current cost of processing an application, including legal notices, transcription and publication;
- B. Provide that the reasonable cost of pre-approval review and processing and post-approval review and inspection are paid by the applicant;
- C. Provide the Town's land use commissions with adequate technical assistance to review complex applications; and

- D. Ensure post-approval compliance with municipal land use regulations and conditions of approval through adequate technical advice and on-site inspections.

§ 154-3. Base application fees.

- A. The Planning and Zoning Commission, Zoning Board of Appeals; and Inland Wetlands and Watercourses Commission shall, by regulation, adopt base application fees to cover the reasonable cost of administrative processing, routine review, legal notices and publication. The Town's base application fees shall be as set for the in the current Thomaston Zoning Regulations, Subdivision Regulations, and Inland Wetland and Watercourses Regulations, as may be amended or revised by the respective commissions. Such fees shall be considered the minimum application fees required for a routine application. The current base application fees are attached hereto and incorporated herein as Appendixes A and B.¹
- B. In accordance with C.G.S. § 22a-27j, an additional State of Connecticut land use application fee shall be charged for all zoning, subdivision, Zoning Board of Appeals and inland wetlands and watercourses applications. Municipal applications are exempt from this fee.

§ 154-4. Surcharge fees.

- A. Pre-approval. When the actual cost of processing an application exceeds the base application fee due to the need for outside consultant services, the Planning and Zoning Commission, Zoning Board of Appeals and Inland Wetlands and Watercourses Commission may charge the applicant an additional surcharge fee to cover the estimated reasonable cost of such consultant services. Any portion of the estimated surcharge fee not expended by the Town on such services shall be refunded to the applicant.
- B. Post-approval. In addition the Planning and Zoning Commission, Zoning Board of Appeals and Inland Wetlands and Watercourses Commission may charge the applicant an additional surcharge fee to cover the actual, reasonable cost of outside consultant services required to review and inspect a project once an approval has been issued in order to ensure compliance with the regulations and conditions of approval.

§ 154-5. Outside consultants.

The term "outside consultant" means a professional who is not an officer or employee of the Town, including but not limited to engineering, traffic, hydrological, environmental, planning and legal professionals.

§ 154-6. Enforcement and collection.

The filing of an application constitutes the applicant's and the property owner's agreement to pay the base application fee and any additional surcharge fees. The base application fee shall

1. Editor's Note: Appendixes A and B are included at the end of this chapter.

be paid at the time the application is filed. The surcharge fees shall be paid within 10 days of the date the invoice is mailed or delivered to the applicant. If such fees are not paid when due, the commission or board may deny the application as incomplete or withhold the issuance of any permit approved and commence legal action against the applicant and/or the property owner to recover the fee. In the event that the commission or board is compelled to retain legal counsel to recover the fee, the applicant and/or property owner shall be liable for the commission's or board's reasonable attorney's fee and costs of collection.

§ 154-7. When effective.

This article shall take effect within 15 days of publication of a summary of its provisions in a newspaper having a substantial circulation in the Town of Thomaston and shall apply to all applications filed pending at the time of its adoption and shall ratify all application fees previously charged by the Planning and Zoning Commission, Zoning Board of Appeals, and Inland Wetlands and Watercourses Commission pursuant to the Commission's or Board's respective regulations.

ARTICLE II

Building Permits

[Adopted 7-19-2006; amended in its entirety 10-24-2012]

§ 154-8. Authorization and fee schedule.

Pursuant to the Connecticut State Building Code and C.G.S. 29-263, as amended, the Building Official of the Town of Thomaston shall collect and remit to the Town Treasurer fees for the building permits as outlined in the schedules below. Permit fees for work not listed in the schedules shall be calculated on the "estimated cost of construction," which means the estimated cost or value of erection, alteration, improvement, placement, moving, dismantling or demolition, including all labor and materials, of any building, structure or sign as determined by the Building Official and may require proof of the cost by signed contract or other means. The estimated cost of construction includes, but is not limited to, all work that is done by the owner of any property.

A. Building permit fee schedule.

- (1) For the first \$1,000 of estimated cost of construction, or fraction thereof: \$25.
- (2) For each additional \$1,000 of estimated cost of construction: \$10.
- (3) Additional fee to be assessed for commencing any work prior to issuance of permit or for after-the-fact inspections as per Connecticut State Building Code § 108.4: \$150.
- (4) Penalty fee for any check not honored for any reason: \$25.

B. Construction cost schedule for residential and commercial buildings. Fees for permits shall be calculated using the following "estimated cost of construction" schedule:

- (1) Living space area: \$70 per square foot.
 - (2) Basement: finished, \$25 per square foot; unfinished, \$15 per square foot.
 - (3) Accessory buildings, garages, freestanding or attached, and/or decks: \$25 per square foot.
 - (4) Covered porches or decks: \$30 per foot.
 - (5) Roofing: \$250 per square; strip and reroof, \$350 per square.
 - (6) Siding, vinyl: \$200 per square; vinyl windows: \$150 each.
 - (7) Fireplace: masonry, \$8,000; pre-fab: \$3,500.
 - (8) Factory/industrial/mercantile/hazard: \$50 per square foot.
 - (9) Swimming pools: in-ground, \$35 per square foot; aboveground, \$15 per square foot.
 - (10) Fence for swimming pools: \$10 per linear foot (minimum four feet high).
 - (11) Certificate of occupancy: \$50.
 - (12) Certificates of approval: \$10.
 - (13) Demolition: cost or estimated value.
- C. Cost schedule for mechanical and miscellaneous work.
- (1) Electrical: \$3 per square foot of living space.
 - (a) New service: value of installation, either overhead or underground.
 - (2) Heating and cooling: \$3 per square foot of living space.
 - (3) Alarms: \$1 per square foot of living space.
 - (4) Plumbing: \$900 per fixture.
 - (5) Stoves and decorative appliances: estimated cost or value.

§ 154-9. Appeals.

Any person aggrieved by the decision of the Building Official with respect to the amount of any permit fee calculated hereunder may file a written appeal within 30 days with the Building Code Board of Appeals for the Town of Thomaston pursuant to C.G.S. 29-266, as amended.

§ 154-10. Waivers.

The Board of Selectmen may, in its discretion, waive any permit fee due with respect to any application wherein the owner and applicant is the Town of Thomaston, the Board of

Education, or any board, commission or authority of the Town of Thomaston or any locally based nonprofit, charitable 501(c)(3) or civic organization serving the Town of Thomaston.

FEES

154 Attachment 1

Town of Thomaston

Appendix A
 Fee Schedule
 Planning and Zoning

LEGEND:

Fees in **bold** lettering have an additional \$275 included for public hearing notice fees.

Fees with an asterisk (*) may incur an additional fee of \$275 if a public hearing is deemed necessary.

Special permits — structures/additions	\$435
Special permits — uses/conversion	\$370
Site plan applications/revisions	\$130
Certificate of zoning compliance (for all activities not listed below)	\$35*
Signs	\$35
Residential dwellings (new construction)	
Single-family	\$100
Two-family	\$125
Three-family	\$150
Multifamily (4+ units)	\$575
Bed-and-breakfast/tourist	\$150*
Caretaker	\$375
Residential dwelling (additions/conversions)	
Additional room	\$30 per room
In-law apartment	\$350
Home occupation	\$35
Group/family day-care home	\$25
Garages	
One-car	\$30
Two-car	\$50
Three-car	\$70
Decks	
Under 120 square feet	\$20
Over 120 square feet	\$30
Swimming pools	
In-ground	\$45
Aboveground	\$25
with deck	\$35
Storage sheds	
Under 120 square feet	\$20
Over 120 square feet	\$30
Barns (over 250 square feet)	\$60

THOMASTON CODE

Earth excavation and mining	
0 to 100 cubic yards	No fee
101 to 249 cubic yards	\$50 per year (renewable/year)
250 to 1,000 cubic yards	\$425 per year (renewable/year)
1,000 cubic yards and over	\$525 per year (renewable/year)
Commercial buildings/structures	
New construction	
Under 2,500 square feet	\$150*
Over 2,500 square feet	\$150 plus \$25 per each additional 1,000 square feet*
Additions to existing structures	
Under 2,500 square feet	\$50*
Over 2,500 square feet	\$50 plus \$25 per each additional 1,000 square feet*
Manufacturing building/structures	
New construction	
Under 2,500 square feet	\$200*
Over 2,500 square feet	\$200 plus \$25 per each additional 1,000 square feet*
Additions to existing structures	
Under 2,500 square feet	\$100*
Over 2,500 square feet	\$210 plus \$25 per each additional 1,000 square feet*
Subdivisions/resubdivisions	
Parcels 1 to 4	\$375 plus \$75 per lot
Parcels 5 and over	\$525 plus \$75 per lot
Town engineering fees	
Applicants are responsible for all reasonable costs incurred by the Town Engineer during the applications and review process.	
Zone change application	
Standard fee	\$475 plus \$10 per acre over 5 acres
Zoning/subdivision regulation text amendment application	
	\$475
Zoning Board of Appeals	
Standard fee for all variance and appeal applications	\$435

FEES

Regulations/publications	
Planning and zoning regulations	\$10
Inland Wetlands and Watercourses Regulations	\$10
Zoning map	\$5
Comprehensive Plan of Development	\$10
Assessor's maps and other maps	\$5

NOTES:

The Planning and Zoning Commission or its designated agent shall have the authority to reduce or waive fees for state or municipal projects or for other projects and/or applications as deemed appropriate.

FEES

154 Attachment 2

Town of Thomaston

Appendix B Fee Schedule

Inland Wetlands and Watercourses

18.1 Method of payment.

In accordance with the provisions of § 22a-42a(e) of the Connecticut General Statutes, the Commission may require a filing fee to be deposited with the Commission. The amount of such fee shall be sufficient to cover the reasonable cost of reviewing and acting on applications and petitions, including but not limited to the costs of certified mailings, publications of notices and decisions and monitoring compliance with permit conditions or Commission orders.

18.2 Waiver of fee.

No applications shall be granted or approved unless the correct application fee is paid in full or a waiver has been granted by the Commission.

18.3 Petition to waive, reduce or delay fees.

- a. Any applicant may petition the Commission to waive, reduce or allow for a delay in payment of the fee.
- b. Petitions shall be in writing and state fully the facts and circumstances that the Commission should consider in making its determination.
- c. The Commission may waive all or part of any application fee if it determines that:
 1. The proposed activity or use would clearly result in a substantial public benefit to the environment, public health and safety.
 2. The applicant would be deterred from initiating the activity solely or primarily as a result of the amount of the application fee.
 3. The amount of the fee is clearly excessive in relation to costs for reviewing and processing the application.
- d. The Commission shall state upon its record the basis for all actions and decisions under this section.

THOMASTON CODE

18.4 Definitions.

- a. **Single-family** - Activities carried out on property developed for housing or proposed to be developed or currently occupied by permanent residential housing of a single-family dwelling unit.
- b. **Commercial uses** - Activities carried out on property developed for industry, commerce, recreation or business or being developed to be occupied for such purposes, for profit or nonprofit.
- c. **Subdivisions** - Those activities carried out on property proposed to be developed for permanent residential housing.
- d. **Other uses** - Those activities other than those as listed above.

18.5 Exemptions.

All boards, commissions, councils and agencies of the Town are exempt from all fee requirements.

18.6 Fee schedule.

- a. Regulated uses, Section 6.
Single-family: \$75.
Commercial: \$200.
Subdivision: \$175 plus \$75 per lot.
All other uses: \$150.
- b. Permitted and nonregulated uses, Section 4.
Uses of right, Section 4.1: no charge.
Nonregulated uses, Sections 4.2 and 4.3: \$150.
- c. Significant activities.
Operations and uses, Section 7.4: \$500.
- d. Map/regulation amendment.
Petition by applicant, Section 15: \$425.
- e. Modifications to approved plans.
Previously approved plans, Sections 7.8 and 11.5: \$75.
- f. Post-application fee.
Residential: \$100.
Commercial: \$200.

FEES

- g. Extension of permit: \$50.
- h. Authorized agent administrative applications: \$105.
- i. State of Connecticut fee for all applications: as prescribed by § 22a-27j of the Connecticut General Statutes.

18.7 Regulated activity permit fee.

- a. No regulated activity permit shall be issued until the permit fee has been paid.
- b. The applicant shall have a period of 10 days after the Commission's approval to pay for and obtain the permit.

18.8 Enforcement and collection.

- a. The filing of an application constitutes the applicant's and the property owner's agreement to pay the base application fee and additional surcharge fees. The base fee shall be paid at the time the application is filed with the Commission.
- b. If such fees are not paid when due, the Commission may deny the application as incomplete or withhold the issuance of any permit approval and commence legal action against the applicant and/or property owner to recover the fee.
- c. In the event the Wetlands Commission is compelled to retain legal counsel to recover the fee, the applicant and/or property owner shall be liable for the Commission's reasonable attorney's fee and costs of collection.

Chapter 161

GARAGE AND TAG SALES

- | | |
|---|---|
| § 161-1. Findings and intent. | § 161-11. Display of permit. |
| § 161-2. Definitions. | § 161-12. Advertising. |
| § 161-3. Property permitted to be sold. | § 161-13. Order to be maintained. |
| § 161-4. Permit required. | § 161-14. Inspections and enforcement. |
| § 161-5. Application for permit. | § 161-15. Parking. |
| § 161-6. Permit fee. | § 161-16. Revocation and refusal of permit. |
| § 161-7. Permit conditions. | § 161-17. Exemptions. |
| § 161-8. Hours of operation. | § 161-18. Separate violations. |
| § 161-9. Rescheduled sales or additional sales. | § 161-19. Penalties for offenses. |
| § 161-10. Investigation prior to permit issuance. | |

[HISTORY: Adopted by the Town of Thomaston 11-29-1989. Amendments noted where applicable.]

§ 161-1. Findings and intent.

The Town of Thomaston, acting pursuant to Connecticut General Statutes, § 7-148(c)(7)(H)(iii), finds and declares that:

- A. The intrusion of nonregulated garage sales is causing annoyance to citizens in residential areas in the Town of Thomaston and congestion of the streets in residential areas in the Town of Thomaston.
- B. The provisions contained in this chapter are intended to prohibit the infringement of any businesses in any established residential areas by regulating the term and frequency of garage sales, so as not to disturb or disrupt the residential environment.
- C. The provisions of this chapter do not seek control of occasional sales by individuals selling a few of their household or personal items.
- D. The provisions and prohibitions hereinafter contained are enacted not to prevent but to regulate garage sales for the safety and welfare of the Town's citizens.

§ 161-2. Definitions.

For the purposes of this chapter, the following terms shall have the following meanings:

GARAGE SALE — All general sales, open to the public, conducted from or on a residential premises in any residential zone, as defined by the Zoning Ordinance, for the purpose of

disposing of personal property, including but not limited to all sales titled "garage," "tag," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market" or "rummage" sale. This definition shall not include a situation where no more than five specific items are held out for sale and all advertisement of such sale specifically names those items to be sold.

PERSONAL PROPERTY — Property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

§ 161-3. Property permitted to be sold.

It shall be unlawful for any person to sell or offer for sale, under authority granted by this chapter, property other than personal property.

§ 161-4. Permit required.

No garage sale shall be conducted unless and until the persons desiring to conduct such sale shall obtain a permit therefor from the Zoning Enforcement Officer. Members of more than one residence may join in obtaining a permit for a garage sale to be conducted at the residence of one of them.

§ 161-5. Application for permit.

Prior to issuance of any garage sale permit, the persons conducting such sale shall file a written application with the Zoning Enforcement Officer, at least five days in advance of the proposed sale (mailed applications must be postmarked at least seven days in advance of the sale), setting forth the following information:

- A. Full name, address and telephone number of the applicant.
- B. The location at which the proposed garage sale is to be held.
- C. The date or dates upon which the sale shall be held.
- D. The date or dates of any other garage sales within the current calendar year.
- E. An affirmative statement that the property to be sold was owned by the applicant as his/her own personal property and was neither acquired or consigned for the purposes of resale.

§ 161-6. Permit fee.

There shall be an administrative processing fee of \$5 for the issuance of such permit.

§ 161-7. Permit conditions.

The permit shall set forth and restrict the time and location of such garage sale. No more than two such permits may be issued to one location, residence and/or family household during any calendar year. If members of more than one residence join in requesting a permit, then such permit shall be considered as having been issued for each and all of such residences.

§ 161-8. Hours of operation.

Such garage sales shall be limited to no more than the daylight hours of three consecutive days or two consecutive weekends (Saturday and Sunday).

§ 161-9. Rescheduled sales or additional sales.

- A. Sale not held because of inclement weather. If a garage sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions and an affidavit by the permittee to this effect is submitted, the Zoning Enforcement Officer may issue another permit to the applicant for a garage sale to be conducted at the same location within 30 days from the date when the first sale was to be held. No additional permit fee is required.
- B. Third sale permitted. A third garage sale shall be permitted in a calendar year if satisfactory proof of a bona fide change in ownership of the real property is first presented to the Zoning Enforcement Officer.

§ 161-10. Investigation prior to permit issuance.

Before issuing a permit, the Zoning Enforcement Officer may conduct an investigation as may reasonably be necessary to determine if there is compliance with this chapter.

§ 161-11. Display of permit.

Any permit in possession of the holder or holders of a garage sale shall be posted on the premises in a conspicuous place so as to be seen by the public and the Zoning Enforcement Officer.

§ 161-12. Advertising.

- A. Signs permitted. Only the following specified signs may be displayed in relation to a pending garage sale:
 - (1) Two signs permitted. Two signs of not more than four square feet shall be permitted to be displayed on the property of the residence where the garage sale is being conducted.
 - (2) Directional signs. Two signs of not more than two square feet are each permitted provided that the premises upon which the garage sale is conducted is not on a

major thoroughfare and written permission to erect said signs is received from the property owners upon whose property such signs are to be placed.

- B. Time limitations. No signs or other form of advertisement shall be exhibited for more than two days prior to the day such sale is to commence.
- C. Removal of signs. Signs must be removed at the conclusion of the garage sale. If not, the Town may remove, collect and destroy such signs, and the permittee may be charged for the Town's cost of doing so.

§ 161-13. Order to be maintained.

The person to whom such permit is issued and the owner or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No such person shall permit any loud or boisterous conduct on said premises nor permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises. All such persons shall obey the reasonable orders of any member of the Police or Fire Department of the Town of Thomaston in order to maintain the public health, safety and welfare.

§ 161-14. Inspections and enforcement.

A police officer or any other official designated by any Town ordinance to make inspections under the licensing or regulating ordinance or to enforce the same shall have the right of entry to any premises showing evidence of a garage sale for the purpose of enforcement or inspection and may close the premises from such a sale or arrest any individual who violates the provisions of this chapter.

§ 161-15. Parking.

All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. Further, the Police Department may enforce such temporary controls to alleviate any special hazards and/or congestion created by any garage sale.

§ 161-16. Revocation and refusal of permit.

- A. False information. Any permit issued under this chapter may be revoked or any application for issuance of a permit may be refused by the Zoning Enforcement Officer if the application submitted by the applicant or permit holder contains any false, fraudulent or misleading statement.
- B. Conviction of violation. If any person is convicted of an offense under this chapter, the Zoning Enforcement Officer is instructed to cancel any existing garage sale permit held by the person convicted and not to issue such person another garage sale permit for a period of two years from the time of conviction.

§ 161-17. Exemptions.

The provisions of this chapter shall not apply to or affect the following:

- A. Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
- B. Persons acting in accordance with their powers and duties as public officials.
- C. Any sale conducted by any merchant or mercantile or other business establishment from or at a place of business wherein such sale would be permitted by the zoning regulations of the Town of Thomaston or under the protection of the nonconforming use section thereof or any other sale conducted by a manufacturer, dealer or vendor and which sale would be conducted from properly zoned premises and not otherwise prohibited in other ordinances.
- D. Any bona fide church, nonprofit, charitable, educational, cultural or governmental institution or organization when the proceeds from the sale are used directly for the institution or organization's charitable purposes and the goods or articles are not sold on a consignment basis.

§ 161-18. Separate violations.

Every article sold and every day a sale is conducted in violation of this chapter shall constitute a separate offense.

§ 161-19. Penalties for offenses.

Any person found guilty of violating the terms of this chapter shall be fined not less than \$25 nor more than \$100 for each offense.

Chapter 169

HISTORIC PRESERVATION

ARTICLE I Demolition Permits for Historic Structures

§ 169-1. Permit required.

§ 169-2. Public notice.

§ 169-3. Objections.

§ 169-4. Statutory authority; other requirements.

§ 169-5. Exemptions.

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

ARTICLE I Demolition Permits for Historic Structures [Adopted 2-13-1991]

§ 169-1. Permit required.

No person, firm, corporation or other entity shall demolish any building, structure, or part thereof without first obtaining a demolition permit from the Municipal Building Official. No such permit shall be issued until the applicant:

- A. Complies with the requirements of Connecticut General Statutes, § 29-406 et seq., the Connecticut State Building Code; and
- B. Complies with the provisions of § 169-2 of this article if the building, structure, or part thereof to be demolished has a ground floor exceeding 500 square feet in size or larger and is more than 50 years old.

§ 169-2. Public notice.

- A. If the area of the building, structure or portion thereof to be demolished exceeds 500 square feet in area and is more than 50 years old, the Building Official (or his designee) shall, within 10 days of receipt of the permit application, give public notice thereof as follows:

- (1) By publication in a newspaper having a general circulation in the Town Thomaston, such notice to contain the following information: that an application has been filed for a demolition permit; the date of the filing of such application; the location of the property; the name of the owner of the property; and that unless written objection, stating the reasons therefor, is received by the Building Official within 15 days of the publication of the notice, the permit shall thereafter be issued. A copy of the notice shall be posted on the "public notices" bulletin board in the Town Hall, together with a representative photograph of the street elevation of the building, structure or portion thereof as supplied by the applicant;

- (2) By giving written notice of the pendency of such application by first class mail, postage prepaid, to the Thomaston Historical Society, the Connecticut Trust for Historic Preservation and the Connecticut Historical Commission and to such other persons or organizations who or which have filed a written request with the Building Official to be notified of the pendency of such applications. All such written requests to be notified of demolition permit applications shall be effective for a period of three years, at which time such requests may be extended for additional three-year periods by renewal in writing by the person or organization concerned. Failure to give such notice shall not, however, invalidate any demolition permit inadvertently issued in good faith.

- B. In the event that the Building Official is uncertain as to the age of the building, structure or portion thereof to be demolished, he shall consider it to be more than 50 years old.

§ 169-3. Objections.

- A. With respect to any application subject to § 169-2 of this article, if such a written objection is received by the Building Official within 15 days following the publication of the legal notice, the Building Official shall delay issuance of the permit for a period of 90 days from the receipt of the application, but upon the expiration of such period, he shall issue the permit.
- B. Such written objection shall state the reasons therefor, the particular historical significance or architectural merit of the subject building, structure or portion thereof, and what good faith efforts will be taken by the objecting party to arrange for preservation of the building. The party objecting to the issuance of a demolition permit shall mail or deliver a copy of its written objection to the applicant for the demolition permit and to the owners of the property for which the demolition permit is sought. If a timely and proper objection is not received by the Building Official, he may issue the permit forthwith.

§ 169-4. Statutory authority; other requirements.

This article is adopted pursuant to Connecticut General Statutes, § 29-406(b), and is not intended to limit any additional requirements imposed by the Connecticut General Statutes, the Connecticut State Building Code, or any statutory or regulatory authority now or hereafter granted to the Building Official.

§ 169-5. Exemptions.

Nothing contained in this article shall be deemed to prohibit the Building Official from issuing demolition permits exempt from the requirements of § 169-2 of this article where delay would pose a threat to public health, safety and welfare or where a demolition order has been issued by the Building Official, the Fire Marshal, the Torrington Area Health District or the Zoning Enforcement Officer.

Chapter 173

INLAND WETLANDS AND WATERCOURSES

ARTICLE I

Fines; Citation and Hearing Procedures

§ 173-1. Authorization.

§ 173-2. Definitions.

§ 173-3. Wetlands violations.

§ 173-4. Citation procedure.

§ 173-5. Hearing procedure.

§ 173-6. Appeals.

§ 173-7. Additional remedies.

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

GENERAL REFERENCES

Inland Wetlands and Watercourses Commission — See
Ch. 10, Art. IX.

Floodplain management regulations — See Ch. 280.

ARTICLE I

Fines; Citation and Hearing Procedures

[Adopted 3-13-2008]

§ 173-1. Authorization.

This chapter is adopted pursuant to Connecticut General Statutes, §§ 7-152c and 22a-42g, as amended.

§ 173-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

HEARING OFFICER — Any person(s) appointed by the Board of Selectmen pursuant to Connecticut General Statutes § 7-152c(b), as amended, to conduct hearings of contested citations issued pursuant to this article. No person who serves as a Zoning Enforcement Officer, Wetlands Enforcement Officer, building official, police officer, an employee or person who issues citations, or a member of the Inland Wetlands and Watercourses Commission shall serve as a hearing officer.

WETLANDS AGENT — Also known as the "Wetlands Enforcement Officer," that person appointed by the Thomaston Inland Wetlands and Watercourses Commission to enforce the Inland Wetlands and Watercourses Regulations pursuant to Connecticut General Statutes § 22a-42a(c)(2) and § 22a-44, as amended.

WETLANDS VIOLATION — Any violation of the Thomaston Inland Wetlands and Watercourses Regulations originally adopted March 5, 1979, revised to May 1, 2006, as amended, as determined by the Thomaston Inland Wetlands and Watercourses Commission or its duly authorized Wetlands Enforcement Officer.

§ 173-3. Wetlands violations.

- A. The Wetlands Enforcement Officer is authorized to issue citations for wetlands violations as authorized by this article. The citation may be served by hand delivery Marshal, or by certified mail, return receipt requested, to the owner or lawful occupant of the premises where the violation exists. The cost of such service will be paid by the violator. If the person named in the citation refuses to accept certified mail, the citation shall be sent by first class mail to the person's last known address of record.
- B. The fine for each violation shall be \$100. Multiple violations may result in multiple fines on the same premises. For continuing violations, each day of violation shall be considered a separate offense, but only one citation need be served for either multiple or continuing violations arising from the same condition, act or activity. The maximum fine for a wetlands violation under this article shall not exceed \$1,000. No such fine shall be levied against the State of Connecticut, the Town of Thomaston or any employee, officer, agency or department of the state or the Town acting in his official capacity.
- C. The fine shall not become due until 30 days following the date of issuance of the citation.
- D. The Wetlands Enforcement Officer shall have the authority to issue a written warning prior to issuing a citation. The issuance of a written warning shall not limit the Wetlands Enforcement Officer from issuing a citation for the same violation.

§ 173-4. Citation procedure.

- A. Any person receiving such a citation shall be allowed a period of 30 days from receipt of the citation to make an uncontested payment of the fine specified in the citation to the Town Treasurer. If the citation has been sent by regular mail pursuant to the provisions of this article, the day of receipt of the citation shall be deemed to be three business days after the day of mailing of the citation.
- B. If a person who has been issued a citation does not make uncontested payment of the fine specified in the citation to the Town Treasurer within the time allowed under this article, the Wetlands Enforcement Officer shall send a notice to the person cited by certified mail, return receipt requested, informing such person:
 - (1) Of the allegations against such person and the amount of the fines;
 - (2) That the person cited may contest liability before a hearing officer appointed by the Board of Selectmen of the Town of Thomaston as provided in this article, by delivering, in person or by certified mail, return receipt requested within 10 days of the date of the notice, a written demand for a hearing;
 - (3) That if the person cited does not demand such a hearing, an assessment and judgment shall be entered against such person; and
 - (4) That such judgment may issue without further notice.
- C. If the person who is sent notice pursuant to this article wishes to admit liability for any alleged violations, such person may, without requesting a hearing, pay the full amount of

the fine, either in person or by mail, to the Wetlands Enforcement Officer. All fines shall be made payable to the "Treasurer of the Town of Thomaston." 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 10 days of the date of the notice described in this article shall be deemed to have admitted liability, and the Wetlands Enforcement Officer shall certify to the Hearing Officer that such person has failed to respond. The Hearing Officer shall thereupon enter and assess the fines provided for by this article and shall follow the procedures hereinafter set forth in this article.

§ 173-5. Hearing procedure.

- A. 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 15 days nor more than 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. The presence of the Wetlands Enforcement Officer shall be required at the hearing if requested by the person who was issued the citation. A person wishing to contest liability may appear at the hearing and may present evidence. The Wetlands Enforcement Officer may present evidence on behalf of the municipality. If the person who was issued the citation fails to appear, the Hearing Officer may enter an assessment by default against such person upon finding of proper notice and liability under the applicable provisions of the Inland Wetlands and Watercourses Regulations. The Hearing Officer may accept written information by mail from the person who was issued the citation 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 the Hearing Officer 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 the decision at the end of the hearing. If the Hearing Officer determines that the person who received the citation is not liable, the Hearing Officer shall dismiss the matter and enter that determination in writing accordingly. If the Hearing Officer determines that the person who received the citation is liable for the violation, the Hearing Officer shall forthwith enter and assess the fines against such person as provided by this article.
- B. If such assessment is not paid on the date of its entry, the Hearing Officer shall send by certified mail, return receipt requested, a notice of the assessment to the person found liable and shall file, not less than 30 days nor more than 12 months after such mailing, a certified copy of the notice of assessment with the Clerk of the Superior Court for the Judicial District of Litchfield, GA #18, together with the applicable entry fee. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same person may be accrued and filed as one record of assessment. The Clerk shall enter judgment in the amount of such record of assessment and allowable court costs against such person in favor of the municipality. Notwithstanding any other provision of the Connecticut General Statutes, the Hearing Officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue with further notice to such person.

§ 173-6. Appeals.

A person against whom an assessment has been entered pursuant to this article is entitled to judicial review by way of appeal. An appeal shall be instituted within 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 cases pursuant to Connecticut General Statutes § 52-259, in the Superior Court, for the Judicial District of Litchfield, GA #18, which shall entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.

§ 173-7. Additional remedies.

The remedies set forth in this article shall be deemed to be in addition to such other remedies as are provided by law. The decision to assess fines under this article shall be an exercise of municipal discretion, and shall not prevent the Wetlands Enforcement Officer from instituting enforcement action, such as a cease and desist order or order to show cause, concurrently with the assessment of fines, and to seek such relief, including penalties, attorney's fees and costs, as may be allowed by law.

Chapter 204

PARKS AND RECREATION AREAS

ARTICLE I Conduct in Public Parks

- § 204-1. Short title.
- § 204-2. Definitions.
- § 204-3. Park buildings and property.
- § 204-4. Refuse and trash.
- § 204-5. Behavior.
- § 204-6. Penalties for offenses.

- § 204-7. Permits for special events.
- § 204-8. Dogs prohibited in Nystrom's Park.

ARTICLE II Nystrom's Pond

- § 204-9. Authorization.
- § 204-10. Facility fees.
- § 204-11. Regulations.

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

ARTICLE I Conduct in Public Parks [Adopted 2-2-1978]

§ 204-1. Short title.

This article shall be known and may be cited as the "Thomaston Ordinance Regulating Conduct in Public Parks."

§ 204-2. Definitions.

As used in this article, the following terms shall have the meaning indicated:

PARK — A park, reservation, playground, beach, recreation center or any other area in the Town owned by the Town (and devoted to active or passive recreation).

TOWN — The Town of Thomaston.

§ 204-3. Park buildings and property.

No person in a park shall:

- A. Disfiguration and removal. Wilfully mark, deface, disfigure, tamper with, or displace or remove any building, bridges, tables, benches, fireplaces, railings, signs, notices or placards, whether temporary or permanent, monuments, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

- B. Removal of natural resources. Dig or remove any beach sand, whether submerged or not, or any soil, rocks, stones, trees, shrubs or plants, down timber or other wood or materials, or make any excavation, by tool, equipment, blasting or other means or agency.

§ 204-4. Refuse and trash.

No person in a park shall have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse or other trash. Such trash or refuse shall not be placed in any waters in or contiguous to any park or left anywhere on the grounds thereof but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

§ 204-5. Behavior.

No person in a park shall:

- A. Intoxicating beverages. Have brought alcoholic beverages, nor shall any person have in his possession or drink alcoholic beverages at any time in the park.
- B. Games of chance. Gamble or participate in or abet any game of chance.
- C. Loitering and boisterousness. Sleep or protractedly lounge on the seats or benches, or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace.
- D. Interference with others. Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity while in the park.

§ 204-6. Penalties for offenses.

Any person who violates any provision of this article pertaining to conduct in the public parks of Thomaston shall be fined not more than \$50, or a sentence of imprisonment not to exceed 40 days, or both, and shall be guilty of a misdemeanor.

§ 204-7. Permits for special events.

The provision of § 204-5A and B of this article to the contrary notwithstanding, the Board of Selectmen shall be authorized to issue a permit to an individual or an organization for a special use of a public park, which usage may be inconsistent with said section. Any such permit shall be specifically limited as to time, place and duration and shall not be issued until such time as the applicant shall file a cash bond of \$50 with the Board of Selectmen to insure the removal of trash and debris from said permit situs.

§ 204-8. Dogs prohibited in Nystrom's Park. [Added 7-29-1988]

Subject to the penalties set forth in § 204-6, all dogs are prohibited in Nystrom's Park from Memorial Day to September 1, except guide dogs accompanying a blind, deaf or mobility-impaired person pursuant to Connecticut General Statutes, § 46a-64, as amended. The Board of Selectmen shall post a sign to this effect at the entrance to the park.

ARTICLE II
Nystrom's Pond
[Adopted 6-14-2006]

§ 204-9. Authorization.

This article is adopted pursuant to Connecticut General Statutes, § 7-148(c)(6)(A), (7)(B), (7)(H) and (10), as amended.

§ 204-10. Facility fees.

The facility fees for parking and use of the recreation facilities at Nystrom's Pond shall be as follows:

A. Daily fees.

- (1) Resident's vehicle: \$5 per day or \$50 per season.
- (2) Nonresident's vehicle: \$10 per day or \$100 per season.
- (3) Resident's bus: \$25.
- (4) Nonresident's bus: \$50.

B. Weekends and holidays.

- (1) Resident's vehicle: \$7 per day.
- (2) Nonresident's vehicle: \$14 per day.

§ 204-11. Regulations. [Amended 5-29-2007]

The Recreation Commission and the Board of Selectmen are authorized to adopt reasonable regulations governing the hours of operation and use of Nystrom's Pond, including its parking area and recreation facilities, by the public, the violation of which shall be subject to a penalty not to exceed \$100 per violation, provided that the regulations are published in a newspaper having a circulation in the Town of Thomaston and posted at the entrance to the Nystrom's Pond parking area.