

Chapter 210

PEDDLING AND SOLICITING

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| § 210-1. Definitions. | § 210-10. Expiration and renewal of license. |
| § 210-2. Exemptions and exclusions. | § 210-11. Use of streets. |
| § 210-3. License required. | § 210-12. Use of Town property. |
| § 210-4. License application and accompanying documents. | § 210-13. Use of private property. |
| § 210-5. Investigation; issuance or denial of license. | § 210-14. Records. |
| § 210-6. Certain acts prohibited. | § 210-15. Penalties for offenses. |
| § 210-7. Suspension and revocation of license. | § 210-16. Compliance with statutory requirements. |
| § 210-8. Duty of police to enforce. | § 210-17. Prior licenses. |
| § 210-9. Application fee; exemption for veterans. | Fee Schedule |

[HISTORY: Adopted by the Town of Thomaston 6-8-1988. Amendments noted where applicable.]

GENERAL REFERENCES

Bazaars and raffles — See Ch. 121.

Garage and tag sales — See Ch. 161.

§ 210-1. Definitions.

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

APPLICANT — Refers to peddlers, hawkers, canvassers, solicitors and/or vendors.

CANVASSER or SOLICITOR — Any person, whether principal or agent, who goes from place to place in the Town of Thomaston, from house to house, or from street to street obtaining or attempting to obtain orders for the sale of any goods or services, which goods or services shall be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether the individual is collecting advance payments or not. Also, any person who, for himself or herself or for any other person, hires, occupies, or uses any place within the Town for the sole purpose of exhibiting samples and taking orders for future delivery.

NONPROFIT — Recognized by the Internal Revenue Service and/or the State of Connecticut. (Refer to § 210-2D.)

PEDDLER or HAWKER — Any person, whether principal or agent, who goes from place to place in the Town of Thomaston selling, bartering, vending or peddling, or carrying for sale

or barter, or exposing therefor, any goods, wares, or merchandise either on foot or from any animal or vehicle.

PERSON — Any individual, partnership, corporation, association, club, organization and/or group.

TOWN — The Town of Thomaston.

VENDOR — Any person, whether principal or agent, who shall engage in a temporary or transient business in the Town of Thomaston selling goods, wares and/or merchandise and who, for the purpose of carrying on such activities and/or business, shall hire, lease or occupy any building or structure for the exhibition and sale of such goods, wares and/or merchandise.

§ 210-2. Exemptions and exclusions.

The following persons and activities shall be exempt from licensing under the regulations provided by this chapter:

- A. Salespersons selling goods to authorized retail and/or wholesale establishments.
- B. Sales by farmers and gardeners of the produce from their farms and gardens or the sale, distribution and delivery of milk, teas, coffee, spices, groceries, meats and bakery goods.
- C. Sales on approval or conditional sales of merchandise, or to the taking of orders for merchandise for future delivery when full payment is not required at the time of solicitation as provided in § 21-37 of the Connecticut General Statutes.
- D. Persons exempted by the statutes of the State of Connecticut or persons who act for and on behalf of any recognized nonprofit organization or political, charitable, civic, social service, volunteer fire, religious, or school-sponsored organizations of the Town of Thomaston.
- E. Sales at any event conducted by the Town of Thomaston.
- F. Newspaper carriers and/or vendors of newspapers.

§ 210-3. License required.

Unless specifically exempted in § 210-2, it shall be unlawful for any individual to engage in the business and/or activity as defined in this chapter within the corporate limits of the Town of Thomaston without first obtaining a license as provided herein.

§ 210-4. License application and accompanying documents.

- A. All applications shall be requested between the hours of 8:00 a.m. and 5:00 p.m. Applicants for a license must file with the Police Chief or designated agent a sworn application in writing, in duplicate, on a form which shall contain the following information:

- (1) Name and mailing and street address, along with a description of the applicant and/or principal.
 - (2) A brief description of the nature of the business, including services to be rendered and the goods to be sold.
 - (3) If employed, the name and address of the employer, together with credentials establishing the exact relationship.
 - (4) The length of time for which the request to conduct business is desired.
 - (5) If a vehicle is to be used, a description of said vehicle, license number and other means of identification, if requested.
 - (6) Upon request, a photograph of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches, clearly showing the head, shoulders and other distinguishing features of the applicant.
- B. All applications shall be sworn to by all persons required to sign the same. Applications shall be signed by the applicant, if an individual, by all partners, if a partnership, and by the president, if a corporation.
- C. Before any license shall be duly issued, the applicant shall file a bond in the sum of \$500 or, in lieu thereof, an irrevocable letter of credit from a bank with the Town of Thomaston. The bond shall be a surety bond executed by a surety company authorized to enter into such bonds in the State of Connecticut. This bond applies to canvassers and solicitors as defined in § 210-1.
- D. All said bonds shall be approved by the Town Attorney and the Police Chief and further conditioned that the applicant shall comply fully with all of the provisions of this chapter and all other ordinances of the Town of Thomaston and statutes and regulations of the State of Connecticut.
- E. The Police Chief or designated agent shall have the authority, as vested by this chapter, to waive the requirements under Subsections A(6) and B.

§ 210-5. Investigation; issuance or denial of license.

- A. Investigation. Upon receipt of such application, the Police Chief may cause investigation into the business conduct of the applicant as deemed necessary for the protection of the public welfare. Such investigation may include inquiries to various police departments, the Better Business Bureau and the State Consumer Protection Agency. Upon a finding that the facts stated in the application are true and complete, the Police Chief or designated agent shall issue a dated and signed license to be valid subject to revocation as hereinafter provided. The Police Chief shall have 72 hours, excluding weekends and holidays, to act upon an application. Failure to act within this time period shall constitute approval.

- B. Issuance. The license shall include the full name of the applicant and of the principal, a picture of the applicant and a statement that the issuance of such a license does not constitute an endorsement by the Town of Thomaston of the applicant or the product or service of the applicant. Such license shall be carried on the applicant and shall be exhibited to any individual requesting to see the same at any time while said applicant is engaged in the business and/or activity authorized by such license or at any time at the request of the Police Chief, any Town police officer, or any member of the Board of Selectman. The license shall bear the words either "licensed peddler" or "licensed vendor." No license issued under the provisions of this chapter shall be used by any person other than the one to whom it was issued.
- C. Denial. The Police Chief may deny an application for license for any of the following reasons:
- (1) The applicant has violated any of the required or prohibited practices as set forth in this chapter.
 - (2) An applicant's previous license has been revoked for any reason.
 - (3) The applicant's failure to act in the past or refusal to act in the future in accordance with the provisions of this chapter.
 - (4) The applicant's failure to obtain and exhibit upon request other licenses required by the State of Connecticut.
 - (5) The applicant's failure to provide the required information for the above application.

§ 210-6. Certain acts prohibited.

No license holder shall:

- A. Imply that having a license constitutes an endorsement or recommendation from the Town of Thomaston. No person shall advertise in any manner that he has obtained a license from the Town.
- B. Use any false or deceptive inducements.
- C. Fail to conduct himself in an orderly manner or fail to comply with the provisions of this chapter.
- D. Fail to exhibit the license at all times.
- E. Transfer said license to any other person, firm, corporation or organization.

§ 210-7. Suspension and revocation of license.

- A. Any license issued under the provisions of this chapter may be suspended and/or revoked, after notice and hearing by the Police Chief, for violation of this chapter or any

other ordinance of the Town of Thomaston, or for any other violation of the General Statutes of the State of Connecticut, or for any of the following reasons:

- (1) Upon receipt by the Police Chief or designated agent of a complaint verified by a reliable person or persons concerning false advertising or misrepresentation by such licensee during the course of conducting specified business and/or activity.
 - (2) Upon a finding that the license should not have been issued because of any fact unknown to the Town of Thomaston at the time of issuance of the license.
 - (3) Fraud or false statements made either in the application for license or in the conduct of the license holder's business and/or activity. [Amended 5-29-2007]
 - (4) Conviction of any crime or misdemeanor involving moral turpitude.
 - (5) Conducting specified business activities in an unlawful manner, or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- B. Every suspension or revocation of a license shall be in writing and state the reason for such suspension or revocation and be dated. A notice in writing shall immediately be sent by the Police Chief by certified or registered mail to the licensee and to the principal address shown on the application. Such suspension or revocation shall be effective as to the time of sending such notice; provided, however, that the person whose license has been suspended or revoked may, within five days after sending of such notice, appeal to the Board of Selectmen for reinstatement by a request in writing for such relief directed to the Police Chief. The Board of Selectmen shall give the individual so appealing a hearing within 14 days after receipt of such request. Failure to hold such hearing within the fourteen-day period shall cause an automatic reinstatement of said license. [Amended 5-29-2007]

§ 210-8. Duty of police to enforce.

It shall be the duty of the Police Department of the Town of Thomaston to require any person seen peddling or vending, and who is not known by such police officer to be duly licensed, to produce a valid license and to enforce the provisions of this chapter against any person found to violate the same.

§ 210-9. Application fee; exemption for veterans.

- A. At the time of filing an application for a license as required by this chapter, the applicant shall pay a nonrefundable application fee of \$150, payable to the Town of Thomaston, to cover the cost of investigation and processing of said application. [Amended 6-29-1994; 5-29-2007]
- B. Any resident of the State of Connecticut who has resided within the state for two years preceding the date of application for a license and who is a veteran with an honorable discharge who served in time of war as defined in the Connecticut General Statutes shall be exempt from said application fee required under this section.

§ 210-10. Expiration and renewal of license.

- A. All new licenses issued on or after September 1, 1990, and on or before June 30, 1991, or an existing license renewed on or after September 1, 1990, and on or before September 1, 1991, shall expire on June 30. The license fee, as set forth in the Fee Schedule,¹ shall be prorated for the number of full and partial calendar months for which the license is issued or renewed. Thereafter, all licenses shall be issued or renewed for one year to expire at 12:00 midnight on June 30 of the next succeeding year at the full license fee set forth in the Fee Schedule. [Amended 8-15-1990; 5-29-2007]
- B. If a license is not renewed within one year of expiration, the applicant will be required to submit a new application and comply with all the requirements of such new application, including an application fee as set forth in § 210-9A.

§ 210-11. Use of streets.

- A. Unless otherwise permitted by state statutes or ordinances of the Town of Thomaston, no applicant shall:
- (1) Have an exclusive right to any location on or any area abutting and/or adjoining any public or private street.
 - (2) Be permitted a stationary location on any public or private street.
 - (3) Be permitted to operate on any street where the business and/or activity might impact, impede or inconvenience the public or impair the public safety and/or transit.
- B. The term "public and/or private street(s)" shall include all areas within the Town's street rights-of-way or street lines, whether public or private, or within the street line or right-of-way of any state highway other than a limited access highway. For the purpose of this section, the judgment of any Town police officer or state trooper, exercised in good faith, shall be deemed conclusive as to whether the public is impeded or inconvenienced or the public safety impaired.
- C. An applicant holding a valid license under this chapter shall be presumed to have a stationary location if:
- (1) Such individual remains in the general location while not in the act of selling; or
 - (2) Such individual is in one general location for more than two hours per day.

§ 210-12. Use of Town property. [Amended 5-29-2007]

Unless otherwise permitted by state statute or ordinance of the Town of Thomaston, no applicant shall have use of any Town property other than as permitted by this chapter to conduct business. Any person who acts for on behalf of any nonprofit organization, political, charitable, civic or social organization, or volunteer fire, religious, service or school-sponsored

1. Editor's Note: The Fee Schedule is included at the end of this chapter.

organization or any person who transacts business at an event conducted by such organization or by the Town shall be exempt from the prohibition of this section, provided that such person receives the prior authorization of the Police Chief or designated agent or the Chairperson of the Thomaston Recreation Commission.

§ 210-13. Use of private property.

No license shall be issued for conducting business and/or activity on private property without the written consent of the property owner affected and the certification of the Town of Thomaston Zoning Enforcement Officer that the use complies with all applicable zoning regulations of the Town of Thomaston.

§ 210-14. Records. [Amended 5-29-2007]

A complete listing of all individuals and/or applicants issued licenses shall be made available by the Police Chief or designated agent to the Town Clerk in order that residents may obtain information concerning the individual and/or activity to whom or to which such license has been granted.

§ 210-15. Penalties for offenses.

Any person found to be violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$50 per transaction. Each transaction or sale shall be deemed a separate offense.

§ 210-16. Compliance with statutory requirements.

Prior to being eligible for issuance of the license required by this chapter, all applicants must have fulfilled all of the requirements of the state statutes and hold in possession all applicable state licenses.

§ 210-17. Prior licenses.

Licenses in effect on the effective date of this chapter shall continue to be controlled by the ordinance in effect at the time of issuance, but upon expiration such licenses shall be renewed subject to the conditions of this chapter.

PEDDLING AND SOLICITING

210 Attachment 1

Town of Thomaston

Fee Schedule

1. Application Fee
Nonrefundable § 210-9A \$150
2. Peddlers/Hawkers
1 year renewable § 210-10A \$200
3. Canvassers/Solicitors
1 year renewable § 210-10A \$250
Bond of \$500 required § 210-4C
4. Vendors
1 year renewable § 210-10A \$150
5. Bond
Required only on No. 3 above § 210-4C \$500
6. Temporary Vendor's Weekend Permit (application fee \$5)
A temporary weekend permit for vendors may be issued by the Chief of Police or designated agent for a fee not to exceed \$10. All other requirements in this chapter shall apply. Only one permit of this type shall be issued to said applicant once during any calendar year.

Chapter 228

SEWERS AND SEWAGE DISPOSAL

ARTICLE I Collection of Charges

§ 228-1. Duties of Sewer Commission Clerk.

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

GENERAL REFERENCES

Sewer Commission — See Ch. 10, Art. III.

Water Pollution Control Authority regulations — See Ch. 325.

ARTICLE I Collection of Charges [Adopted 4-28-1966]

§ 228-1. Duties of Sewer Commission Clerk.

The Clerk of the Sewer Commission of the Town of Thomaston shall be the collector of the Thomaston sewerage system connection and use charges and shall, as such, collect all sewerage system connection and use charges in accordance with the provisions of the General Statutes relating to the collection of property taxes. Said Clerk, as such collector, shall have the power, in addition to all other powers conferred on him by law, to recover any such charges in a civil action in the name of the Town against any person liable therefor. Said Clerk shall do all bookkeeping in connection with sewerage connection and use charges now being done as an extra duty by the Tax Collector.

Chapter 235
SOLID WASTE

ARTICLE I
Storage and Disposal

- § 235-1. Purpose.
- § 235-2. Definitions.
- § 235-3. Designated disposal facility.
- § 235-4. Acceptable solid waste.
- § 235-5. Rules and regulations.
- § 235-6. Penalties for offenses.

ARTICLE II
Recycling; Refuse Collection

- § 235-7. Purpose; statutory authority.

- § 235-8. Definitions.
- § 235-9. Source separation and recycling.
- § 235-10. Registration of refuse collectors.
- § 235-11. Revocation of permit.
- § 235-12. Collection restrictions.
- § 235-13. Residential permits.
- § 235-14. Refuse collection.
- § 235-15. When effective.
- § 235-16. Severability; captions.
- § 235-17. Inspections.
- § 235-18. Report of violations.
- § 235-19. Penalties for offenses.

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

ARTICLE I
Storage and Disposal
[Adopted 4-15-1987]

§ 235-1. Purpose.

The Town of Thomaston, acting pursuant to Connecticut General Statutes, §§ 7-148(c)(4)(H) and 22a-220a, as amended, hereby adopts the following rules and regulations governing the storage, collection and disposal of solid waste generated within its political boundaries for purposes of complying with the provisions of a certain long-term agreement between the Town of Thomaston (the "Town") and the Connecticut Resources Recovery Authority ("CRRA"), authorized by Special Town Meeting held January 5, 1987, and executed by the Board of Selectmen on January 13, 1987.

§ 235-2. Definitions.

The following terms shall have the following meanings:

CONTRACTUAL STANDARDS — Those criteria for acceptable solid waste to be delivered to the CRRA Mid-Connecticut System established in the CRRA contract.

DISPOSAL CHARGE — That charge per ton levied under the CRRA contract for disposal of solid waste delivered to the Mid-Connecticut System.

HAZARDOUS WASTE — Sewage, pathological or biological remains, radioactive or toxic waste, or any waste which requires special handling under federal, state or local regulations, including those wastes regulated under 42 U.S.C. §§ 6921 to 6925 and adopted by the United States Environmental Protection Agency under the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806, 42 U.S.C. § 6901, and including but not limited to cleaning fluids, crankcase oils, cutting oils, solvents, paints, acids, caustics, poisons, drugs, fine powdery earth used to filter cleaning fluid or waste of a similar nature.

MID-CONNECTICUT SYSTEM — The solid waste disposal and energy recovery facility designed and constructed by Combustion Engineering, Inc., pursuant to an agreement with CRRA and located in Hartford; the Thomaston Transfer Station which services that facility, whether owned or operated by CRRA, the Town or their agent or contractor; and any landfill provided or designated by CRRA.

SOLID WASTE — Unwanted or discarded materials as defined by Connecticut General Statutes, § 22a-260(7), as amended, excluding sewage.

§ 235-3. Designated disposal facility.

The Town of Thomaston hereby designates the Mid-Connecticut System as the disposal area for solid waste generated within the political boundaries of the Town and meeting the CRRA contractual standards, whether residentially, commercially or otherwise generated. On or after the effective date of this article, each person, firm or corporation collecting, or disposing of, solid waste generated within the Town shall deliver all such waste to the Thomaston Transfer Station or directly to the Mid-Connecticut System Hartford facility (or designated landfill), unless otherwise directed by the Board of Selectmen, and shall pay the disposal charge therefor to the Town Treasurer.

§ 235-4. Acceptable solid waste.

In order to comply with the provisions of the Town's agreement with CRRA, all solid waste delivered to the Mid-Connecticut System must meet all contractual standards, including but not limited to the following:

- A. It must be solid waste emanating from within the political boundaries of the Town of Thomaston.
- B. It must not be of such a quantity, quality or other nature as to materially impair the operation or capacity of the Mid-Connecticut System or any portion thereof, normal and reasonable wear and usage excepted.
- C. It must not be of such a quantity, quality or other nature as to materially impair the strength or the durability of the structures, equipment or works which are a part of the Mid-Connecticut System or any portion thereof.
- D. It must not be of such a quantity, quality or other nature as to create flammable or explosive conditions in the Mid-Connecticut System or any portion thereof.
- E. It must not contain chemical or other properties which are deleterious, as determined by CRRA, or capable of causing material damage to any part of the system or to personnel.

F. It must not include any hazardous waste.

§ 235-5. Rules and regulations.

After due notice, public hearing, and publication, the Board of Selectmen is authorized to adopt, and from time to time amend, rules and regulations concerning the following, provided that such regulations are consistent with federal and state law and the purposes of this article and are reasonably related to public health, safety or welfare:

- A. The licensing of refuse collectors within the Town;
- B. The establishment of fees to be charged all generators of solid waste within the Town;
- C. The method and manner of collecting, storing and disposing of solid waste;
- D. Source separation of types of solid waste and recycling measures; and
- E. The use of the Thomaston Transfer Station.

§ 235-6. Penalties for offenses.

Any person, firm or corporation violating the provisions of this article, or any rule or regulation adopted pursuant thereto, may be fined not more than \$100 per occurrence in addition to any other penalty provided by law.

ARTICLE II
Recycling; Refuse Collection
[Adopted 12-27-1990]

§ 235-7. Purpose; statutory authority. [Amended 5-29-2007]

This article is adopted by the Town of Thomaston as part of a comprehensive program to provide for the safe and sanitary disposal of solid waste generated within the Town, to ensure compliance by the Town's residents and solid waste collectors with the requirements of Connecticut General Statutes, Chapter 446D, providing for the separation, collection, processing and marketing of recyclable solid waste, and is adopted pursuant to Connecticut General Statutes §§ 7-148(c)(4)(H), 22a-220 and 22a-220a, as amended.

§ 235-8. Definitions.

For the purpose of this article the following words and phrases have the following meaning:

APARTMENT COMPLEX — A multifamily structure of four or more dwelling units grouped into one or more buildings.

COMMERCIAL ESTABLISHMENT — Any enterprise engaged in a nonmanufacturing or nonprocessing business, including but not limited to stores, markets, office buildings, restaurants, shopping centers and theaters.

CONDOMINIUM COMPLEX — Any group of dwelling units which are covered by Connecticut General Statutes, Chapter 825, as amended.

FIRST SELECTMAN — The First Selectman of the Town or his duly appointed designee.

INDUSTRIAL ESTABLISHMENT — Any establishment engaged in manufacturing or processing, including but not limited to factories, foundries, mills, processing plants, refineries and the like.

INSTITUTIONAL ESTABLISHMENT — Any establishment engaged in service to persons, including but not limited to hospitals, nursing homes, group homes, schools and universities.

RECYCLABLE MATERIALS — Those items designated by the Board of Selectmen for segregation from the municipal solid waste stream which shall include but not be limited to corrugated cardboard, glass food and beverage containers, leaves, metal food and beverage containers, office paper, newspapers, storage batteries, waste oil, plastic bottles and beverage containers, and scrap metal.

RESIDENTIAL ESTABLISHMENT — Any premises used primarily as a domestic dwelling, including but not limited to single- and multiple-family homes, apartments and condominiums.

SINGLE STREAM — A system in which all fiber (newspaper, cardboard, mixed paper, catalogs, magazines and junk mail) and containers (glass, metal and plastic) are placed, unsorted, in one large wheeled "toter" by residents, collected by the hauler and sorted at a regional recycling center. **[Added 10-27-2009]**

TOWN — The Town of Thomaston.

§ 235-9. Source separation and recycling.

- A. Each person, business or institution that generates solid waste shall separate from other solid waste designated recyclable materials as defined above and by such rules as may be adopted by the Board of Selectmen.
- (1) All persons, businesses or institutions who or which generate solid waste within the Town are required to separate recyclable materials from solid waste.
 - (2) Solid waste placed for collection which contains recyclable materials shall neither be collected by refuse collectors nor accepted for disposal at any refuse processing facility.
 - (3) For premises serviced by private or municipal refuse collection, recyclable materials shall be separated from refuse and placed for collection in a separate container on the designated day.
 - (4) Apartment and condominium complexes as well as commercial, industrial, and institutional establishments shall provide for, or require their refuse collector to provide for, the separation of municipal solid waste and each recyclable material accumulated on the premises.

- B. Except as otherwise provided in § 235-13, residents shall use a municipally registered hauler to collect materials for delivery to the municipally designated and approved recycling facility for recycling in the following manner:
- (1) Clean, unsoiled newspaper and corrugated cardboard shall be packed in paper grocery or shopping bags or securely tied in flat bundles.
 - (2) Glass food containers and plastic bottles, as well as all types of metal food containers, shall be rinsed clean and placed in the recycling container.
 - (3) Haulers may choose to collect and tip recyclables by the single stream method. If this collection method is chosen, haulers shall inform their customers of this choice. A hauler choosing to tip recyclables single stream must also collect recyclables single stream, in a closed container provided by the hauler to each customer. [Added 10-27-2009]
 - (4) Leaves, waste oil, storage batteries, and any other recyclables designated by the Board of Selectmen shall be separated from solid waste and other recyclables and delivered to the municipal dropoff center or other designated area so as to not constitute a nuisance or otherwise be objectionable. Leaves may be bagged and placed on the curbside on designated municipal leaf collection days.
- C. Except as otherwise provided in § 235-13, businesses shall use a municipally registered hauler to collect said designated materials for recycling or shall be required to deliver designated materials as defined by the Board of Selectmen to any municipal dropoff center.
- (1) It shall be the responsibility of the owners or operators of all commercial, industrial and institutional establishments and apartment and condominium complexes to provide, at their own expense, for the storage, collection and transportation of recyclables. In the case of apartment condominium complexes, the Board of Selectmen may provide for municipal collection of solid waste and recyclables on terms and conditions no less favorable than those afforded to other residential establishments. Such operations shall be carried out in such a manner as to avoid the creation of a public nuisance.
 - (2) Persons or establishments whose solid waste is not collected by contractors are responsible for compliance with the recycling provisions of Connecticut General Statutes, § 22a-241b, as amended. Compliance shall be monitored by all refuse collectors and refuse facility operators. Suspected violators shall be reported to the First Selectman's office for appropriate action.
 - (3) The quantities and destination of these designated recyclables (nonresidential) not delivered to a municipal designated facility or dropoff shall be reported by the contractor or responsible parties to the Town on a monthly basis as prescribed by the Board of Selectmen.

1. Editor's Note: This ordinance also redesignated former Subsection B(3) as Subsection B(4).

- D. It shall be a violation of this article for any person other than a municipally registered hauler or municipal employee to collect, pick up or cause to be collected or picked up such materials from the curb or other designated point of collection or municipal dropoff center. Each unauthorized collection in violation hereof shall constitute a separate and distinct offense. This subsection shall not apply to any nonprofit, charitable organization which sponsors a municipal recycling collection (e.g., newspapers) with prior approval of the Board of Selectmen.

§ 235-10. Registration of refuse collectors.

- A. Any hauler providing solid waste collection is hereby required to register with the First Selectman's office on or before April 15 of each year and apply for a permit to haul solid wastes or to collect recyclables.
- B. Any hauler will be required to provide recycling collection to any customers receiving solid waste collection and is further required to register with the First Selectman's office as is prescribed by Connecticut General Statutes, Section 22a-241b, as amended. The Board of Selectmen shall be the licensing and registration authority of refuse collectors engaged in the collecting or transporting of municipal solid waste and recyclable materials within the Town. It shall administer the issuance and revocation or suspension of permits and registrations as set forth in this article.
- C. Additional rules may be adopted by the Board of Selectmen, from time to time, consistent with the provisions of this article.
- D. Following the filing of a proper application and payment of the prescribed fee, the First Selectman shall grant such permit(s) as hereinafter set forth for refuse collectors, vehicles and dumpsters within a reasonable time unless he finds one or more of the following conditions to exist: **[Amended 5-29-2007]**
- (1) The applicant has been irresponsible in the conduct of solid waste collection and transportation operations based upon previous suspension of permit or violations of state statutes or municipal ordinances, whether of this Town or any other municipality.
 - (2) The applicant lacks suitable equipment, personnel or liability insurance with which to collect solid waste in a safe, nuisance-free manner in compliance with this article.
- E. Each permitted refuse collector shall obtain a separate registration for each vehicle he operates with the Town of Thomaston. Registration shall not be transferable from vehicle to vehicle.
- F. All permits shall be issued for a period not to exceed one year and shall be renewable on or before the 15th day of April of each year. The permit fee shall be \$25 per vehicle.
- G. The permit issued shall be conspicuously displayed on the left front of the body of the vehicle licensed or as may otherwise be directed by the licensing authority.

- H. Each permittee shall display at all times on the doors of each vehicle his name and a local phone number.
- I. Permits are not transferable. When any permittee shall sell or transfer all or part of his route to any other refuse collector, he shall first notify the First Selectman in writing of his intent to sell, and the transferee shall simultaneously make application for the appropriate permits to operate in Town.
- J. As a prerequisite to the issuance of renewal of any permit, a refuse collector must, along with his permit/renewal application, furnish the First Selectman the number of customers

within the Town that such refuse collector intends to service as well as the names of other municipalities serviced.

- K. The applicant must maintain public liability operations and motor vehicle insurance on each vehicle in an amount not less than \$1,000,000 combined single limit.

§ 235-11. Revocation of permit.

- A. A permit to engage in refuse collection and to use any waste disposal and/or processing facilities provided by the Town is a privilege, not a right. Failure to comply with the provisions of this article shall be grounds for revocation or suspension by the First Selectman of any permit or registration issued hereunder, in addition to any other penalty imposed by law.
- B. Revocations or suspensions shall only become effective five days after receipt of written notice from the First Selectman.
- C. If a refuse collector objects to the First Selectman's action described in this article to revoke or suspend his permit or registration, he may, within five days of receipt of said notice, file a written request with the Town Clerk for review by the Board of Selectmen. Failure to file such request in a timely manner shall render the First Selectman's action final and binding upon the refuse collector.
- D. Timely filing of such request for review shall operate as an automatic stay of the First Selectman's action.
- E. The Board of Selectmen shall act as an appeals board, and said Board shall, within 15 days, hear and decide the matter. The decision of such Board shall be final and binding upon the collector.

§ 235-12. Collection restrictions.

It shall be a violation of this article for any person other than a Town-registered refuse collector to pick up, collect or interfere with the picking up or collecting of recyclable materials placed for collection at the curbside or designated recycling center. Each act of scavenging shall constitute a separate violation of this article. All items which are designated for collection as stated in this article shall be set out for collection no earlier than 6:00 p.m. on the evening prior to the scheduled collection day. Emptied containers shall be removed from the curbside no later than 8:00 p.m. on the day of collection.

§ 235-13. Residential permits.

Residents of the Town who wish to dispose directly of their own solid waste and recyclables must apply to the First Selectman's office for a sticker to be able to dispose of refuse or recyclable materials at municipal facilities. The sticker shall be displayed in such a manner as the First Selectman may prescribe. Such permit may be revoked or suspended as set forth in this article, and appeals therefrom may be taken in the manner set forth in said article.

§ 235-14. Refuse collection.

- A. Each refuse collector shall deliver all refuse collected within the territorial limits of the Town at such place or places as the Board of Selectmen may from time to time designate and may not comingle such refuse with refuse collected in other towns without the prior consent of the Board of Selectmen.
- B. Each refuse collector must collect recyclable materials from each of its customers in the manner prescribed in this article.
- C. All vehicles registered to collect and transport refuse shall be maintained free of obnoxious odors and accumulated refuse.
- D. Refuse collectors shall furnish to their customers, upon request, a list of rates for the various services provided.

§ 235-15. When effective.

The provisions of this article concerning recyclables shall take effect as of January 1, 1991, in accordance with the requirements of Connecticut General Statutes, § 22a-241b, as amended, but shall be implemented only after notice to the Town of Thomaston by the Connecticut Resource Recovery Authority of its accessibility to collectors of recyclables generated in the Town. All other provisions of this article shall take effect 15 days after publication of a summary of this article in accordance with Connecticut General Statutes, § 7-157(b), as amended.

§ 235-16. Severability; captions.

In the event any provision, section, sentence, clause or part of this article shall be held invalid, illegal or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect or impair any remaining part of this article, it being the intent that such remainder shall remain in full force and effect. Sections and captions contained herein are intended only for the purpose of convenient reference and do not convey the legislative intent of the Town.

§ 235-17. Inspections.

The Town reserves the right to inspect solid waste placed at curbside or delivered to the municipal dropoff center to determine compliance with this article.

§ 235-18. Report of violations.

The Town also requires registered collectors or haulers to report any violations of this article to the First Selectman.

§ 235-19. Penalties for offenses.

Any person, business or institution who or which violates or neglects to comply with this article or any rules adopted pursuant hereto shall, upon conviction thereof, be punishable by a fine not to exceed \$100, except that the maximum fine for failure to comply with §§ 235-10, 235-11 and 235-12 hereof shall not exceed \$100 for each violation.

Chapter 240

STREETS AND SIDEWALKS

ARTICLE I Excavations

- § 240-1. Statutory authority.
- § 240-2. Regulations.
- § 240-3. Delegation of authority.

ARTICLE II Private Snow Removal

- § 240-4. Authority.
- § 240-5. Definitions.
- § 240-6. Prohibited acts.
- § 240-7. Penalties for offenses.

ARTICLE III Street Numbers

- § 240-8. Purpose.
- § 240-9. Assignment of street numbers.
- § 240-10. Affixing of street numbers.
- § 240-11. Penalties for offenses.

ARTICLE IV Drainage

- § 240-12. Authority.
- § 240-13. Definitions.
- § 240-14. Change of grade or interference with drainage.
- § 240-15. Unlawful discharges.
- § 240-16. Penalties for offenses.

ARTICLE V Snow and Ice on Sidewalks

- § 240-17. Authority.
- § 240-18. Municipal liability limited.
- § 240-19. Abutting owner's liability.
- § 240-20. Statute of limitations.
- § 240-21. Snow and ice removal by abutting owner.
- § 240-22. Failure to remove; lien.
- § 240-23. Penalties for offenses.

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

GENERAL REFERENCES

Driveways — See Ch. 142.
Vehicles and traffic — See Ch. 260.

Road excavation permit regulations — See Ch. 315.

ARTICLE I Excavations

[Adopted 12-3-1969; amended 10-27-1992; 2-9-2006]

§ 240-1. Statutory authority.

This amendment is adopted pursuant to C.G.S. § 7-148(c)(6)(B) and (C) and amends the ordinance regulating street excavation adopted December 3, 1969, and amended October 27, 1992.

§ 240-2. Regulations.

This article is amended to incorporate the Road Excavation Permit Regulations and the Application for Road Excavation Permit on file with the Town Clerk and the Board of Selectmen, to be administered by the Superintendent of Highways or his designee.¹

§ 240-3. Delegation of authority.

The Superintendent of Highways may revise and republish the Road Excavation Permit Regulations and the Application for Road Excavation 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.

ARTICLE II
Private Snow Removal
[Adopted 6-29-1994]

§ 240-4. Authority.

Pursuant to the provisions of §§ 7-148(c)(6) and (7) and 7-163a of the General Statutes of the State of Connecticut, as amended, the Town of Thomaston hereby adopts the following article regulating private snow removal.

§ 240-5. Definitions. [Amended 5-29-2007]

For purposes of this article, the terms "highway" and "street" shall have the same definition as set forth in Section 13a-1 of the Connecticut General Statutes, as amended. The term "sidewalk" shall mean the paved area adjacent to the highway or street intended for pedestrian use.

§ 240-6. Prohibited acts.

No person shall throw or put, or cause to be thrown or put, any snow or ice from a private premises into the highway, street or sidewalk in the Town of Thomaston, in such a manner as to cause inconvenience or hazard to public travel. No person shall cause or plow snow from a private premises across any highway, street or sidewalk to the opposite side of any highway or street.

§ 240-7. Penalties for offenses.

The Police Department shall be responsible for the enforcement of this article. Any person who shall violate this article shall be deemed guilty of committing an infraction and shall be fined \$50 for each violation.

1. Editor's Note: The Road Excavation Permit Regulations are included in the Town Code as Ch. 315.

ARTICLE III
Street Numbers
[Adopted 1-25-1995]

§ 240-8. Purpose.

The purpose of this article is to promote public safety and convenience by providing a street number system whereby addresses may be identified for emergency response by police, fire and medical services.

§ 240-9. Assignment of street numbers.

Pursuant to § 7-148(c) of the General Statutes of Connecticut, as amended, the Assessor shall assign street numbers to all buildings, parts of buildings, and house lots fronting on any street or highway within the Town and may change numbers, if necessary, to have a more orderly numbering system. When a new street is laid out, the Assessor shall promptly assign numbers to each lot on said street, which shall not imply acceptance of such street as a public highway. Whenever the Assessor has assigned a street number to a property, the Assessor shall promptly notify the owner of record by mail. The Assessor shall maintain maps showing the street numbers assigned to each property, which shall be open for public inspection.

§ 240-10. Affixing of street numbers.

Each owner shall affix to said building or part thereof, or to some object appurtenant thereto, the street number or numbers assigned by the Assessor. All numbers shall be at least four inches high and affixed so as to be visible from the street or highway. Numbers shall be affixed within 60 days of receipt of notice.

§ 240-11. Penalties for offenses.

Failure to comply with the provisions of this article shall constitute an infraction, punishable by a fine of \$50 for noncompliance.

ARTICLE IV
Drainage
[Adopted 9-24-1997]

§ 240-12. Authority.

Pursuant to the provisions of § 7-148(c)(6)(B) and (C) of the General Statutes of the State of Connecticut, as amended, the Town of Thomaston hereby adopts the following article regulating the discharge of drainage from private property to its public highways.

§ 240-13. Definitions.

For purposes of this article, the following terms have the meaning indicated:

HIGHWAY and STREET — Have the same definition as set forth in § 13a-1 of the Connecticut General Statutes, as amended.

SHOULDER — That portion of the highway between the boundaries of the highway and the paved or traveled portion of the highway.

SIDEWALK — That area adjacent to the highway or street intended for pedestrian use.

PERSON — The same definition as set forth in § 1-1(k) of the Connecticut General Statutes, as amended, and includes any person's contractor, employee, or agent.

§ 240-14. Change of grade or interference with drainage.

No person shall excavate, fill or change the grade of any land located within the bounds of any public highway of the Town of Thomaston, and no person shall obstruct or interfere with the drainage of water from, on or within the bounds of any such highway.

§ 240-15. Unlawful discharges.

No person shall discharge any drainage of surface water from private property onto any public highway, street, shoulder or sidewalk, and no person shall connect any private drainage pipes, gutter, leaders or ditches to the public highway drainage system without a permit from the Town of Thomaston.

§ 240-16. Penalties for offenses.

Any person who violates this article shall be guilty of an infraction and shall be fined \$90 for each day of violation.

ARTICLE V
Snow and Ice on Sidewalks
[Adopted 11-28-2006]

§ 240-17. Authority.

The provisions of C.G.S. § 7-163a, as amended, are hereby readopted and set forth in §§ 240-18, 240-19 and 240-20 of this article. Sections 240-21, 240-22 and 240-23 of this article are readopted pursuant to C.G.S. §§ 7-148(c)(6)(C) and 7-152c(c)(10), as amended.

§ 240-18. Municipal liability limited.

Notwithstanding the provisions of C.G.S. § 13a-149 or other general statute or special act, the Town of Thomaston shall not be liable to any person injured in person or property caused by the presence of ice or snow on a public sidewalk, unless the Town of Thomaston is the owner or person in possession and control of land abutting such sidewalk, other than land used as a highway or street; provided, however, that the Town of Thomaston shall be liable for its affirmative acts with respect to such sidewalk.

§ 240-19. Abutting owner's liability.

The owner or person in possession and control of land abutting a public sidewalk shall have the same duty of care with respect to the presence of ice or snow on such sidewalk toward the portion of the sidewalk abutting his property as the Town of Thomaston had prior to the effective date of this article and shall be liable for personal injury or property damage where a breach of said duty is the proximate cause of said injury or damage.

§ 240-20. Statute of limitations.

No action to recover damages for personal injury or property damage caused by the presence of ice or snow on a public sidewalk against a person who owns or is in possession and control of land abutting a public sidewalk shall be brought but within two years from the date when the injury is first sustained.

§ 240-21. Snow and ice removal by abutting owner.

All owners, tenants or occupants of premises adjoining and fronting on any sidewalk within the Town of Thomaston shall provide for the removal of snow and ice from such sidewalk. Snow and ice shall include, but is not limited to, any fall of snow, sleet or ice or any combination thereof and any ice caused by the freezing of rain or melted snow or ice. Such ice and snow shall be removed, or caused to be removed, by such owner, tenant or occupant within 12 hours of the cessation of the cause thereof. If such snow or ice cannot be wholly removed by the employment or application of usual and normal methods of removal, such owner, tenant or occupant shall remove so much thereof as is reasonably practicable and shall spread sand or other appropriate abrasive material over the entire surface of such unremovable snow or ice as remains on such sidewalk as shall be reasonably necessary to keep the same in a safe condition for public travel.

§ 240-22. Failure to remove; lien.

Upon default or neglect of such owner, tenant or occupant to remove such snow and ice and spread sand or other appropriate abrasive material in conformity with the requirements of this article, the Selectmen may cause the same to be done, and the expenses incurred by the Selectmen in so doing shall be payable to the Town by such owner, tenant or occupant and shall be a lien upon the premises adjoining such sidewalk, provided that the Selectmen shall cause a certificate of lien to be recorded in the Town Clerk's office within 60 days of completion of such removal or other work done by the Selectmen in conformity herewith.

§ 240-23. Penalties for offenses.

Each person, firm or corporation, being the owner, tenant or occupant of premises adjoining or fronting on any such sidewalk, who or which shall violate any of the provisions of this article or refuse or neglect to comply with the same shall be deemed guilty of an infraction and shall be subject to a fine of \$50 for each day the violation continues, which may be enforced by means of a citation issued by the Police Department.

Chapter 247
TAXATION

ARTICLE I
Exemption for Solar Energy Systems

§ 247-1. Exemption authorized.

ARTICLE II
Delinquent Motor Vehicle Property Taxes

§ 247-2. Authorization.

§ 247-3. Method of payment.

ARTICLE III
**Exemption for Certain Vehicles Owned
by Persons with Disabilities**

§ 247-4. Authorization.

§ 247-5. Tax exemption.

§ 247-6. Definition.

§ 247-7. Application for exemption.

ARTICLE IV
Tax Incentive Program

§ 247-8. Authority; administration.

§ 247-9. Statement of purpose.

§ 247-10. Eligibility.

§ 247-11. Tax abatement schedule.

§ 247-12. Application.

§ 247-13. Procedure.

§ 247-14. Conditions of approval.

§ 247-15. Tax assessment agreement.

§ 247-16. General provisions.

ARTICLE V
Tax Payments, Refunds and Fees

§ 247-17. Refunds.

§ 247-18. Payments.

§ 247-19. Administrative fee for
delinquent motor vehicle taxes.

ARTICLE VI
Tax Liens

§ 247-20. Assignment of tax liens.

ARTICLE VII
Required Filings

§ 247-21. Waiver of information
reporting penalty.

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

ARTICLE I
Exemption for Solar Energy Systems
[Adopted 3-5-1979]

§ 247-1. Exemption authorized.

The Town of Thomaston hereby authorizes the property tax exemption for solar energy systems, including solar energy heating or cooling systems pursuant to § 12-81(56)(a), (b) and (c) of the Connecticut General Statutes and solar energy electricity-generating systems pursuant to § 12-81(57)(a), (b) and (c) of the Connecticut General Statutes.

ARTICLE II
Delinquent Motor Vehicle Property Taxes
[Adopted 6-29-2004]

§ 247-2. Authorization.

This article is adopted pursuant to Connecticut General Statutes, § 12-146 as amended by P.A. No. 03-6.

§ 247-3. Method of payment.

All delinquent motor vehicle property taxes shall be paid in cash or by certified check, bank or money order.

ARTICLE III
Exemption for Certain Vehicles Owned by Persons with Disabilities
[Adopted 12-15-2004]

§ 247-4. Authorization.

Pursuant to Connecticut General Statutes, § 12-81c, as amended, the Town of Thomaston hereby adopts the following article.

§ 247-5. Tax exemption.

The following motor vehicles and related personal property, as approved by the Thomaston Tax Assessor, are hereby exempted from personal property taxation:

- A. Any ambulance-type motor vehicle which is owned by a nonprofit ambulance company and used exclusively for the purpose of transporting any medically incapacitated individual, except any such vehicle used to transport any such individual for profit;
- B. Any personal property and equipment which is owned by a nonprofit ambulance company and used exclusively for its nonprofit charitable purposes; and
- C. Any motor vehicle owned by a person with disabilities or owned by a parent or guardian of such a person, which vehicle is specially equipped with a raised roof, roll-bar system, raised doors, special control station, dropped floor, kneeling system, wheelchair lift, ramp, hand controls, cart lift and any other permanently installed device or mechanism necessary to permit its operation by such owner or to permit its use by the parent or guardian on behalf of such person.

§ 247-6. Definition.

For the purpose of this article, the term "motor vehicle" shall have the same definition as in Connecticut General Statutes, § 14-1(a)(51), as amended.

§ 247-7. Application for exemption.

Applications for the tax exemption shall be filed annually with the Assessor no later than October 31 following the assessment date with respect to which such exemption is claimed. For vehicles purchased on or after October 2 and before July 31 of the assessment year for which such exemption is requested, said application shall be made no later than 30 days after purchase. Failure to file such an application as prescribed herein with respect to any assessment year shall constitute a waiver of the right to claim such exemption for that assessment year.

ARTICLE IV
Tax Incentive Program
[Adopted 5-29-2007]

§ 247-8. Authority; administration.

The Thomaston Tax Incentive Program is established pursuant to C.G.S. §§ 12-65b and 12-65h, as may be amended, and shall be administered by the Board of Selectmen in cooperation with the Thomaston Economic Development Commission, with support from the Planning and Zoning Commission, Assessor and Tax Collector.

§ 247-9. Statement of purpose.

The purpose of the Thomaston Tax Incentive Program (the "Program") is to attract, retain and expand qualified businesses, to create employment opportunities, and to promote responsible economic growth to ensure Thomaston's future as a desirable community in which to live and work.

§ 247-10. Eligibility.

- A. The Town of Thomaston may enter into written tax agreements with the owners and/or lessees of real property adjusting the assessments of real property improvements to be dedicated and used for any of the following purposes:
- (1) Manufacturing, including research and development facilities;
 - (2) Retail, wholesale, warehouse and distribution facilities;
 - (3) Information technology facilities;
 - (4) Recreation, including sports and tourism facilities;
 - (5) Office and business facilities;
 - (6) Transportation and mass transit facilities; and
 - (7) Downtown properties in need of rehabilitation.
- B. Only legally existing uses and facilities, or facilities approved for such uses by the Planning and Zoning Commission, are eligible to participate in the Program. Home occupations, most residential uses, and other uses which do not fall within the above categories are not eligible to be considered for the Program.

§ 247-11. Tax abatement schedule.

- A. The Board of Selectmen may enter into a tax agreement with any party owning or proposing to acquire an interest in real property in the Town of Thomaston, adjusting the assessment of the real property, which is the subject of the agreement, and all improvements thereon or therein and to be constructed thereon or therein, subject to any of the following limitations:

Real Property Tax Incentive Options

Cost of Construction and/or Renovations	Number of Years	% of Abatement
More than \$3,000,000	Up to 7	Up to 100%
\$500,000 to \$3,000,000	Up to 2	Up to 100%
\$25,000 to \$499,999	Up to 3	Up to 50%

B. This table lists the minimum value of an improvement that qualifies a project for an abatement, the maximum abatement amount and the maximum abatement period. The Board of Selectmen shall determine the specific abatement for each project based upon the benefits to the Town. The final valuation shall be determined by the Town of Thomaston Assessor.

§ 247-12. Application.

A. Any eligible owner and/or lessee may apply under the Program in writing to the Economic Development Commission by filing the "Application for Tax Abatement under the Tax Incentive Policy." The applicant shall provide all required information in sufficient detail to allow the Economic Development Commission to determine costs and benefits associated with the implementation of the requested tax agreement. Personal or confidential financial information shall be submitted on a confidential addendum which, together with tax returns, financial statements, trade secrets or other proprietary information, shall not be subject to public inspection or disclosure under the Freedom of Information Act, C.G.S. Ch. 14.

B. On the recommendation of the Economic Development Commission, the Board of Selectmen may enter into a tax agreement under this policy only if the proposed agreement will:

- (1) Cause a business to locate in Thomaston;
- (2) Cause a business to replace, expand or remodel existing buildings;
- (3) Cause a business to construct new buildings;
- (4) Cause an increase in or preserve existing employment opportunities;
- (5) Cause a substantial investment in new equipment or other personal property subject to taxation;
- (6) Cause a business to utilize a distressed or abandoned property;
- (7) Cause a property owner to make a significant rehabilitation investment within the Downtown Development District;
- (8) Provide a product, need or service to the local community; or
- (9) Improve or renovate historic structures.

- C. In addition to the foregoing, the Board of Selectmen may consider the following factors:
- (1) Compatibility of the proposed project with the Town's resources and infrastructure, including roads and utilities; and
 - (2) The proposed project developer/owner's business, zoning, safety, and environmental track record.
- D. Within the uses specified in § 247-10, priority will be given to those applications which are or propose to locate in the Downtown Development District as shown on the Thomaston Zoning Map and/or which propose to use or rehabilitate existing commercial and industrial buildings.
- E. If the applicant is a lessee, or if an owner is applying on behalf of a lessee, tax benefits shall accrue to the benefit of the lessee, shall be reflected in a recorded lease with a term equal to, or greater than, the period for which benefits shall accrue, and shall be so demonstrated to the Board of Selectmen.

§ 247-13. Procedure.

- A. The Economic Development Commission with the advice of the Assessor and the Planning and Zoning Commission shall review and evaluate each tax incentive application. After thorough review by the Commission, the application, along with a written analysis, shall be referred to the Board of Selectmen. After review, the Board of Selectmen may submit any application recommended to a Town Meeting for final action, reject the application, or refer it back to the Commission for additional information. The final form of agreement must be reviewed by Town Counsel prior to final action by the Town Meeting.
- B. The Board of Selectmen may modify, amend, or waive the terms of the agreement in keeping with the intent and purpose of the Program and the best interests of the Town of Thomaston.
- C. There is no right to appeal under this article.

§ 247-14. Conditions of approval.

- A. After approval and signing of any such tax agreement, improvements shall commence within 12 months of signing of the tax agreement and shall be completed within 24 months. In the event that improvements are not commenced and/or completed within the specified time frame, then any agreement entered into pursuant to this policy shall immediately terminate and the full amount of the tax, including accrued interest, that would otherwise be due shall immediately become due and payable, unless alternative arrangements are authorized in writing by the Board of Selectmen.
- B. If an applicant fails to comply with the payment of taxes upon the due date determined by the Board of Selectmen, then any agreement entered into pursuant to this policy shall immediately terminate and the full amount of the tax, including the accrued interest, that would otherwise be due shall immediately become due and payable.

- C. Any person or firm who or which is delinquent in any taxes and/or fees due the Town of Thomaston or the State of Connecticut at the time of application shall be ineligible to enter into any such tax agreement under this policy.
- D. No zoning or wetland violations shall exist with respect to the subject property.
- E. Any tax assessed and levied upon motor vehicles shall not be subject to any such agreement pursuant to this policy.
- F. The applicant agrees to maintain and make available upon request to the Assessor supporting documentation, including but not limited to income tax returns, business records, invoices, bills of sale, and bills of lading pertaining to the improvements for which the applicant is claiming exempt status.

§ 247-15. Tax assessment agreement.

- A. Any tax agreement entered into pursuant to this policy shall not be subject to assignment or transfer without the prior written consent of the Board of Selectmen. In the event that any such agreement is assigned or transferred without the written consent of the Board of Selectmen, the agreement shall terminate as of the effective date of assignment or transfer, and the full amount of the tax that would otherwise be due the Town of Thomaston shall immediately become due and payable.
- B. Any tax agreement entered into pursuant to this policy shall be recorded in the Thomaston land records and shall constitute a priority lien against the property benefited until the conditions of the tax abatement have been fulfilled and the agreement has expired. Upon default under the terms of the agreement, or material misrepresentation in the application, the taxes abated shall immediately become due and payable, with interest as provided by law, and may be liened, and the lien may be foreclosed in the same manner as provided by law for tax property liens generally.
- C. Any tax agreement will commence when a certificate of occupancy is granted.

§ 247-16. General provisions.

- A. Nothing in this policy shall require the Town of Thomaston to enter into a tax agreement. The final decision as to any tax abatement is at the sole discretion of the Town of Thomaston.
- B. The Board of Selectmen may terminate an abatement granted hereunder prior to the expiration thereof in the event a fraud or misrepresentation by an applicant regarding any statements or representations contained in the application, addendum, or any supporting documentation.
- C. A tax agreement shall expire and terminate as provided herein or as set forth in the agreement.

- D. The Economic Development Commission is authorized to develop the application, addendum, agreement, and promotional and program materials and to develop policy regulations and guidelines, subject to approval by the Board of Selectmen.

ARTICLE V

Tax Payments, Refunds and Fees [Adopted 3-31-2010]

§ 247-17. Refunds.

Pursuant to C.G.S. § 12-129, the Tax Collector is authorized to retain any payment in excess of the amount due of any property tax, interest or lien fee payment which is less than \$5, whenever the Tax Collector determines that the administrative cost of issuing the refund is likely to exceed that amount of the refund.

§ 247-18. Payments.

Pursuant to C.G.S. § 12-144c, the Tax Collector is authorized to waive the payment of any property tax, interest or lien fee which is \$10 or less, whenever the Tax Collector determines that the administrative cost of collection is likely to exceed the amount due.

§ 247-19. Administrative fee for delinquent motor vehicle taxes.

Pursuant to C.G.S. § 12-166, the Tax Collector may charge an administrative fee of \$2, to be added to the tax levied on each motor vehicle when a motor vehicle tax is delinquent and a report concerning the vehicle subject of the delinquent tax is generated to the Connecticut Department of Motor Vehicles. The purpose of the fee is to defray the Tax Collector's administrative costs and to recover the Town's payment to the Commissioner of Motor Vehicles for participation in the reporting program. The amount of this administrative fee may be changed from time to time to be equal to the amount which the Town must pay per vehicle to the Commissioner of Motor Vehicles pursuant to C.G.S. § 14-33.

ARTICLE VI

Tax Liens [Adopted 1-25-2012]

§ 247-20. Assignment of tax liens.

Pursuant to C.G.S. § 12-195h, the Tax Collector is authorized to assign for consideration such real property tax liens as deemed appropriate for assignment by the Tax Collector and the Board of Selectmen, the amount of such consideration to be determined by the Tax Collector and the Board of Selectmen.

ARTICLE VII
Required Filings
[Adopted 8-26-2015]

§ 247-21. Waiver of information reporting penalty.

Effective with the grand list of October 1, 2014, and thereafter, rental property income and expense information required to be filed with the assessor pursuant to § 12-63c of the Connecticut General Statutes shall be requested by the assessor at least 45 days prior to the June 1 filing deadline. The information required for the calendar year preceding the deadline is due at the assessor's office on June 1. If the owner fails to file, or submits information in incomplete or false form with intent to defraud, the owner shall be penalized an amount equal to 10% of the assessment on the grand list preceding the June filing deadline. This penalty may be waived by the assessor if the current owner provides verification that the property was acquired after the assessment date to which such penalty would otherwise be applied. This penalty may also be waived if, on or before September 30 of said assessment year, such information is provided to the assessor which complies with § 12-63c of the Connecticut General Statutes.

Chapter 260

VEHICLES AND TRAFFIC

ARTICLE I

Traffic Control and Parking Meters

- § 260-1. Definitions.
- § 260-2. Regulations.
- § 260-3. Use of parking meters.
- § 260-4. Notice of violation.
- § 260-5. Evidence.
- § 260-6. Penalties for offenses.
- § 260-7. Collection of coins.
- § 260-8. Intent; use of funds.

ARTICLE II

Junked Vehicles

- § 260-9. Definitions.
- § 260-10. Prohibited acts; declaration of nuisance.
- § 260-11. Notice of violation.
- § 260-12. Responsibility of property owner or occupant.

- § 260-13. Request for hearing.
- § 260-14. Removal by Town.
- § 260-15. Penalties for offenses.

ARTICLE III

Winter Parking Ban

- § 260-16. Authority.
- § 260-17. Definitions.
- § 260-18. Parking prohibited under certain conditions.
- § 260-19. Removal of vehicles.
- § 260-20. Parking ticket.

ARTICLE IV

Police Traffic Duties

- § 260-21. Authorization.
- § 260-22. Police protection required at construction sites.

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

ARTICLE I

Traffic Control and Parking Meters [Adopted 10-5-1953]

§ 260-1. Definitions.

For the purpose of this article, the following definitions shall be used:

OPERATOR — The person operating or in control of a vehicle on a public highway.

PARKING — The standing of a vehicle, whether occupied or not, upon a highway, otherwise than temporarily, for the purpose of, and while actually engaged in, receiving or discharging passengers or loading or unloading merchandise or in obedience to traffic regulations or traffic signs or signals.

PARKING METER — A mechanical device for measuring time limits for parking vehicles, which device consists of a standard upon which a case is set containing a timing mechanism and signal indicating legal parking and which will indicate clearly the time to elapse until the period expires during which parking is permitted in the parking meter space which the parking meter controls. The signal shall also indicate when the time for legal parking has expired in that space.

PARKING METER SPACE — The space beside which is located a parking meter within which space a vehicle may be properly parked.

TRAFFIC AUTHORITY — The Board of Selectmen of the Town of Thomaston.
[Amended 5-29-2007]

VEHICLE — Any device in, upon, or by which any person or property is or may be transported upon a public highway.

§ 260-2. Regulations.

The Traffic Authority of the Town of Thomaston may adopt, establish and promulgate such regulations of traffic and parking upon the public streets of the Town as in its opinion public necessity and convenience require. Such regulations may include the setting of time limits for parking on any or all of the public streets of Thomaston, and if, in the opinion of said Traffic Authority, the installation of parking meters on certain of said streets is necessary or desirable for the proper and reasonable regulation of parking, the Traffic Authority is hereby authorized to provide for such installation of parking meters by either lease or purchase.

§ 260-3. Use of parking meters.

- A. If the Traffic Authority shall at any time provide for the installation of parking meters requiring the deposit or insertion of a coin, or the turning of a key, handle or other device, or requiring any other act or action to be performed by the operator of a vehicle using the parking meter space controlled by a particular parking meter to set said parking meter in operation, so that the time limit for legal parking may be indicated, the failure of such operator to insert a proper coin or coins or to turn the key, handle or other device, or to perform such other act or action as may be so required, shall constitute a violation of this article.
- B. It shall be unlawful for any person to deposit or cause to be deposited in any parking meter any slug device or substitute for a proper coin of the United States, or to deposit or cause to be deposited in any parking meter additional proper coins of the United States for the purpose of increasing or extending the legal parking time which has been established by the Traffic Authority for the parking meter space adjacent to which said parking meter is placed.
- C. It shall be unlawful for any person not so authorized to deface, damage, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the direction of the Traffic Authority or to aid or abet in doing the same.

§ 260-4. Notice of violation.

Whenever any vehicle shall be found parked in any parking meter space overtime and beyond the period of legal parking time established for such place by the Traffic Authority, or shall be found parked therein during any period when parking is prohibited or shall be found parking

by certified mail and by publication in a newspaper having a substantial circulation in the Town.

§ 260-12. Responsibility of property owner or occupant.

Upon proper notice and opportunity to be heard, the owner of the junked vehicle and the owner or occupant of the private property on which the same is located, any or all of them, shall be responsible for its removal. In the event of removal and disposition by the Town, the owner, or the owner or occupant of the private property where the same is located, shall be liable for the expenses incurred.

§ 260-13. Request for hearing.

- A. Persons to whom such notices are directed may file a written request for hearing before the Board of Selectmen of the Town within 21 days after the date of the notice for the purpose of defending the charges made by the Town.
- B. The hearing shall be held as soon as practicable after the filing of the request, and the persons to whom the notices are directed shall be advised of the time and place of the hearing at least five days in advance thereof. At any such hearing, the Board of Selectmen and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary.

§ 260-14. Removal by Town.

- A. If the violation described in the notice has not been remedied within the thirty-day period for compliance, and in the event that a notice requesting a hearing is timely filed, a hearing is had and the existence of the violation is affirmed by the Board of Selectmen, the Police Department or its designee may take possession of the junked vehicle and remove it from the premises. It shall be unlawful for any person to interfere with, hinder, or refuse to allow such persons to enter upon private property for the purpose of removing a junked vehicle under the provision of this article.
- B. Such removal may be made by a Town truck or by a commercial tow truck to a commercial garage or an automobile wrecking yard or to any suitable place for the disposal of rubbish. The Town may thereafter take an action for the recovery of the cost of such removal if the proceeds of any sale are insufficient to cover such cost, provided that nothing herein shall be construed to require the sale of a junked vehicle.

§ 260-15. Penalties for offenses.

Any person violating any of the provisions of this article shall be subject to a fine of not more than \$50. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

ARTICLE III
Winter Parking Ban
[Adopted 11-28-2006]

§ 260-16. Authority.

Pursuant to the provisions of C.G.S. §§ 7-148(c)(7)(B) and 14-251 and Ch. 249, as amended, the Town of Thomaston hereby amends and restates its ordinance concerning the winter parking ban.

§ 260-17. Definitions.

For purposes of this article, the terms "highway," "motor vehicle," "operator," "parking" and "traffic control sign" shall have the same definitions as set forth in C.G.S. Ch. 249, as amended.

§ 260-18. Parking prohibited under certain conditions.

No owner or operator of any motor vehicle shall park said vehicle on any highway in the Town of Thomaston during any snow, sleet, ice, freezing rain, or hail storm and within a period of 24 hours thereafter, during the period from November 1 to April 15.

§ 260-19. Removal of vehicles.

Where reasonably practical, the Police Department shall attempt to notify the owner or operator of any motor vehicle in violation of § 260-18 to remove the motor vehicle immediately. If the motor vehicle is not moved in a reasonable time, the Police Department is authorized to remove, or have removed by a commercial towing service, any motor vehicle parked in violation of § 260-18 to a local garage or place of safety. Such removal shall be at the risk and expense of the owner or operator of the vehicle. Motor vehicles so removed shall be stored in a safe place and shall be restored to the owner or operator upon payment of a reasonable fee for said storage and towing.

§ 260-20. Parking ticket.

It is hereby further provided that the Police Department is further authorized to issue a parking ticket for failure to remove any motor vehicle which is parked in violation of § 260-18 of this article. Said parking ticket shall be attached to the subject vehicle, shall direct the owner or operator to appear or mail to the Police Department, within 72 hours, the sum of \$25. Each day of violation shall constitute a separate offense.

in violation of any provision of any rule or regulation of the Traffic Authority, any police officer may attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of a provision of this article or of a rule or regulation of the Traffic Authority and instruct such owner or operator to report to the police headquarters of the Town of Thomaston, or at such other place as the Traffic Authority may from time to time designate, in regard to such violation. Each such owner or operator may, within 24 hours of the time when such notice was attached to such vehicle, pay to the Clerk of the Town Court of Thomaston, or his designated agent, who may be any officer in charge of police headquarters, as the penalty for and in full satisfaction of such violation, the sum of \$1. The failure of such owner or operator to make such payment within such time limit shall render such owner or operator subject to the penalty hereinafter provided for violation of the provisions of this article.

§ 260-5. Evidence.

In any prosecution or proceeding hereunder, the registration number displayed on the registration plate on the motor vehicle shall constitute in evidence a prima facie presumption that the person to whom such registration plate was issued was the person who parked such vehicle at the place where such violation occurred. The fact that a parking meter adjacent to the parking meter space in which a vehicle may be found parked at a time when the regulations of the Traffic Authority require the use of a parking meter indicates either that the meter had not been set in operation by the operator of said vehicle or that the time limited for parking has expired shall be conclusive evidence that the parking of said vehicle has been in violation of this article, unless an examination by the Police Department demonstrates that the parking meter was defective or out of order.

§ 260-6. Penalties for offenses.

Any violation of this article or failure to comply with the provisions of such rules or regulations as may be adopted by the Traffic Authority in connection with traffic, parking or parking meters shall be punished by a fine not exceeding \$100 or by imprisonment not exceeding 30 days, or by both such fine and imprisonment.

§ 260-7. Collection of coins.

It shall be the duty of the Traffic Authority to designate a person or persons to make regular collections of the coins deposited in parking meters.

§ 260-8. Intent; use of funds.

This article is adopted solely in the interest of public safety, convenience and welfare. It is intended to relieve traffic congestion. All funds received from parking meters are intended to partially provide for the cost of supervision, regulation and control of traffic and the parking of vehicles and the cost of purchase, lease, supervision, protection, inspection, installation, operation, maintenance, control and use of parking meters.

ARTICLE II
Junked Vehicles
[Adopted 6-18-1987]

§ 260-9. Definitions.

For the purpose of this article, the following definitions shall be used:

JUNKED VEHICLE — Any vehicle, as defined by this section, which does not have lawfully affixed thereto an unexpired registration plate or number or the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded.

PRIVATE PROPERTY — Any real property within the Town which is privately owned and which is not public property as defined in this section.

PUBLIC PROPERTY — Any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, or any other publicly owned property or facility.

TOWN — The Town of Thomaston.

VEHICLE — Any vehicle which is self-propelled and designed to travel along the ground, including but not limited to automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers and trailers. The term "vehicle" also means any trailer or camper, self-propelled or otherwise, required to be registered by the Department of Motor Vehicles prior to having access to public roads.

§ 260-10. Prohibited acts; declaration of nuisance.

No person shall park, store or leave or permit the parking, storing or leaving of a junked vehicle of any kind, whether attended or not, upon any property within the Town. The presence of a junked vehicle, or parts thereof, on any such property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this article. This section shall not apply to any vehicle enclosed within a building on private property; or to any vehicle held in connection with a business enterprise lawfully licensed and properly operated in the appropriate business zone pursuant to the zoning laws of the Town; or to any vehicle in operable condition specifically adapted or designed for operation on drag strips or raceways; or any antique vehicle retained by the owner; or an operable vehicle retained by the owner for work on the owner's property.

§ 260-11. Notice of violation.

Whenever the Chief of Police is informed in writing that any nuisance as defined in § 260-10 of this article exists in the Town, a notice in writing shall be served upon the occupant of the private property where the nuisance exists, or, if there is no such occupant, then upon the owner of the private property, notifying him of the existence of the nuisance and requesting its removal in 30 days. The notice shall state that upon failure to comply with such request, the Police Department or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the private property. Such notice shall be made

ARTICLE IV
Police Traffic Duties
[Adopted 10-27-2009]

§ 260-21. Authorization.

This article is adopted pursuant to Connecticut General Statutes, § 7-148(c)(4)(A), 7-148(c)(6)(C), 7-148(c)(7)(B) and 7-148(c)(10).

§ 260-22. Police protection required at construction sites.

- A. For any of the following described activities resulting in complete or partial blockage of any public highway or street where a public highway or street is being excavated or obstructed, sworn police personnel shall be hired by the person, firm, corporation or company causing such excavation or obstruction through the Town in order to ensure public safety in the area of work being performed.
- B. This requirement shall apply to construction projects, public utility work, or other activity in the highway or street right-of-way whereby public safety may be endangered. This provision shall not apply when Connecticut Department of Transportation, Thomaston Highway Department or Thomaston Water Pollution Control Authority employees perform traffic duty.
- C. It shall be mandatory that police protection be secured for all traffic details before a permit may be issued by the Highway Superintendent for public highway or street excavation. Failure to comply with this article shall result in a \$250 fine for which each day of violation shall be deemed a separate offense.

Chapter 267

WATER

ARTICLE I Water Consumption Records

§ 267-1. Authorization to obtain records.

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

ARTICLE I Water Consumption Records [Adopted 1-12-1994]

§ 267-1. Authorization to obtain records.

Pursuant to C.G.S. §§ 7-246 and 7-251, the Thomaston Water Pollution Control Authority is authorized to obtain from the Connecticut Water Company, its successors and assigns, and any other water utility providing water service to the residents of the Town, all necessary records to determine the consumption of water by customers of such utilities, such records being deemed necessary or desirable to the operation of the municipal sewer system. The Water Pollution Control Authority may enter into such contracts and agreements as it deems necessary and appropriate with such water utilities for the purpose of obtaining access to such records.

PART III

REGULATIONS

Chapter 280

FLOODPLAIN MANAGEMENT

ARTICLE I General Provisions

- § 280-1. Purpose.
- § 280-2. Area of applicability; Flood Insurance Rate Map.
- § 280-3. Compliance required.
- § 280-4. Other restrictions.
- § 280-5. Interpretation.
- § 280-6. Warning and disclaimer.
- § 280-7. Penalties for offenses.

ARTICLE II Definitions

- § 280-8. Definitions.

ARTICLE III Standards

- § 280-9. General requirement.
- § 280-10. Anchoring.
- § 280-11. Construction material and methods.
- § 280-12. Utilities.
- § 280-13. Building location and floor location.
- § 280-14. Floodways.
- § 280-15. Manufactured homes.
- § 280-16. Alteration of watercourse.

- § 280-17. Changes to existing structures.
- § 280-18. Elevated buildings.
- § 280-19. Streams without established base flood elevations or floodways.

ARTICLE IV Administration

- § 280-20. Administrative officer.
- § 280-21. Flood hazard area permit.
- § 280-22. Duties and responsibilities of Building Official.

ARTICLE V Appeals and Variances

- § 280-23. Zoning Board of Appeals.
- § 280-24. General considerations.
- § 280-25. Conditions for variances.
- § 280-26. Filing of variances.
- § 280-27. Notice and records.
- § 280-28. Appeal to court.

ARTICLE VI Subdivision Requirements

- § 280-29. Special flood hazard areas.

[HISTORY: Adopted by the Town of Thomaston 11-25-1997. Amendments noted where applicable.]

ARTICLE I
General Provisions

§ 280-1. Purpose.

It is the purpose of this regulation to:

- A. Promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas of the Town of Thomaston by the establishment of standards designed to protect human life and public health, minimize expenditure of money for costly flood-control projects, minimize the need for rescue and relief efforts associated with flooding, minimize prolonged business and employment interruptions, minimize damage to public facilities and utilities, help maintain a stable tax base, and ensure that purchasers of property are notified of special flood hazards and assume responsibility for their actions; and
- B. Ensure continued eligibility of owners of property in the Town of Thomaston for participation in the National Flood Insurance Program pursuant to rules and regulations published in the Federal Register.

§ 280-2. Area of applicability; Flood Insurance Rate Map.

- A. This regulation is applicable to the special flood hazard areas, namely Zone A and Zones A1-A30, which are delineated on the map titled "FIRM: Flood Insurance Rate Map, Town of Thomaston, Connecticut, Litchfield County," Community Panel Number 090055-00001-00006, comprising six parts, effective July 5, 1982, prepared by the United States Department of Housing and Urban Development, Federal Insurance Administration, and which map is hereby made a part of this regulation and is hereinafter referred to as "Flood Insurance Rate Map (FIRM)."
- B. Basis. Said map is based on a document titled "Flood Insurance Study: Town of Thomaston, Connecticut, Litchfield County," dated January 5, 1982, prepared by the Federal Emergency Management Agency, and Floodway Map, dated July 5, 1982, which is part of such document.

§ 280-3. Compliance required.

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, may be made within the special flood hazard area only in accordance with the requirements of this regulation.

§ 280-4. Other restrictions.

This regulation is not intended to repeal, abrogate or impair any easements or other laws, regulations or ordinances, and whichever imposes the more stringent restrictions shall prevail.

§ 280-5. Interpretation.

In the interpretation and application of this regulation, all provisions shall be considered as minimum requirements and shall be construed so as to preserve and maintain the purpose and intent hereof.

§ 280-6. Warning and disclaimer.

The degree of flood protection established by this regulation is considered reasonable for Town-wide studies. Larger floods may occur on rare occasions, and flood heights may increase as a result of man-made or natural causes. This regulation does not imply that land outside of special flood hazard areas will be free from flooding or flood damages. This regulation shall not create liability on the part of the Town of Thomaston, any officer or employee thereof or the Federal Emergency Management Agency for any flood damages that result from reliance on this regulation or any administrative decision lawfully made hereunder.

§ 280-7. Penalties for offenses.

Violation of the provisions of this regulation or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this regulation or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$250 per day if proven done willfully and \$100 per day if not, or imprisoned for not more than 10 days for each day of violation, or both, and in addition shall pay all costs and reasonable legal fees involved in the case. Nothing herein contained shall prevent the Zoning Enforcement Officer from taking such other lawful action as is necessary to prevent or remedy any violation.

**ARTICLE II
Definitions****§ 280-8. Definitions.**

Certain terms and phrases used in this regulation are hereinafter defined and explained. Otherwise, the words in this regulation shall have the meaning commonly attributed to them.

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within a community subject to a one-percent chance of flooding in any given year.

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year.

BASEMENT — Any area of the building having its floor subgrade (below ground level) on all sides.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

FLOOD INSURANCE RATE MAP (FIRM) — An official map of a community on which the Administration has delineated both the special hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY — An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide and/or flood-related erosion hazards.

FLOODWAY — The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1.0 foot anywhere in the Town; the regulated floodway is delineated on the Flood Boundary and Floodway Map, which is a part of this regulation.

FUNCTIONALLY DEPENDANT FACILITY — A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

LOWEST FLOOR — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor. These areas must be designed in accordance with § 280-18.

MANUFACTURED HOME — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

MEAN SEA LEVEL — For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the effective date of this regulation (not the revision date).

START OF CONSTRUCTION [for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348)] — Includes substantial improvement and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or as part of the main structure.

STRUCTURE — A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds 50% of the market value of the structure. The market value of the structure should be the appraised value of the structure prior to the start of the initial repair or improvement or, in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

WATER SURFACE ELEVATION — The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

ARTICLE III Standards

§ 280-9. General requirement.

In special flood hazard areas, all development shall conform to the standards hereinafter specified.

§ 280-10. Anchoring.

All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

§ 280-11. Construction material and methods.

All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage and by using methods and practices that minimize flood damage.

§ 280-12. Utilities.

Water supply, sanitary systems and service facilities shall conform to the following:

- A. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

- B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
- C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- D. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

§ 280-13. Building location and floor location.

No new construction or substantial improvement of buildings and other structures for human occupancy shall be located in any special flood hazard area. Any new construction or substantial improvement of buildings and other structures for other than human occupancy shall either have the lowest floor, including basement, elevated to or above the base flood elevation or shall, together with attendant utility and sanitary facilities, conform to the following:

- A. Be floodproofed so that up to one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
- B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
- C. Be certified by a registered professional engineer or architect that the above standards are satisfied, which certifications shall be provided to the Building Official of the Town of Thomaston as set forth in § 280-21A(3).

§ 280-14. Floodways.

Floodways are extremely hazardous areas due to the velocity of floodwaters which cause erosion and carry debris and potential projectiles. In areas where floodways have been designated or determined the following additional standards are applicable:

- A. Encroachment. There shall be no encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer or architect is provided demonstrating that encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If the requirement of Subsection A is satisfied, all new construction and substantial improvements shall comply with all other applicable standards of this article.

§ 280-15. Manufactured homes.

No manufactured homes shall be located in a special flood hazard area.

§ 280-16. Alteration of watercourse.

In any portion of a watercourse which is altered or relocated the flood-carrying capacity shall be maintained.

§ 280-17. Changes to existing structures.

A structure already in compliance with the provisions of this regulation shall not be made noncompliant by any alteration, repair, reconstruction or improvement to the structure.

§ 280-18. Elevated buildings.

New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

- A. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - (2) The bottom of all openings shall be no higher than one foot above grade; and
 - (3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic flow of floodwaters in both directions.
- B. Electrical, plumbing and other utility connections are prohibited below the base flood elevation.
- C. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
- D. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

§ 280-19. Streams without established base flood elevations or floodways.

- A. Located within the areas of special flood hazard established in § 280-2 where small streams exist but no base flood data has been provided or where no floodways have been provided, the following provisions apply:
- (1) In A Zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted which would increase base flood elevations more than one foot at any point along the watercourse when all

anticipated development is considered cumulatively with the proposed development.

- (2) New construction or substantial improvements of structures shall be elevated or floodproofed to elevations established in accordance with § 280-13.
- B. The Town may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the Town's request or not), the Town shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one foot at any point along the watercourse.

ARTICLE IV Administration

§ 280-20. Administrative officer.

The Building Official of the Town of Thomaston is hereby designated to administer and implement the provisions of this regulation. The Building Official shall have the responsibility and authority to grant or deny permit applications for development in special flood hazard areas in accordance with the provisions of this regulation. The Board of Selectmen may appoint deputies to assist and act for the Building Official.

§ 280-21. Flood hazard area permit.

Development, including new construction, substantial improvement and the placement of prefabricated buildings, may be made within special flood hazard areas only after a flood hazard area permit therefor has been obtained. Application for a flood hazard area permit shall be made to the Building Official on forms furnished for that purpose by such official and shall include at least plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing proposed structures, fill, storage of materials and drainage facilities; and the location of the foregoing.

A. Application stage.

- (1) The application shall include the following information:
 - (a) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
 - (b) Elevation in relation to mean sea level to which any structure has been or will be floodproofed;
 - (c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in § 280-13A to C;
 - (d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;

- (e) Plans for any walls to be used to enclose space below the base flood elevation;
 - (f) A statement as to whether there will be dry access to the structure during the one-hundred-year storm event;
- (2) Where applicable the following certifications by a registered engineer or architect are required and must be provided to the Building Official: the design and methods of construction must be certified to be in accordance with accepted standards of practice and with the provisions of Article III.
- B. Construction stage. Upon completion of the applicable portion of construction the applicant shall provide verification to the Building Official of the following as is applicable:
- (1) Lowest floor elevation.
 - (a) Elevation to be verified for:
 - [1] A structure in a numbered A Zone is the top of the lowest floor (including basement);
 - [2] A structure in the V Zone is the lowest point of the lowest structural member (excluding pilings or columns); and
 - [3] A structure which has been floodproofed is the elevation to which the floodproofing is effective.
 - (b) Deficiencies detected by the review of the above listed items shall be corrected by the permit progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

§ 280-22. Duties and responsibilities of Building Official.

Duties and responsibilities of the Building Official in the administration of this regulation shall include but not be limited to the following:

- A. Permit application review. The Building Official shall:
- (1) Review all flood hazard area permit applications to determine that the requirements of this regulation have been satisfied.
 - (2) Review all such permit applications to determine that all other necessary permits have been received from those federal, state or Town government agencies from which prior approval is required.
 - (3) Require that copies of such permits be provided and maintained on file with the development permit, possibly including but not limited to the Coastal Area Management Permit, Water Division, Dam Safety, Corps of Engineers 404.

- B. Other base flood data. When base flood elevation data is not provided on the Flood Insurance Rate Map, the Building Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the standards of this regulation.
- C. Information to be obtained and maintained. The Building Official shall:
- (1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;
 - (2) For all new and substantially improved floodproofed structures:
 - (a) Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and
 - (b) Maintain the floodproofing certification required in § 280-21A(3);
 - (3) Maintain for public inspection all records pertaining to the provisions of this regulation; and
 - (4) Submit an annual report to the Federal Emergency Management Agency.
- D. Alteration of watercourse. The Building Official shall:
- (1) Notify adjacent towns and the Connecticut Department of Environmental Protection, Inland Water Resources Division, prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency; and
 - (2) Require that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

ARTICLE V Appeals and Variances

§ 280-23. Zoning Board of Appeals.

The Zoning Board of Appeals of the Town of Thomaston shall hear and decide appeals and requests for variances from the standards of this regulation.

A. Such Board shall have the following duties:

- (1) To hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Building Official in the enforcement and administration of this regulation.
- (2) To issue variances from the standards of this regulation under the general considerations set forth in § 280-24 and the conditions for variance specified in § 280-25.

- (3) Rehabilitation or restoration of structures listed on the National Register of Historic Places and the Connecticut State Inventory of Historic Places without regard to the considerations and conditions of §§ 280-24 and 280-25.¹
- B. Variances may be issued for new construction and substantial improvement and other development necessary for the conduct of a functionally dependent use provided the structure or other development is protected by methods that minimize flood damage, create no additional threat to public safety and meet the requirements of § 280-25.

§ 280-24. General considerations.

In passing upon applications for variance, the Zoning Board of Appeals shall consider the technical evaluations and studies that are the basis for this regulation, the standards of this regulation and the following:

- A. The danger that materials may be swept onto other lands to the injury of others;
- B. The danger to life and property due to flooding or erosion damage;
- C. The susceptibility of the proposed development and its contents to flood damage, and the effect of such damage on the individual owner;
- D. The importance of the services provided to the community by the proposed development;
- E. The necessity of a waterfront location for the function of the development;
- F. The availability of alternative locations for the proposed development which are not subject to flooding or erosion damage;
- G. The compatibility of the proposed development with existing and anticipated other development;
- H. The relationship of the proposed development to the plan of development for the Town and the floodplain management program for that area;
- I. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- J. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and
- K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

§ 280-25. Conditions for variances.

The following are applicable to the issuances of variances by the Zoning Board of Appeals:

1. Editor's Note: So in original. The copy for this subsection was missing the first line of text.

- A. No variance shall be issued within a floodway if any increase in flood levels during the base flood discharge will result.
- B. Otherwise, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in area when the lot is contiguous to and generally surrounded by lots with existing structures constructed below the base flood elevation, provided that the following criteria are met:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense; create nuisances; cause fraud on or victimization of the public; or conflict with other existing Town laws, ordinances and regulations.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and in the instance of an historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building.
- D. When issuing a variance, the Board may attach such conditions that it deems necessary to further the purpose and intent of this regulation.

§ 280-26. Filing of variances.

A variance issued under this regulation shall become effective at such time as is fixed by the Zoning Board of Appeals, provided that a copy thereof shall be filed in the office of the Thomaston Town Clerk and in the land records of the Town of Thomaston in the same manner as required for filing of variances from zoning regulations.

§ 280-27. Notice and records.

The Building Official shall notify the applicant for variance in writing that the issuance of a variance to construct a structure below the base flood elevation will result in increased premiums for flood insurance and that such construction below the base flood elevation increases risks to life and property. The Building Official shall maintain a record of such notice to applicants, shall maintain a record of all variance actions, including the justification for their issuance, and shall report such variances issued in his/her annual report to the Federal Emergency Management Agency.

§ 280-28. Appeal to court.

Any person or persons severally or jointly aggrieved by any decision of the Zoning Board of Appeals acting under this regulation, or any person owning land which abuts or is within a radius of 100 feet of any portion of the land involved in any decision of said Board, or any

officer, board or commission of the Town of Thomaston having jurisdiction or responsibility over the flood hazards of the Town, may take an appeal to the Superior Court of the county or judicial district in which such municipality is located in the same manner as provided under the provisions of § 8-8 of the General Statutes of the State of Connecticut.

ARTICLE VI
Subdivision Requirements

§ 280-29. Special flood hazard areas.

In all special flood hazard areas, the following requirements shall apply:

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage;
- C. All subdivision proposals shall provide adequate drainage to reduce exposure to flood hazards; and
- D. Base flood elevation data shall be provided for all subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which are located in Zone A and are greater than five acres or 50 lots.

Chapter 315

ROAD EXCAVATION PERMIT REGULATIONS

- | | |
|---|--------------------------------------|
| § 315-1. Purpose; compliance required; title. | § 315-7. Bonding. |
| § 315-2. Authority; utilities; other regulations. | § 315-8. Insurance. |
| § 315-3. Definitions. | § 315-9. Warranty of work. |
| § 315-4. Permit requirements and obligations. | § 315-10. Emergencies. |
| § 315-5. Winter moratorium. | § 315-11. Exemptions. |
| § 315-6. New surface moratorium. | § 315-12. Backfill requirements. |
| | § 315-13. Curb cut. |
| | § 315-14. Additional specifications. |
| | § 315-15. Revocation of permit. |

[HISTORY: Adopted by the Town of Thomaston effective 2-9-2006. Amendments noted where applicable.]

§ 315-1. Purpose; compliance required; title.

- A. The purpose of these regulations is to maintain the quality of community life by establishing a fair and reasonable method to protect the roadway infrastructure of the Town of Thomaston. It is the intent of these regulations to allow qualified contractors to work in the streets of the Town without compromising the aesthetics, safety, integrity or longevity of the Town's ways.
- B. Compliance with these regulations is mandatory for all excavation within the Town of Thomaston rights-of-way. Requests for waivers from any part of these regulations shall be made in writing to the Superintendent of Highways or Facility Superintendent WPCA. Waivers will be considered on a per-job basis only. A waiver may be granted if the contractor demonstrates to the Superintendent(s) that the issuance of a waiver will not deviate from the intent of these regulations.
- C. Material and construction methods shall conform, insofar as applicable, to the requirements of the State of Connecticut Department of Transportation, Standard Specifications for Roads and Bridges.
- D. From this point on these specifications will be referred to as "Form 814A."

§ 315-2. Authority; utilities; other regulations.

- A. These regulations have been adopted pursuant to the Town of Thomaston ordinances adopted December 3, 1969, and amended October 27, 1992,¹ as authorized by Connecticut General Statutes, § 7-148(c)(6)(B) and (C).

1. Editor's Note: See Ch. 240, Streets and Sidewalks, Art. I, Excavations.

- B. In developing these regulations, the Town of Thomaston recognizes that utilities regulated by Chapter 293 of the Connecticut General Statutes are not subject to inspection and maintenance fees. The Town directs these utilities to the provisions for remedy under this and other chapters and hereby serves notice that the Town will exercise all rights and privileges pertinent to the maintenance and protection of all ways within the Town of Thomaston. Any utility or corporation able to demonstrate and prove to the Town and/or Town Counsel that it is subject to the duties and charges of a similar provision of the Connecticut General Statutes relative to the operation and construction of said utility shall be given a waiver to the relevant fees.
- C. Also the regulations that are stated in the "Call Before You Dig" Excavator's Manual will be followed.
- D. All contractors excavating within the Town's rights-of-way shall adhere to all regulations under Title 13, Chapter 236 (§§ 13-a to 13-13a), Chapter 238 (§§ 13-a-36 to 13-a-153) and Chapter 241 (§§ 13-a-247 to 13-a-258).

§ 315-3. Definitions.

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

CONTRACTOR — A person, company, corporation, partnership, firm, association, society, organization, district, federal, state or local agency or department, commission, public or private utility or other legal entity.

CURB CUT — Access to a public way from private property for the purpose of vehicular or wheelchair access.

EXCAVATE — Removal of any portion of an existing road, include curbing, sidewalks or grass areas, within the Town's right-of-way.

PERMIT — Written permission from the administering agency, the Town of Thomaston Highway Department.

RIGHT-OF-WAY — Property between the street lines as defined by the street layout or the area within the traveled way. In case of uncertainty as to the true location of a street right-of-way in a particular instance, for the purpose of this specification a reference right-of-way line shall be established by measuring 25 feet from the center line of the existing pavement. However, this definition shall not be construed as establishing any rights of land, its purpose being merely to establish a reference line for excavations.

ROAD — Any way, highway or street, public or private, which is or has historically been maintained by the Town of Thomaston Highway Department.

SAFETY EQUIPMENT —

- A. Cones, barrels, warning signs, barricades or other device to provide adequate notification to motorists and pedestrians. The use and specification of such devices are defined in the current Federal Highway Administration's Manual for Uniform Traffic Control Devices.
- B. Any procedures outlined in current OSHA regulations.

SUPERINTENDENT — The Superintendent of Highways or his/her duly authorized designee for the Town of Thomaston.

TEMPORARY COVER — Cold patch acceptable, 24 hours maximum, unless hot mix asphalt plants are not open (this rule shall be under the discretion of the Superintendent of Highways or his/her designee).

TRENCH — Excavation usually made for installing, repairing or replacing a utility device, conduit, pipe structure or appurtenance.

WARRANTY — All work within a Town of Thomaston right-of-way will be guaranteed by the contractor for a period of one year against surface deficiencies, settlements or any structural failure.

WORK — Any surface treatment, surfacing, resurfacing, excavation or modification of a paved or graveled surface within the right-of-way.

§ 315-4. Permit requirements and obligations.

A. Permit process.

- (1) Permit applications are available between the hours of 8:00 a.m. and 4:00 p.m. on Monday, Tuesday and Wednesday, 8:30 a.m. to 6:00 p.m. on Thursday, and 8:30 a.m. to noon on Friday in the Building and Land Use Office at the Thomaston Town Hall, 158 Main Street, Thomaston. **[Amended 2-4-2016]**
- (2) Permits are required for work in any public rights-of-way, including sidewalks and driveway construction or repair within the right-of-way.
- (3) The permit fee shall cover the cost of processing the permit application, recordkeeping associated with the issuance of the permit, research of the road and its condition, inspection of the work area, inspection of the work while the work is in progress and inspection of the required restoration of the work area. The fee consists of \$25 for administration and \$100 for all inspection up to 200 square yards. Should the excavation exceed 200 square yards an additional fee of \$50 will be charged for each additional 100 square yards.
- (4) Completed applications for permits will be approved or denied within five business days of receiving all required bonds, insurance certificates, fees and "Call Before You Dig" information. Should the Superintendent or his designee not act on the permit within five days, the permit shall be considered to be approved and valid until such time as the permit is revoked or expires or upon the completion of the work. The contractor shall also be responsible for notifying all nonparticipating utilities not covered by "Call Before You Dig." The contractor may pick up the approved permit at the Building and Land Use Office between the hours of 8:00 a.m. and 4:00 p.m. on Monday, Tuesday and Wednesday, 8:30 a.m. to 6:00 p.m. on Thursday, and 8:30 a.m. to noon on Friday or, at the contractor's request, the permit will be mailed to the contractor for an additional fee of \$5. The contractor shall make adequate provisions and allow sufficient time for the approval process. **[Amended 2-4-2016]**

- (5) The contractor shall not render any road impassable without the written permission of the Thomaston Police Department. It is the responsibility of the contractor to notify the Thomaston Police Department to determine if a police detail is necessary. Any Town of Thomaston agency performing work in the right-of-way may use departmental flaggers in substitution for a police detail. Evidence of said determination by the Thomaston Police Department must be provided at the time of application. Failure to notify emergency services of an impassible road shall be grounds for the revocation of the permit.
- (6) The cost of all police details shall be the responsibility of the contractor. Prior to any road being rendered impassable, the contractor shall notify police dispatch at 860-283-4344 to report road closures. The contractor shall sufficiently address the concerns of emergency personnel such that public safety is not compromised by the contractor's actions.
- (7) The contractor may commence work when he/she has the approved permit in hand and after receiving approval of the Thomaston Police Department. The approved permit shall be at the site of the work at all times. The Highway Department and the emergency services should be kept informed daily of the progress of the work.
- (8) The Highway Department or the WPCA shall provide inspection(s) as it deems necessary.

B. Subsurface utilities.

- (1) Any utility company with facilities within the Town of Thomaston's right-of-way shall be obligated for the proper maintenance, repair and replacement of said facility. If the failure of any utility located within or outside the Town right-of-way causes damage to public or private property, the owner of said utility shall be responsible for the repair/restoration of any damage caused.
- (2) If the contractor damages or suspects an existing utility has been damaged directly or indirectly by the contractor's actions, the contractor shall notify the Highway Department and the owner of the damaged utility. The contractor shall not continue work until authorized by the Superintendent of Highways or his/her designee.
- (3) The method of repair to a damaged utility must meet with the approval of the Superintendent of Highways and the owner of the utility. The method of repair will be decided on a case-by-case basis at the time of damage; in no case shall the method of repair compromise the structural integrity, capacity or longevity of the utility without the expressed written consent of Superintendent of Highways or his/her designee.

C. Backfill of excavation.

- (1) The contractor shall backfill all excavations with the native material if suitable. If, in the opinion of the Superintendent of Highways, the native material is unsuitable, the contractor will bring in suitable fill at the cost of the contractor. All backfill

material shall be compacted to not less than 92% and gravel shall be compacted to not less than 95% of the maximum dry density.

- (2) The Superintendent of Highways may require soil testing to determine gradation, compaction and other parameters relevant to the proper construction of the roadway. Should the Town require said testing, the expense shall be borne entirely by the contractor.
- (3) The approved road opening permit will be valid for a period of 30 days unless otherwise stipulated.

§ 315-5. Winter moratorium.

- A. No work will be allowed in the area of pavement between November 15 and April 1, except in case of emergency. Emergency work necessary for the protection of life or property may be conducted with the written approval of the Board of Selectmen or its designee. A waiver for extenuating circumstances may be approved by the Board of Selectmen only after consultation with the Superintendent of Highways.
- B. See emergency work § 315-10.

§ 315-6. New surface moratorium.

- A. Excavation will not be allowed in rights-of-way that have been newly surfaced or resurfaced for a period of five years, except for emergency work (see § 315-10). Extenuating circumstances may be approved by the Board of Selectmen only after consultation with the Superintendent of Highways. **[Amended 2-4-2016]**
- B. In the event an excavation is allowed during the five-year moratorium, the contractor shall conduct his work as directed by the Superintendent of Highways. The completed work shall provide a life expectancy comparable to the surrounding work. Possible special provisions to allow for proper stabilization and surfacing include, but are not limited to, the use of infrared technology on joints within the excavation. **[Amended 2-4-2016]**
- C. Applicable procedures and testing results may be required by the Superintendent of Highways. Said testing shall be conducted by a testing agent or engineer approved by the Superintendent of Highways.
- D. All work allowed must be bonded, guaranteed and maintained for a period of not less than one year after excavation of the road.

§ 315-7. Bonding.

- A. The contractor shall provide a bond to be held by the Town for the duration of the warranty period. The bond shall be issued in such manner as it may not be cancelled without the written approval of the Superintendent of Highways.
- B. The amount of the bond shall be as defined in the following table:

Square Yards	Amount
0 to 499	\$5,000
500 to 999	\$10,000
1,000 to 2,000	\$20,000
Over 2,000	\$20,000 plus \$5 per square yard over 2,000, or as approved by the Board of Selectmen

§ 315-8. Insurance. [Amended 2-4-2016]

- A. The contractor and contractor's subcontractors shall provide a commercial general liability insurance policy that includes products, operations and completed operations. Limits should be at least: bodily injury and property damage with an occurrence limit of \$1,000,000; personal and advertising injury limit of \$1,000,000 per occurrence; general aggregate limit of \$2,000,000 (other than products and completed operations); products and completed operations aggregate limit of \$2,000,000. Such policy shall name the Town of Thomaston as an additional insured and be primary and noncontributory to any insurance carried by the Town of Thomaston.
- B. The contractor and contractor's subcontractors shall provide worker's compensation and employer's liability insurance that complies with the regulations of the State of Connecticut with limits no less than \$100,000 for each accident by bodily injury, \$100,000 for each accident by disease and a policy limit of \$500,000.
- C. The contractor and contractor's subcontractors shall provide commercial automobile insurance for any owned autos (Symbol 1 or equivalent) in the amount of \$1,000,000 for each accident covering bodily injury and property damage on a combined single limit basis. Such coverage shall also include hired and non-owned automobile coverage.
- D. Prior to commencement of the work, the contractor shall furnish the Town of Thomaston with satisfactory evidence of insurance as set forth above. Said policies shall not be cancelled or permitted to lapse until 30 days after the Town of Thomaston has received notice of such cancellation or lapse in coverage.

§ 315-9. Warranty of work.

To allow the most reasonable method to insure the quality of work, the contractor has two options available to adjust the duration of the warranty period and the responsibility of the contractor during the warranty period. The options are as follows:

- A. Standard construction methods.
 - (1) Prior to execution of the work, the contractor shall saw cut the pavement over the area of proposed excavation. Should the Superintendent of Highways reject the material, the contractor shall remove the material from the site at the contractor's expense. At no time shall bituminous material be returned to the trench.

- (2) After excavation, the contractor shall backfill using the material removed from the trench if approved by the Superintendent of Highways. All material shall be compacted in six inches lifts with mechanical compaction equipment and/or the use of jetting (with the approval of the Superintendent of Highways). The method used to compact this material shall produce a rate of compaction of 92% of the maximum dry density of the material. This material should be placed to within 22 inches of the surrounding finished surface. Eighteen inches of gravel shall be placed in six-inch lifts and compacted to 95% of the maximum dry density of the material; this shall be followed by two lifts of Class 2 asphalt first 2.5 inches and then 1.5 inches. Both courses shall comply with the Connecticut Department of Transportation (ConnDOT) Standard Specifications for Highways and Bridges. In the event hot mix asphalt cannot be used in the repair, the contractor shall place 16 inches of gravel in six-inch lifts and six inches of cold temporary patch, which will

be removed as soon as weather conditions allow, at which time the contractor shall complete the work in conformance with the above. The contractor shall maintain the trench patch and maintain the required bond for one year after completion of the work.

B. Payment of a repair and maintenance fee.

- (1) To reduce the warranty period defined in § 315-3, a contractor may choose to pay a repair and maintenance fee.
- (2) Within 12 months of receiving the repair and maintenance fee, a Highway Department crew will re-excavate the contractor's work and restore the work as directed by the Superintendent of Highways. After the restoration by the Highway Department, the contractor will be released further warranty.
- (3) During the construction, the contractor shall comply with the construction techniques described in Subsection A of this section and elsewhere in this regulation and shall maintain the work for a period of not more than 12 months, or until such time as the contractor's work is replaced by the Highway Department.
- (4) The cost of the repair and maintenance fee shall be based on the current Town bid prices for reclamation, preparation and paving of the area of the work plus 50% for depths of excavation up to five feet. Excavations over five feet in depth will require that the cost of the repair and maintenance fee be based on Town bid prices for reclamation, preparation and paving of 200% of the area of the excavation. In lieu of bid prices, the Town may publish a standard rate schedule to be maintained on an annual basis by the Superintendent of Highways.

§ 315-10. Emergencies.

Work completed under the classification of emergency, because of threat of personal injury or property damage, shall be allowed to commence prior to attaining the permit, provided that notification of "Call Before You Dig" and the public safety dispatch has been achieved. The contractor shall contact the Superintendent of Highways or his/her designee within 24 hours to apply for permit. Should the Superintendent of Highways find that the situation surrounding the work does not constitute an emergency, the contractor shall be assessed a fine of \$200 per day until such time as the work is complete and the permit fee paid.

§ 315-11. Exemptions.

The Town of Thomaston Highway Department is exempt from the application process. Fees and bonds may be reduced or waived for other public agencies at the discretion of the Board of Selectmen; however, the application process and all construction specifications and warranty periods shall apply.

§ 315-12. Backfill requirements.

- A. With the exception of an in-place reclamation project, or the use of processed gravel or recycled asphalt pavement, no excavated bituminous material shall be returned to the trench.
- B. Unless the gravel base material has been removed per § 315-9A, the contractor will stockpile (off the road) gravel found in the roadbed and place it in six-inch compacted lifts at the top of the trench as a base material whenever possible.

§ 315-13. Curb cut.

Driveway openings shall be constructed in conformance with the Town of Thomaston's driveway permit regulations.²

§ 315-14. Additional specifications.

- A. All pavements to be removed, including curbing and sidewalks, shall be saw cut prior to excavation.
- B. Unless otherwise directed by the Superintendent of Highways, all excavated material shall be loaded directly into trucks, not stacked on the pavement or shoulder, so as to minimize damage to the remaining pavement and existing shoulder, minimize dust, and facilitate the safe flow of traffic during construction.
- C. Any water encountered during excavation shall be discharged into an approved sediment control system prior to release to the existing gutter, swale, or other drainage structure. It is the contractor's responsibility to get approval from the Inland Wetlands and Watercourses Commission and any other governmental body that may have jurisdiction.
- D. Excavated material shall be used as backfill to minimize differential frost action in the road subgrade. Exceptions to this will be made when the excavated material is too wet to be used as backfill or contains excessive unstable organic material. Application of this subsection shall be at the discretion of the Superintendent of Highways.
- E. All backfill shall be compacted with equipment that is specifically designed for that purpose. Lifts of fill compacted with hand-directed or -operated equipment shall not exceed six inches in thickness. Lifts compacted with self-propelled heavy equipment shall not exceed 12 inches in thickness.
- F. Gravel subgrade shall match the thickness of the gravel existing adjacent to the excavation, but in no case shall it be less than 18 inches in thickness.
- G. All gravel used for road base material shall comply with standards set forth in the ConnDOT Standard Specifications for Highways and Bridges.

2. Editor's Note: See Ch. 142, Driveways.

- H. The placement of temporary pavement is required immediately after completion of backfill and compaction. Cold patch is not a suitable long-term temporary pavement and must be replaced within 24 hours with Class 2 asphalt.
- I. The existing pavement shall be cut back one foot prior to the placement of permanent pavement. The pavement shall be mechanically cut in lines perpendicular or parallel to the direction of travel of the street.
- J. The edges of the existing pavement cut to receive permanent pavement shall have asphalt emulsion applied to the vertical surfaces prior to paving.
- K. All permanent pavements shall conform to the ConnDOT Standard Specifications for Highways and Bridges, specifications for Class 2 hot mix asphalt base and top as specified previously.
- L. All temporary and permanent repairs to the rights-of-way shall be constructed to match existing grades and graded to drain in the same manner as the original pavement or as directed by the Superintendent of Highways.
- M. All work performed is subject to inspection by the Superintendent of Highways at all times. The schedule of inspection shall be at the discretion of the Superintendent of Highways. Excavations shall not be backfilled without prior notification of the Superintendent of Highways.
- N. All work with the right-of-way shall comply with current federal and state Americans with Disabilities Act regulations (42 U.S.C. § 1201 et seq.).
- O. Excavations shall not be left unattended. At the end of every day the excavation shall be backfilled or covered with a suitable h-20 plate. Machinery shall not be left in the road without the consent of the Superintendent of Highways.
- P. The contractor shall be responsible to observe all applicable OSHA regulations.

§ 315-15. Revocation of permit.

- A. The Superintendent may revoke the permit at any time for failure to comply with these regulations.
- B. If a permit is revoked, the work will cease and the road shall be repaired as called for in these regulations. No work will continue until the Superintendent of Highways is certain the situation that caused the revocation has been rectified.
- C. If while the work is suspended the work is left in or becomes an unsafe condition, there shall be a fine of \$200 per day levied against the contractor, and the Highway Department will make the work safe. The Town may pull the contractor's bond, if the Superintendent believes that to be in the Town's best interest.
- D. A reinstatement fee of \$200 shall be required before the contractor can continue work.

Chapter 325

WATER POLLUTION CONTROL AUTHORITY

ARTICLE I Sewer Use

- § 325-1. Purpose and applicability.
- § 325-2. Definitions and word usage.
- § 325-3. Unlawful discharges; connection to public sewer required.
- § 325-4. Building sewers and connections.
- § 325-5. Use of public sewers.
- § 325-6. Protection from damage.
- § 325-7. Right of entry.

- § 325-8. Notice of violation; penalties for offenses.
- § 325-9. Assessments and charges.
- § 325-10. Repealer; severability.
- § 325-11. When effective.

ARTICLE II Office and Billing Policy

- § 325-12. Purpose.
- § 325-13. Authority.
- § 325-14. Billing procedure.
- § 325-15. Construal of provisions.

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

ARTICLE I Sewer Use

[Adopted 3-1-1958, as amended through 5-5-1981]

§ 325-1. Purpose and applicability.

- A. There are hereby enacted rules and regulations governing the use of and connection to the public sanitary sewer system in the Town of Thomaston. It also establishes specific limits for pollutant discharges which by their nature or by their interaction with sewage will be detrimental to the public health, cause damage to the public sewer or the water pollution control facility, pollute the waters of the state, or otherwise create a public nuisance.
- B. This article is intended to:
 - (1) Inform the public as to the technical and administrative procedures to be followed in obtaining connection to the Town of Thomaston sanitary sewer system.
 - (2) Prevent the introduction of pollutants into the sanitary sewer system which will interfere with or be detrimental to the collection and/or treatment system.
 - (3) Prevent the introduction of pollutants into the treatment system which will pass through the system, inadequately treated, into the waters of the state, or the atmosphere, or otherwise be incompatible with the system.

(4) Establish charges for the connection to the public sanitary sewer system.

C. This article shall apply to the Town of Thomaston and to persons outside the Town of Thomaston who are users of the public sewer. Except as otherwise provided herein, the Water Pollution Control Authority of the Town of Thomaston shall administer, implement, and enforce the provisions of this article.

§ 325-2. Definitions and word usage.

Unless specifically indicated otherwise in the context, terms used in these rules and regulations shall have the following meaning; "shall" is mandatory; "may" is permissive:

ACT or THE ACT — The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. § 1251 et seq.

BIOCHEMICAL OXYGEN DEMAND (BOD) — The amount of oxygen required by bacteria while stabilizing decomposable organic matter under aerobic conditions for five days at 20° C.

BUILDING CODE — The Building Code of the State of Connecticut, including amendments or additions thereto, and shall include the Plumbing Code therein contained.

BUILDING DRAIN — Includes, where appropriate, the term "house drain" and shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other authorized drainage pipes inside the walls of the building and conveys it to the building sewer, extending five feet outside the building wall.

BUILDING SEWER — Includes the term "house sewer" where appropriate and shall mean the extension of the building drain (beginning five feet outside the building wall) to the public sewer.

CATEGORICAL STANDARDS — National Categorical Pretreatment Standards or Pretreatment Standards.

COMPATIBLE POLLUTANT — Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus any additional pollutants identified in the water pollution control facilities NPDES permit, where the water pollution control facility is designed to treat such pollutants and, in fact, does treat such pollutants to the degree required by the NPDES permit.

COOLING WATER — Process water in general used for cooling purposes to which the only pollutant added is heat and which has such characteristics that it may be discharged to a natural outlet in accordance with federal and state laws and regulations.

DEP — The Department of Environmental Protection for the State of Connecticut.

DOMESTIC SEWAGE — Sewage that consists of water and human excretions or other waterborne wastes incidental to the occupancy of a residential building or nonresidential building but not wastewater from water-softening equipment, commercial laundry wastewater, and blowdown from heating and cooling equipment.

FLOATABLE OIL — Oil, fat, or grease in a physical state such that it will separate by gravity from sewage by treatment in an approved pretreatment facility.

GARBAGE — Liquid or solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce, and shall include such wastes as defined above which have been shredded to such a degree that all particles will be carried freely under normal flow conditions in the public sewer.

HOLDING TANK WASTE — Any waste from holding tanks such as vessels, chemical toilets, campers, trailers and septage hauling trucks.

INCOMPATIBLE POLLUTANT — All pollutants other than compatible pollutants as defined above.

INDUSTRIAL WASTES — Includes the term "commercial wastes" where appropriate and shall mean the liquid or solid wastes from industrial and/or commercial processes as distinct from sanitary sewage.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT — A permit issued pursuant to § 402 of the Act (33 U.S.C. § 1342).

pH — The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

PERSON — Any individual, partnership, copartnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

PRETREATMENT or TREATMENT — The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a water pollution control facility. The reduction or alteration can be obtained by physical, chemical or biological processes, except as prohibited by Title 40, Code of Federal Regulations, § 403.6(d).

PROPERLY SHREDDED GARBAGE — The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

PUBLIC SEWER — A sewer controlled by a governmental agency or a public utility.

SANITARY SEWER — A sewer which carries sewage only and prohibits the connection of storm-, surface and ground waters.

SEPTAGE — The liquids and solids which are removed from a tank used to treat domestic sewage.

SEWAGE — Any substance, liquid or solid, which may contaminate or pollute or affect the cleanliness or purity of any water.

SEWER — Pipe or conduit that carries sewage.

SEWERAGE SYSTEM — Any device, equipment, appurtenance, facility and method of collecting, transporting, receiving, treating, disposing of or discharging sewage and shall include both public and private sewage facilities within the Town of Thomaston.

SLUG — Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration or flow during normal operation and shall adversely affect the collection system and/or performance of the water pollution control facility.

SOLUBLE OIL — Oil which is of either mineral or vegetable origin and disperses in water or sewage at temperatures between 0° C. and 65° C. For the purpose of this article, emulsified oil shall be considered as soluble oil.

STORM SEWER — A sewer which collects and conveys stormwater or groundwater.

SUSPENDED SOLIDS — The solid matter, measured in milligrams per liter, which may be in suspension, floatable, or settleable and is removable by laboratory filtering.

TOXIC POLLUTANT — Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of § 307(a) of the Act or other acts.

WATER POLLUTION CONTROL AUTHORITY (WPCA) — The duly appointed members of the Water Pollution Control Authority in the Town of Thomaston.

§ 325-3. Unlawful discharges; connection to public sewer required.

- A. It shall be unlawful to discharge from any source within the Town of Thomaston any sanitary sewage, garbage, commercial or industrial wastes or other polluted waters except in accordance with the provisions of these rules and regulations.
- B. Where public sewers are available or except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- C. The owner of each house, building or property intended for or used for human occupancy, employment, recreation or other purposes within the Town of Thomaston, bordering or abutting upon streets, roads and highways within said Town in which there is now constructed or in which there may hereafter be constructed a public sanitary sewer, is hereby required at his expense to conform to the requirements of the Connecticut State Building Code and install suitable toilet facilities therein and to connect such facilities directly to the public sewer in accordance with these rules and regulations within 90 days after written order from the Water Pollution Control Authority to do so. No such connection to the public sewer shall be required where the building, houses or property intended or used for human occupancy, employment, recreation or other purposes is more than 100 feet from the sewer lateral with that measurement taken in a straight line from the lateral to the nearest point of the building.

- D. Where connection to any public sewer shall not be required as set forth in Subsection C above, the building drain shall be connected to a private disposal system, constructed and maintained in accordance with the provisions of the Public Health Code of the State of Connecticut, or the owner may, at his own expense, connect the building drain into the public sewer system.

§ 325-4. Building sewers and connections.

- A. No person shall uncover, make connection with or opening into, use, alter or disturb any part of the public sewerage system or house connection without first obtaining a written permit from the Thomaston Water Pollution Control Authority or its authorized agents.
- B. There shall be two classes of building sewer permits: for residential service and for commercial and industrial service. In either case, the owner or his agent shall make application on a special form furnished by the Water Pollution Control Authority. The permit application shall be supplemented by any plans, specifications or any other information considered pertinent in the judgment of the Water Pollution Control Authority or its authorized agents. A permit and inspection fee will be charged and shall be paid to the Town at the time the application is filed.
- (1) In establishing or revising such charge, the Water Pollution Control Authority may classify the property connected or to be connected with the sewerage system and may give consideration to any factors relating to the kind, quality or extent of use of any such property or classification of the property, including:
- (a) The volume of water discharged to the system.
 - (b) The type or size of building connected to the system.
 - (c) The number of plumbing fixtures connected to the system.
 - (d) The number of persons customarily using the property served by the system.
 - (e) The average number of employees and guests using the property.
 - (f) The total flow, either metered from a public water supply and/or private well, and the total discharge either to a brook, river or stream and/or to the sewerage system.
 - (g) The quality and character of the material discharged into the sewerage system.
- (2) Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Water Pollution Control Authority at least 45 days prior to the proposed change or connection.
- C. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify and hold harmless the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Streets, sidewalks, parkways, and other public property disturbed

in the course of the work shall be restored in a manner satisfactory to the Town of Thomaston.

- D. A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on a common lot and no private sewer is available or can be constructed to the rear building, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the Thomaston Water Pollution Control Authority does not and will not assume any obligation or responsibility for damage caused by or resulting from any such aforementioned connection.
- E. Existing building sewers may be used in connection with new buildings and new building sewers only when they are found, upon examination and test by the Water Pollution Control Authority or its authorized agents, to meet all requirements of these rules and regulations.
- F. The building sewer shall be constructed of materials and by methods described in the Water Pollution Control Federation, Manual of Practice No. 9, Design and Construction of Sanitary/Storm Sewers. Any part of the building sewer that is located within a twenty-five-foot radius of a water service pipe from a supply well or the supply well itself shall be constructed in accordance with all applicable guidelines promulgated by the Department of Environmental Protection and the State of Connecticut Department of Public Health and the designated area health agencies.
- G. The size of the building sewer pipe shall be subject to the approval of the Water Pollution Control Authority or its authorized agents, but in no event shall the diameter be less than four inches for a one- or two-unit house. The size of the building sewer pipe for commercial and industrial installations and dwellings of more than two units shall be as determined by the Water Pollution Control Authority. The slope of such four-inch pipe shall be not less than 1/4 inch per foot, and the slope of six-inch pipe, if used, shall be not less than 1/8 inch per foot.
- H. In the connection of the building sewer into the public sewer where no lateral from the main is available, connection shall be made at a Y (wye) or T (tee) branch if such a branch is available at a suitable location. If the public sewer is 12 inches in diameter or less and no properly located Y or T branch is available, the owner shall, at his expense, install a Y or T branch by means of a saddle in the public sewer line at the location specified by the Water Pollution Control Authority or its authorized agents. Where the public sewer is greater than 12 inches in diameter and no properly located Y or T is available, a neat hole may be cut above the center line of the public sewer pipe to receive the building sewer. Each such connection shall be made in conformity with the standard practices of the Water Pollution Control Authority, and no such connection shall be covered until inspected and approved by the Water Pollution Control Authority or its authorized agents.
- I. A house trap shall be installed in any building that does not meet the existing Building Code.
 - (1) The Sewer Authority will notify the Building Inspector of the Town of any existing building or buildings to be connected to the sewer system. The Building

Inspector will inspect each building and notify the Sewer Authority of any building that does not meet the Building Code.

- (2) Any building not meeting the Building Code shall install a house trap immediately within the building and connected to the building drain except where the owner shall, for good cause shown, receive permission from the WPCA or its authorized agents to place said trap at another point along the building drain or house sewer. The trap shall be furnished with two handholds with screw-top cleanouts. A fresh air inlet branch shall be placed on the house side of the trap in accordance with the Connecticut State Building Code.
- J. Where the building drain passes through the wall of the building to the connection of the building sewer, it shall be cast iron. No tile or fabricated pipe will be permitted except existing buildings for which permits were issued prior to enactment of these rules and regulations.
- K. Whenever possible, the building sewer shall be brought to the property line at an elevation below the basement floor or as directed by the property owner. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at no expense to the Town.

§ 325-5. Use of public sewers.

- A. No person shall make any connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- B. The following described substances, materials, waters or waste shall be limited in discharges to public sewers to concentrations or quantities which will not harm either the sewers or water pollution control facility, will not have an adverse effect on the receiving stream, or will not otherwise endanger public property or constitute a nuisance. The Water Pollution Control Authority may set lower limitations if more severe limitations are necessary to meet the water quality standards of the receiving stream. Except as hereinafter provided, no person shall discharge or cause to discharge any of the following described waters or wastes to any public sewer:
 - (1) Any liquid or vapor having a temperature higher than 150° F.
 - (2) Any water or waste which may contain more than 100 milligrams per liter by weight of fat, oil or grease.
 - (3) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
 - (4) Any garbage that has not been properly shredded.
 - (5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of

causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system.

- (6) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage system.
- (7) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the Water Pollution Control Facility, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to § 307(a) of the Act.
- (8) Any substance which will cause the Water Pollution Control Facility to violate its NPDES permit or the receiving water quality standards.
- (9) Materials which exert or cause:
 - (a) Unusual concentrations of inert suspended solids (such as, but not limited to, fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (c) Unusual biochemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the Water Pollution Control Facility.
 - (d) Unusual volume of flow or concentration of wastes constituting slugs as defined herein.
- (10) Any noxious or malodorous gas or substances capable of creating a public nuisance.
- (11) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Water Pollution Control Authority in compliance with applicable state or federal regulations.
- (12) Any sewage containing odor-producing substances exceeding limits which may be established by the Water Pollution Control Authority.
- (13) Sewage containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such degree that the water pollution control facility effluent cannot meet the limits stipulated in the Thomaston NPDES permit.
- (14) Overflow from holding tanks or other receptacles storing organic wastes.
- (15) Sewage with concentrations of pollutants in excess of the following limits:

Pollutant	Concentration (parts/million mg/l)
Arsenic as A _s	0.05
Barium as B _a	5.0
Boron as B _o	5.0
Cyanides as CN (amenable)	0.1
Fluoride as F	20
Chromium (Total)	1.0
Chromium (Cr +6)	0.1
Magnesium as Mg	100
Manganese as Mn	5.0
Copper as Cu	1.0
Zinc as Zn	1.0
Cadmium	0.1
Lead	0.1
Tin	2.0
Silver	0.1
Mercury	0.01

Note: All metals are to be measured as total metals.

- C. Grease, oil and sand interceptors shall be provided when, in the opinion of the Water Pollution Control Authority or its authorized agents, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, and other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Water Pollution Control Authority or its authorized agents and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gaslight and watertight. Where installed, all grease, oil and sand interceptors shall be installed and maintained by the owner, at his expense, and continuously maintained in efficient operation at all times.
- D. The admission into the public sewers of any waters or wastes having a five-day biochemical oxygen demand greater than 200 parts per million by weight or containing more than 200 parts per million by weight of suspended solids or containing any quantity of substance having the characteristics described in Subsection B or having an average daily flow greater than 2% of the average daily sewage flow of the Town shall be subject to the review and approval of the Water Pollution Control Authority or its authorized agents.

- (1) Where necessary in the opinion of Water Pollution Control Authority or its authorized agents, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:
 - (a) Reduce the biochemical oxygen demand to 200 parts per million and the suspended solids to 200 parts per million by weight;
 - (b) Reduce objectionable characteristics or constituents to within the maximum limits provided for in Subsection B; or
 - (c) Control the quantities or rates of discharge of such waters or wastes.
 - (2) Plans, specifications and other pertinent information relating to any new facility or proposed preliminary treatment facility shall be submitted for the approval of the Water Pollution Control Authority, its authorized agents and the State Department of Environmental Protection. No construction of such facilities shall be commenced until said approvals are obtained in writing.
- E. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- F. When required by the Water Pollution Control Authority or its authorized agents, the owner of any property served by a building sewer that discharges commercial or industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of wastes. Such a manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Water Pollution Control Authority or its authorized agents. The sampling structure shall be located at a point along the industrial waste stream where a representative sample of the industrial wastewater may be obtained prior to its being diluted by domestic sewage in the building sewer. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. In addition, all industries discharging into a public sewer shall perform such monitoring of their discharge as the Water Pollution Control Authority and/or other duly authorized employees of the Town may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Water Pollution Control Authority. Such records shall be made available upon request by the Water Pollution Control Authority to other agencies having jurisdiction over discharges to the receiving waters.
- G. When required by the Water Pollution Control Authority or its authorized agents, flow meter(s) shall be installed to measure the flow for water discharged from the commercial or industrial facility to any sewer or watercourse other than the public sewer or water intake from a private source and discharged to the public sewer. Installation and maintenance costs of any such meter, where required, shall be the owner's expense.
- H. State permit.
- (1) In accordance with § 22a-430 of the Connecticut General Statutes, as amended, a permit from the Commissioner of the Department Environmental Protection is

required prior to the initiation of a discharge of any of the following wastewaters to a public sewer:

- (a) Industrial wastewater of any quantity.
 - (b) Domestic sewage in excess of 5,000 gallons per day through any individual building sewer to a public sewer.
- (2) A potential discharger must submit a permit application to the Department of Environmental Protection not later than 90 days prior to the anticipated date of initiation of the proposed discharge.
- I. The Water Pollution Control Authority shall have the right to reject the discharge of any wastes or require more stringent effluent limitations than required by the users of the C.G.S. § 22a-430 permit, the decision of the Commissioner of the Department of Environmental Protection notwithstanding.
- J. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Subsection B and which in the judgment of the Water Pollution Control Authority may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Water Pollution Control Authority may:
- (1) Reject the wastes;
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewer;
 - (3) Require control over the quantities and rates of discharge; and/or
 - (4) Require payment to cover the added cost of handling and treating the wastes.
- K. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. The Water Pollution Control Authority may require that plans showing facilities and operating procedures be submitted for review and approval prior to construction of the facilities.
- (1) Within five days following an accidental discharge, the user shall submit to the Water Pollution Control Authority and the Department of Environmental Protection a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the Water Pollution Control Facility, fish kills, aquatic plants, or any other damage to persons or property, nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.
 - (2) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous

discharge. Employers shall ensure that all employees are advised of the emergency notification procedure.

- L. No user shall increase the use of process water in an attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in these rules and regulations or in any other specific pollutant limitations which may be developed by the Water Pollution Control Authority.
- M. All measurements, tests and analyses of the characteristics of waters or wastes to which reference is made in these rules and regulations shall be determined in accordance with Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to the stipulations and general conditions of the user's state discharge permit and the requirements of the Water Pollution Control Authority.
- N. No statement contained in this article shall be constructed as preventing any special agreement or arrangement between the Water Pollution Control Authority and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Water Pollution Control Authority for treatment, provided that such agreements do not contravene any requirements of existing state or federal regulations and are compatible with any user charge system in effect.

§ 325-6. Protection from damage.

No person shall maliciously, willfully, negligently or inadvertently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewerage system. Any person found guilty of violating this provision shall be fined not more than \$25 for each violation and shall become liable to the Water Pollution Control Authority for any expense, loss or damage occasioned the Water Pollution Control Authority by reason of such violation.

§ 325-7. Right of entry.

- A. The Water Pollution Control Authority and its duly authorized agents bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of these regulations. The Water Pollution Control Authority or its authorized agents shall have no authority to inquire into any processes, including metallurgic, chemical, oil refining, ceramic, paper, or other industries, beyond that point having a direct bearing on the kind and source of discharge to the public sewers or watercourses.
- B. While performing the necessary work on private properties referred to in above, the Water Pollution Control Authority or its duly authorized agents shall observe all safety rules applicable to the premises established by the owner, and the owner shall be held harmless for injury or death to the Water Pollution Control Authority or its duly authorized agents and the Water Pollution Control Authority shall indemnify the owner against loss or damage to its property by the Water Pollution Control Authority or its

duly authorized agents and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging, sampling or inspection operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions as required in § 325-5F.

- C. The Water Pollution Control Authority and its duly authorized agents bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

§ 325-8. Notice of violation; penalties for offenses.

- A. Any person who shall violate any provision of the rules and regulations shall be served with written notice setting forth the nature of the violation and requiring that the same be satisfactorily corrected within a time set forth in said notice, which time shall be reasonable considering the nature and circumstances of the violation. Any person so served shall, within the time stated in such notice, permanently cease all violations of these rules and regulations.
- B. Any person who shall continue any violation beyond the time set forth in any notice served upon him in accordance with the provisions of Subsection A shall forfeit to the Town the sum of \$25 for each such violation; provided, however, that each day in which any such violation shall continue shall be deemed a separate offense.
- C. In addition to any other penalties provided in these rules and regulations, any person violating any of the provisions of these rules and regulations shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation. Whenever any person shall be ordered to make any connection as set forth in § 325-3C of these rules and regulations and when any person shall have been ordered to discontinue any violation as set forth in Subsection A of this section and shall fail to do so within the time set forth in said notice, the Water Pollution Control Authority or its authorized agents may cause the same to be done and collect the expense thereof from such person, and such expense shall become a lien against the property of such person until paid, and all provisions of the General Statutes relating to the recording, continuing and releasing of a property tax lien shall apply.
- D. Any person who is found to be in violation of § 22a-430 of the Connecticut General Statutes, as amended, shall be subject to a monetary penalty or forfeiture under § 22a-438 of the Connecticut General Statutes.

§ 325-9. Assessments and charges.

- A. The total expense in connection with the construction of the sewerage system shall be met in the manner hereinafter provided.

- (1) The Water Pollution Control Authority shall establish in the manner provided for in Chapter 103 of General Statutes of the State of Connecticut, as revised, an assessment on all property (excepting property used exclusively for railroad tracks, property covered by water, any federal, state and municipally owned property, and any such property so deemed as unassessable by the Water Pollution Control Authority) abutting upon streets and highways through which a sewer in constructed capable of receiving the sewer drainage from such property or any property especially benefitted by the sewerage system.
- (2) The assessment will be based upon a uniform assessment per linear front foot.
- (3) The Water Pollution Control Authority may make reasonable allowances in the case of properties having a frontage on more than one street and whenever, for any reason, the particular situation of any property shall require an allowance.
 - (a) In the case of a corner lot or a lot belonging to the same owner and abutting upon one or more sewered streets, the same lot shall not be assessed on its total frontage on both of such streets but shall be assessed only for that frontage which might reasonably become building frontage.
 - (b) A corner lot (sewers available on both streets) will be calculated by adding the lengths of both sides together and dividing the total frontage by two.
 - (c) A curved lot will be calculated as nearly as possible by the actual length of curve given on the property map.
 - (d) The assessment of property with only a right-of-way frontage or no frontage on a sewered street will be assessed proportionately for the area reasonably benefitted by the construction of said sewer.
 - (e) The assessment of property with extended front footage covered under Chapter 103 of the Connecticut General Statutes will be assessed under the requirements of said statute.
 - (f) All measurements of straight front footage, curves, or area of assessable property will be based upon filed deeds, maps and/or information deemed adequate or reasonable by the Water Pollution Control Authority or its authorized agents.
- (4) The rate of assessment will be based on the total expense in connection with the construction and completion of said sewer (excluding house connections borne by the owner).
- (5) All sums so assessed shall constitute a lien upon the property upon which the assessment is made until fully paid, and such assessment shall be due and payable within 90 days from the date of the receipt of written notice thereof by the persons by whom the same is payable, provided that the Water Pollution Control Authority shall, upon written request of any such person made within said period of 90 days, apportion such assessment into such number of equal annual installments, not exceeding 10, as such person shall designate in such request. Interest from the date of such apportionment, at the rate of 5% per annum, shall be added to the unpaid

balance of each such assessment until it is paid. Nothing herein contained shall be construed as to prevent the payment in full, at any time, in one payment, notwithstanding its prior apportionment, of any balance of any assessment then remaining unpaid, but interest on such balance, at the rate of 5% per annum, shall be paid to the date of such payment.

- B. There shall be a charge of \$25 for each residential connection and \$40 for each commercial and industrial connection into the public sewer system within the geographic limits of the Town of Thomaston, and a charge of \$40 for each residential connection and \$60 for each commercial or industrial connection to the public sewer system outside the geographical limits of the Town of Thomaston, which charge shall become due and payable to the Thomaston Water Pollution Control Authority at the time the permit to connect is issued.
- C. The annual use charge is covered under a separate chapter, System of User Charges.¹
- D. Any person requesting connection of any building or property located outside the geographic limits of the Town of Thomaston to the Thomaston sewerage system shall be charged at a rate equal to 150% of the linear front foot assessment charge imposed upon the surrounding property located within the Town of Thomaston, as determined in Subsection A above.
- E. All special legal, technical, testing or other charges incurred by the Water Pollution Control Authority in consideration of an application to connect to the public sewerage system and in the execution of any special agreements shall be the responsibility of the applicant.
- F. Benefit connection charge established. The Water Pollution Control Authority ("WPCA" herein) may, from time to time and as further provided herein, levy a benefit connection charge pursuant to Connecticut General Statutes, § 7-255. A benefit connection charge differs from a sewer assessment (pursuant to Connecticut General Statutes, §§ 7-249 to 7-254) for construction of a new sewer line in that a benefit connection charge is levied against particular properties, structures or uses tying into the sewer line after its construction which were not contemplated at the time of its construction or assessment. For instance, a property which was zoned and assessed for single-family dwellings at the time of construction of the sewer line may, as a result of a zone change, special exception or other changed conditions, become the site of an office building or condominium complex. The purpose of the benefit connection charge is to assess the property for the special benefit accruing from sewer service and to reimburse the Town for the increased usage of its sewer facilities by the proposed project. The following subsections set forth the WPCA's rules and procedures governing benefit connection charges.
- (1) Benefit connection charge criteria. A property applying to connect to the sewer system shall be subject to a benefit connection charge if it meets any one of the following criteria:

1. Editor's Note: This chapter is on file at the office of the Water Pollution Control Authority.

- (a) Connection to any sewer line constructed prior to 1961, now operated and maintained by the WPCA;
 - (b) Connection to any sewer line for which such property has never been assessed by the WPCA;
 - (c) Connection to any sewer line for which such property is not subject to a sewer assessment caveat recorded in the Thomaston land records; or
 - (d) Connection to any sewer line or any other use of the sewer system when, in the opinion of the WPCA, a special benefit accrues to such property or a substantial increase in usage of the sewer system will result which justifies the levying of a benefit connection charge.
- (2) Benefit connection charge calculation. Properties connecting to the sewer line will be charged on a per-unit basis ranging from a minimum of one unit to a maximum of the total number of units being constructed for which a zoning permit or certificate of occupancy is sought. A "unit" is defined as any use which is reasonably expected or capable of generating 70 gallons of sewer discharge per day.
- (a) In the case of more than one unit per building with only one building connection, each unit in the building will be considered separate and charged accordingly. The per-unit benefit connection charge is as follows:
 - [1] Previously agreed or assessed benefit connection charges: no change.
 - [2] Properties applying to connect after January 31, 1989, and before December 31, 1989: \$1,000 per unit.
 - [3] Properties applying to connect on or after January 1, 1990: \$1,500 per unit.
 - (b) A piece or parcel of land which has paid a benefit connection charge hereunder shall be exempt from any future benefit connection charge for only those units for which such charges have been levied and paid. Any additional units constructed or created on the property thereafter shall be subject to the benefit connection charges in force at the time of the application to connect or add those units to the sewer system. The WPCA reserves the right to exempt any property from the benefit connection charge levied against a property when, in the opinion of the WPCA, circumstances justify such action. Municipally owned and tax-exempt property shall be subject to such charges under the same conditions as are the owners of other property similarly situated.
- (3) Benefit connection charge procedure. The benefit connection charge established under this Subsection F hereof has been adopted after notice by publication and a public hearing in accordance with Connecticut General Statutes, § 7-255(a). At the time of application to connect, the WPCA shall calculate the proposed benefit connection charge to be levied against the property and advise the owner and applicant in writing. Unless all owners of record of the property consent to the

proposed benefit connection charge in writing, the WPCA shall publish notice of the proposed charge, file the same with the Town Clerk, and hold a public hearing not sooner than 10 days thereafter at which the owner may appear and be heard. Upon the levying of the charge, notice shall be filed with the Town Clerk and published within five days thereafter setting forth the date on which the charges were filed and the time and manner of paying such charges and shall state that any appeal from such charges shall be taken to the Superior Court for the Judicial District of Litchfield within 21 days of such filing. Benefit connection charges not paid in full at the time such charges become final may be liened against the property and shall bear interest and be subject to collection in the same manner as provided for delinquent sewer assessment in Connecticut General Statutes, § 7-254.

§ 325-10. Repealer; severability.

- A. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- B. The within and foregoing rules and regulations shall be read, construed, and applied as a whole but shall, nevertheless, be deemed to be severable as to any part or parts, and the invalidity of any part thereof shall not be deemed to render invalid any other part or parts of said rules and regulations otherwise valid.

§ 325-11. When effective.

This article shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

**ARTICLE II
Office and Billing Policy ²**

§ 325-12. Purpose.

The purpose of this policy is to develop proper procedures in the operation and function of the WPCA office and to ensure they follow current state statutes and or any other rules and regulations in effect.

§ 325-13. Authority.

The Thomaston Water Pollution Control Authority (then Thomaston Sewer Commission) was established April 5, 1956, pursuant to the provisions of Chapter 33A, 1955 supplement to the General Statutes of the State of Connecticut and today is governed by Connecticut General Statutes (C.G.S.). These statutes clearly spell out the function and powers of the Authority. The WPCA also has its own rules and regulations (latest edition approved in 1981). The Connecticut General Statutes which govern the WPCA and municipal sewerage systems are generally set forth in C.G.S. Chapter 103, §§ 7-245 to 7-273a.

2. Editor's Note: No adoption date was available for this policy.

§ 325-14. Billing procedure.

One function of the WPCA and this office is to set and collect fair and reasonable fees to all users connected so it can operate and maintain its treatment facility, collection system, WPCA office and all other budgetary items. The funds of this Department must be kept separately from other Town funds.

A. The WPCA billing cycles are as follows:

- (1) Sewer user charges shall be for the previous calendar year. Residential user charges shall be due and payable on January 1 of each and every following year. Commercial, industrial, municipal, Education Department and Green Manor are payable within 30 days of receipt of bill. In the case of residential property which was not connected during the entire period, the user charge shall be prorated on a monthly basis for the actual months connected. A period of 15 or fewer days shall be disregarded and a period in excess of 15 days shall be deemed a full month. The minimum annual sewer use charge for each resident, commercial or industrial user shall be \$25 to cover administrative costs.
- (2) The property owner is responsible to see that the user fee is paid when due. Failure to receive a user fee bill does not exempt the property owner from payment, including interest and lien fees. This is governed by C.G.S. § 12-130.

B. Credits for absences.

- (1) The WPCA will no longer give credits towards the yearly user fee for temporary absences, such as vacations or living in other areas during the calendar year.
- (2) If a residential unit has been empty for the entire billing cycle, no user fee bill will be generated. Any request to waive this user fee must be provided in writing by the property owner on or before the 25th of January.

C. Interest on late payments.

- (1) After 30 days the account is considered delinquent (C.G.S.) and 1 1/2% interest is added for each month the account is delinquent, 18% annually. This is governed by C.G.S. §§ 7-258 and 12-146.
- (2) If more than one year is delinquent, any payments made will be applied to the oldest bill. Payments are applied to interest first and usage fees second. Liens are paid last. The same applies for partial payments.
- (3) Checks or money orders written for more than the amount owed will be returned to the owner. If the correct amount is not received within the proper time frame the account will be delinquent and interest will be added to the account.
- (4) Checks or money orders written for less than the amount owed will be applied to the amount due and the remaining balance will be delinquent after 30 days. Delinquent bills are sent out three times a year. A notice of lien is sent out in May and placed on the property in June.

- (5) Sewer assessments, caveats and benefit connection payments are made payable to the Thomaston Tax Collector, therefore these payments should be made out to the Thomaston Tax Collector.
- (6) In the event that a property owner is delinquent on his user fee he will not be able to obtain any kind of building permit until the delinquency on the property is paid in full. This was passed as a Town ordinance on August 28, 1996, and was put in effect on September 20, 1996, and is recorded in Volume 12, Page 158 in the Town Clerk's office.³

§ 325-15. Construal of provisions.

- A. The rules and regulations approved in this Office and Billing Policy shall override any previous WPCA rules or regulations.
- B. Issues not spelled out in this Office and Billing Policy will revert back to Connecticut General Statutes, WPCA rules and regulations or any other regulations that may apply.

3. Editor's Note: See Ch. 128, Building Construction, Art. III, Building Permits Withheld for Delinquent Taxes.

APPENDIX

Chapter A400

FIRE DEPARTMENT BYLAWS

§ A400-1. Board of Fire Commissioners.

§ A400-5. Expenses.

§ A400-2. Chief and Assistant Engineers.

§ A400-6. Bills for services.

§ A400-3. Inspections.

§ A400-7. Removal of members.

§ A400-4. Powers of Engineers.

[HISTORY: Adopted by the Fire Department of the Town of Thomaston 11-8-1881. Amendments noted where applicable.]

§ A400-1. Board of Fire Commissioners.

- A. There shall be a Board of Fire Commissioners of the Town of Thomaston. The election of members of the Board of Fire Commissioners shall be as follows: at the next biennial election, two shall be elected for a term of six years and two shall be elected for a term of three years, the term to commence October 4, 1954, and run until the biennial election of 1957, and biennially thereafter two shall be elected for a term of six years. **[Amended 10-3-1910; 4-8-1953; 9-10-1953]**
- B. In the event of a vacancy in said Board of Fire Commissioners the Board of Selectmen may appoint a qualified person to fill such vacancy until the next municipal election; provided, however, that if such vacancy occurs during the period of 21 days prior to such election it may be filled by the Board of Selectmen in accordance with the provisions of the General Statutes of Connecticut. **[Amended 4-8-1953, 10-7-1963]**
- C. Said Board of Fire Commissioners shall have the general management and control of the Fire Department of said Town in the manner hereinafter provided.

§ A400-2. Chief and Assistant Engineers.

The Fire Department shall consist of a Chief Engineer and First and Second Assistant Engineers, to hold their respective offices for one year, or until their successors are appointed, the same to be appointed by the Board of Fire Commissioners within one week after each Annual Town Meeting.

§ A400-3. Inspections.

It shall be the duty of the Fire Commissioners to inspect the Fire Department and apparatus with the Chief Engineer and his Assistants semiannually, and they shall have power to limit and prescribe the number of members of each fire company.

§ A400-4. Powers of Engineers.

The Chief Engineer, or in his absence the first assistant, or in their absence the second assistant, shall have authority to direct and command the Fire Department in subduing fires and shall have like authority at all parades of the Fire Department, but said Engineers shall not exercise extraordinary powers, such as pulling down buildings not reached by the fire, except on consultation with such Fire Commissioners as may be present. In the absence of said Engineers, the foreman or senior officer of any company first arriving at any fire shall have the same power as the Chief but shall surrender his authority on the arrival of a superior officer.

§ A400-5. Expenses.

All necessary expenses, to preserve and keep the Fire Department in effective working condition, shall be incurred only by a majority vote of the Fire Commissioners.

§ A400-6. Bills for services.

All bills for services, or otherwise pertaining to the Fire Department, shall be paid only on approval of a majority of the Board of Fire Commissioners.

§ A400-7. Removal of members.

Said Commissioners shall have power for cause shown, and on complaint, after fair hearing, to remove from office the Chief Engineer or his assistants, or the foreman of any fire company.

Chapter A405

PUBLIC LIBRARY BYLAWS

§ A405-1. Library established.

§ A405-4. Disposition of funds.

§ A405-2. Number of directors.

§ A405-5. Expenses for maintenance.

§ A405-3. Library Board.

§ A405-6. Directors to manage funds.

[HISTORY: Adopted by the Town of Thomaston 10-3-1898. Amendments noted where applicable.]

§ A405-1. Library established.

A public library is hereby established, which shall, under the proper regulations to be adopted by the directors, be free to all the inhabitants of this Town.

§ A405-2. Number of directors. [Amended 10-2-1899]

The number of directors of the public library shall be 12.

§ A405-3. Library Board. [Added 9-10-1953]

The election of members of the Library Board shall be as follows: four shall be elected for a term of six years at the first biennial election; four shall be elected for a term of three years at the first biennial election, to serve from October 4, 1954, until the biennial election in 1957; and biennially thereafter four shall be elected for a term of six years.

§ A405-4. Disposition of funds.

The Town Treasurer is authorized to receive such sums as may from time to time be paid to the Town for library purposes and to pay the sums upon the order of the Public Library Committee.

§ A405-5. Expenses for maintenance. [Amended 10-7-1901]

The amount which shall be annually expended by the Town for maintenance and increase of the public library shall be \$300 to be paid by the Town Treasurer upon the order of the directors of the public library.

§ A405-6. Directors to manage funds. [Added 10-5-1959]

The directors of the public library are empowered to hold, manage, invest and reinvest, in trust or otherwise, gifts, bequests and accumulated surplus funds for library purposes.

SPECIAL ACTS

Chapter A410

SPECIAL ACTS

SPECIAL ACT – INCORPORATING TOWN OF THOMASTON

STATE OF CONNECTICUT
OFFICE OF SECRETARY OF STATE

At a General Assembly of the State of Connecticut holden at Hartford in said State on the first Wednesday of May in the year of our Lord one thousand eight hundred and seventy five.

House Joint Resolution No. 155

78

Incorporating new Town of Thomaston

Resolved by this Assembly:

SECTION 1. That all that part of the town of Plymouth lying westerly of a line commencing on the northerly side of Spruce Brook Road (so called) at a point where the Plymouth and Waterbury town line crosses said road and running northerly to a stake by the side of the road between the School house and the house known as the David Baldwin place and thence north 15° 10' E. to the Harwinton town line, about eight and one quarter miles, with the inhabitants residing therein, be and the same is hereby incorporated into a separate town under and by the name of Thomaston with all the privileges and immunities and subject to all the liabilities of other towns in this State, with the right to send one representative to the General Assembly; and said town shall be a part of the Sixteenth Senatorial District, and of the Probate District of Waterbury.

SECTION 2. Said town of Thomaston shall pay one half of all debts, claims and demands now due from or existing against said town of Plymouth or which may hereafter exist against or become due from said Plymouth in consequence of any existing contract.

SECTION 3. Said new town of Thomaston shall take and maintain the same proportion of the poor persons now maintained by the town of Plymouth.

SECTION 4. Said town of Thomaston shall be liable to maintain all such persons residing out of said town of Plymouth as are now chargeable thereto or may hereafter become chargeable thereto; provided such persons at the time of their departure from said town had a legal settlement therein and resided in that part of said town hereby incorporated as the town of Thomaston, and shall not subsequent to such departure have gained a settlement elsewhere.

SECTION 5. Said town of Thomaston shall be entitled to one half of all rights, claims and property except the town records now possessed by, due or belonging to said town of Plymouth or which shall hereafter accrue to said Plymouth by virtue of any claim, right, or title now existing and the public buildings shall go with the territory on which they are located.

THOMASTON CODE

SECTION 6. Said town of Thomaston shall be entitled to one half of the town deposit fund now held by said town of Plymouth with the interest accrued thereon.

SECTION 7. The collectors of all taxes in the town of Plymouth are hereby authorized to collect the taxes already laid and in their rate bills contained and pay the same over to the town of Plymouth; and said town of Plymouth shall on the first Monday of September 1875 and on the first Monday of every month thereafter pay over to the town of Thomaston one half of all moneys so received.

SECTION 8. The number of paupers now belonging to said town of Plymouth shall be ascertained and determined by the Selectmen of said respective towns, and if they fail to agree in the division of said paupers on or before the tenth day of August 1875 the Selectmen of either town may apply to James Huntington, Esquire of Woodbury who is hereby authorized and empowered to divide said paupers; which division whether made by said Selectmen or by said Huntington, shall be final and conclusive; and in case said division shall be made by said Huntington, he shall first notify the Selectmen of both of said towns of the time and place when and where said division shall be made, and the expenses thereof shall be paid by said towns equally.

SECTION 9. The first town meeting of said town of Thomaston shall be held at the American Hall in said Thomaston on the third Monday in July 1875 at nine o'clock in the forenoon, and Miles Morse shall be moderator thereof and in case of his absence or refusal to act Seth Thomas shall be moderator thereof, and in case of his absence or refusal to act also Frederick E. Warner shall be moderator thereof and said Morse, or Thomas, or Warner shall warn said meeting, by setting up a notification of the same on the public signpost in Thomaston, at least five days before the day of said meeting; and said town shall have all the powers incident to other towns in this State at said first meeting and all right to act accordingly, and the officers chosen at such meeting shall hold their respective offices until others are chosen and qualified in their stead.

SPECIAL ACTS

SECTION 10. This Resolution shall take effect from and after the date of its passage.

Approved July 6th, 1875

State of Connecticut Ss.

Office of Secretary of State

I hereby certify that the forgoing is a true copy of record in this office.

In Testimony Whereof I have hereunto set my hand, and affixed the Seal of said State at Hartford this 6th day of July, A.D. 1875. (SEAL OF CONNECTICUT) M. H. Sanger, Secretary of State.

Recorded by Albert P. Bradstreet, Town Clerk Recorded in Thomaston Town Records, Vol. 1, Pages 3 - 6.

THOMASTON CODE

AN ACT CONCERNING THE ELECTION OF JURORS
AND OTHER OFFICERS IN THE TOWN OF THOMASTON

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

SECTION 1. That the justices of the peace, selectmen, constables, and grand jurors holding office in the town of Plymouth, at the time of the incorporation of the new town of Thomaston, and residing within the limits of said Thomaston, shall severally have full power to act within said town of Thomaston in their several official capacities, until others shall be chosen and qualified to act in their stead.

SECTION 2. The number of jurors to be chosen from the town of Thomaston shall be twelve.

SECTION 3. The justices of the peace, selectmen, constables, and grand jurors chosen by the town of Thomaston on the third Monday of July, 1875, shall meet on the Thursday following said third Monday, and choose by ballot certain of its judicious electors to serve as jurors in the superior court in the county of Litchfield, for the present year.

SECTION 4. This act shall take effect from and after the date of its passage.

Approved July 12, 1875.

SPECIAL ACTS

SENATE JOINT RESOLUTION NO. 32
(165)

CONCERNING REMOVAL OF THE REMAINS AND MONUMENTS
FROM CEMETERY IN TOWN OF THOMASTON

Resolved by this Assembly:

SECTION 1. The town of Thomaston is hereby authorized and empowered to remove the remains of all those persons deposited in the grounds of the old cemetery, situated in the village in said town, which grounds are bounded on the south and east by highways, on the north by land of Aaron Thomas, and on the west by land of Randall T. Andrews and of the Ecclesiastical Society known as Trinity Parish, and contains about one-half of an acre; and to remove the monuments erected over the same, and to re-deposit such remains in such suitable lots and grounds in Woodlawn Cemetery in said town as may be procured for that purpose, or be provided by the relatives of such deceased persons, and to replace such monuments as may belong to said remains over the same in such suitable manner as may be prescribed by the commissioners hereinafter named.

SECTION 2. Said town is hereby authorized and directed by and through a majority of its selectmen to agree and contract with the standing committee of said Woodlawn Cemetery for suitable lots and burial-grounds in said Woodlawn Cemetery in which the remains of those heretofore deposited in the grounds of said old cemetery may be re-deposited and their respective monuments replaced, and in consideration of such suitable lots so furnished in said Woodlawn Cemetery by said town, and the expenses of the removal of such remains and monuments and re-depositing and replacing the same therein, being borne by said town, and upon the full performance of all the provisions of this act, a full and absolute title in free in said old cemetery premises shall vest in said town of Thomaston to be appropriated for the purposes of erecting a town hall and buildings for the fire department thereon, or for such other purpose of public and permanent benefit to said town as the town may desire.

SECTION 3. Thomas H. Newton of Thomaston, Byron Tuttle of Plymouth, and Frederick S. Porter of Litchfield, are hereby appointed commissioners to superintend the removal of said remains, and the re-depositing the same with their respective monuments in said Woodlawn Cemetery; and they are hereby authorized and empowered to finally settle and determine all questions of dispute and difference which may arise between said town of Thomaston and the friends and relatives of such deceased persons whose remains shall be removed or sought to be removed; and said town through a majority of its selectmen shall do and perform all and every act and thing in relation to the subject matter of their said duty as may be ordered and prescribed by said commissioners. In case any vacancy shall occur in said board of commissioners from any cause, the other commissioner or commissioners shall fill such vacancy.

SECTION 4. Said commissioners shall also, whenever called upon by the selectmen of said town of Thomaston, or by any person having a legal interest in said old cemetery, after notice shall have been given by said commissioners to the other party either by publication or in compliance with an order of any judge of the superior court, proceed to hear them, and shall settle and determine the value of such interest in said grounds, and shall upon such hearing

THOMASTON CODE

direct what sum shall be paid by the town for such interest, and upon the payment of said sum, which payment said town is hereby authorized to make, or in case said sum shall not be demanded of the town, then the entry upon the books of said town of such sum as credited to such person, to be paid over whenever demanded, shall operate to extinguish the right of such person's interest in said premises.

SECTION 5. All persons who shall, within the space of three months from the time notice shall be given by the commissioners as above provided for, fail to make any claim as possessing a legal interest in said old cemetery to said commissioners in writing, shall be deemed to have waived the same and forever barred from claiming any compensation therefor.

SECTION 6. Before the remains of any person who has been buried in the grounds of said old cemetery shall be removed without the consent of some of the relatives of such deceased, the said commissioners shall cause a notice to be published for the period of six weeks in two weekly newspapers published in Litchfield county, requesting all persons having the remains of relatives deposited in said grounds to assume the superintendence of the removal of such remains, and that after the period of eight weeks from the first publication of said notice the remains of all persons then in said grounds will be removed under the supervision of said commissioners.

SECTION 7. Before any of the monuments shall be removed under the provisions of this act, said commissioners shall cause such of the inscriptions thereon as are legible to be transcribed and recorded by the town clerk upon the records of the town.

SECTION 8. This resolution shall not take effect unless ratified by a vote of said town of Thomaston at a special meeting to be warned and held for such purpose, which meeting shall be held on some day to be named in the warning therefor, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon, and the vote on the question of the ratification of this resolution shall be taken by ballot; those persons in favor of ratifying this resolution shall deposit a ballot with the word "yes" written or

printed thereon in a box to be provided for that purpose, and those opposed to the ratification of this resolution shall deposit a ballot in said box with the word "no" written or printed thereon.

Approved, April 6, 1882.

Passed by the General Assembly at the January Session A. D. 1882, and approved by the Governor April 6th, 1882, being a Resolution 'concerning the removal of the remains' and monuments from the "Old Cemetery" in the Town of Thomaston.

This resolution was ratified at a Special Town Meeting on May 6th, 1882. The Resolution is not recorded in the minutes of the meeting.

Thomaston Town Records, Vol. 1 Pages 112-113. (See also pages 109 and 111)

SPECIAL ACTS

STREET LIGHTS

RESOLUTION

Resolution, passed at the January Session of the General Assembly 1886, authorizing and empowering said town to appropriate money for the purpose of lighting the streets in said town.

Resolved by this Assembly:

SEC. 1. The town of Thomaston is hereby authorized and empowered to expend annually such a sum of money, not exceeding Twelve hundred dollars in any one year, as may be necessary to properly light the streets in said town, the number and location of the lamps to be determined by the selectmen.

SEC. 2. This resolution shall not become operative until ratified by a vote of said town legally warned and held for such purpose.

The above resolution ratified at a Special Town Meeting held June 1, 1886.

Recorded in Thomaston Town Records, Vol. 1 Pages 186-188.

THOMASTON CODE

SPECIAL ACT RE: WATER SYSTEM

AMENDMENT TO CHARTER OF THE TOWN OF THOMASTON
STATE OF CONNECTICUT

Date Feb. 6, 1947.
General Assembly
January Session,
A.D. 1947

AN ACT AUTHORIZING THE TOWN OF THOMASTON
TO CONSTRUCT A WATER SYSTEM

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

Section 1. The town of Thomaston is empowered to purchase, lease, take and hold, for and in behalf of said town, reservoirs, filtration plant and equipment, pipe lines, lands or other estate within the limits of Litchfield County, necessary for the construction or maintenance of any canals, aqueducts, reservoirs or other works, for conveying or containing water, or for the erection, construction or maintenance of any buildings or machinery, or for the laying or maintenance of any pipes or conductors for conveying water into or through said town, or to secure and maintain any portion of the water-works; and, in general, to do any other act necessary or convenient for accomplishing the purposes of supplying said town with water, including the power to purchase, lease, take and hold, for and in behalf of said town, reservoirs, filtration plant and equipment, pipe lines, lands or other estate in adjacent towns where necessary for said purposes or for sanitary protection of the water-works; and to distribute such water throughout said town; to establish and maintain public hydrants; to prosecute or defend any action at law or in equity for the breach of any contract, express or implied, relating to the performance of any work or labor upon such waterworks, for the management of the same, or the distribution of the water, or for money due for the use of the water, or for any injury or trespass or nuisance affecting the water, machinery, pipes, buildings, apparatus or other things under its superintendence, or for any improper use of the water, or any wasting thereof, or upon any contract or promise made with said town. Said town is also empowered to sell such land or other property as shall be no longer needed for its water system.

Section 2. Said town is authorized to enter into and upon any land or water for the purpose of making surveys, and to agree with the owner or owners of any property or franchise, which may be required for the purposes of section 1, as to the amount of compensation to be paid to the owner or owners for the same. In case of disagreement between said town and any owner or owners as to such compensation, or as to the amount of damages which ought to be awarded to any person claiming to be injured in his estate by the doings of said town, or if any such owner is an infant or insane or absent from this state, or unknown, or the owner of a contingent or uncertain interest, any judge of the superior court may, on the application of any party, cause such notice to be given of such application as such judge may deem reasonable, and after proof thereof, may appoint three disinterested persons to examine such property as is to be taken for or damaged by the doings of said town, who, having been duly sworn to the faithful and impartial performance of their duty, shall estimate the amount of compensation which such owner shall receive and shall report the same, in writing, to the clerk of the superior court for

SPECIAL ACTS

Litchfield county, to be by him recorded. Upon the acceptance of such report by the superior court or a judge thereof, and upon the payment of such award, the town of Thomaston may proceed with the construction of its works without any liability to any further claim for compensation for damages.

Section 3. Said town is authorized to make use of the ground or soil under any road, railroad, highway, street, private way, lane or alley, and shall thereafter restore the land to its usual condition, and shall repair all damage done thereto, and shall pay such damage as may be sustained by any owner of land abutting thereon, by reason of interruption of travel.

Section 4. The town of Thomaston may establish a board of water commissioner and may, by ordinance, prescribe the duties of said board and, in addition, may, by ordinance, prescribe for the mode in which water rents, the cost of laying water pipes in streets or highways of said town, or taxes, shall be secured by lien on lots, houses or tenements or otherwise, or shall be collected.

Section 5. Said town is empowered to make such by-laws or regulations or ordinances for the preservation, protection and management of the water works of said town as may be deemed advisable, and to enforce the same by suitable penalties. Any justice of the peace of said town shall have jurisdiction of any breach of said by-laws or regulations and may punish the offender by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days or both.

Section 6. Said town may, by ordinance, provide that, upon the nonpayment of water rent after the time prescribed and limited for payment, said town may charge and receive additional percentage for collecting the same, and may, at its option, refuse to furnish additional water until all unpaid bills and charges have been satisfied.

Section 7. If any person, maliciously and willfully, corrupts the water collected or conducted in or into any reservoir, cistern, hydrant, conductor, engine, pipe or any other portion of the waterworks of the town of Thomaston, or destroys or injures any work, machinery, materials or property, erected, constructed or used or designed to be used, within the town of Thomaston or elsewhere for the purpose of procuring and keeping a supply of water, the trial justice of the town within which such offense occurs, shall have jurisdiction of such offense, and may either punish or bind over, subject to the provisions of Chapter 333 of the 1941 supplement to the General Statutes, the offender, and such person shall be punishable by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or by both fine and imprisonment. Such offender shall also be liable to treble damages in an action of trespass brought by said town.

Section 8. Said town is authorized to issue, in its name, bonds in an amount sufficient to meet the cost of such waterworks system, including the land, or interest therein, that has been acquired by said town for said purpose, which bonds shall be obligatory on the town and on the inhabitants thereof in accordance with the tenor and purport of the same.

Section 9. This act shall take effect upon its approval by the voters of said town, at a town meeting warned and held for the purpose of voting thereon.

THOMASTON CODE

STATEMENT OF PURPOSE:

To authorize the town of Thomaston to purchase or construct a water system.

Approved, June 20, 1947
James L. McConaughey, Governor

STATE OF CONNECTICUT)
OFFICE OF THE SECRETARY) ss. Hartford. No. 3505

I, FRANCES BURKE REDICK, Secretary of the State of Connecticut and keeper of the seal thereof, and of the original record of the Acts and Resolutions of the General Assembly of said State, DO HEREBY CERTIFY that I have compared the annexed copy of AN ACT AUTHORIZING THE TOWN OF THOMASTON TO CONSTRUCT A WATER SYSTEM with the original record of the same now remaining in this office, and have found the said copy to be correct and complete transcript thereof.

AND I FURTHER CERTIFY, that the said original record is a public record of the said State of Connecticut, now remaining in this office.

In Testimony Whereof, I have hereunto set my hand and affixed the Seal of said State, at Hartford, this 23rd day of June, 1947.

(SEAL)

John C. Russell, Secretary

At a Special Town Meeting on June 27, 1947 the following Resolution was adopted:

That the Town of Thomaston approve and adopt the provisions of an act, being House Bill #635 passed by the January 1947 Session of the General Assembly of Connecticut entitled "An Act Authorizing the Town of Thomaston to Construct a Water System." and same to be incorporated in the charter of the Town of Thomaston.

Recorded in Thomaston Town Records, Vol. 7 Pages 479-482.

SPECIAL ACTS

SPECIAL ACTS RE: HIGHWAYS

(House Bill No. 387)
(42)

AN ACT INCLUDING THE HIGHWAY EXTENDING FROM WARNER'S CORNER IN THOMASTON TO EAST MORRIS IN THE TRUNK LINE SYSTEM

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

The highway extending from Warner's corner, so-called, on route number eight in the town of Thomaston along the Branch river and the Wigwam reservoir in the towns of Thomaston, Watertown and Morris to East Morris in the town of Morris, is included in the trunk line system of highways.

Approved March 22, 1933

(House Bill No. 1599)
(351)

AN ACT INCLUDING A SECTION OF HIGHWAY IN THE TOWNS OF THOMASTON AND HARWINTON IN THE TRUNK LINE SYSTEM

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

The highway in the town of Thomaston known as the "Two Mile Bridge Road," beginning at trunk line route number eight and extending northerly by way of the Hill road in the town of Harwinton to the intersection of said Hill road and route number 116, is included in the trunk line system of highways.

Approved June 3, 1937.

SPECIAL ACTS

SPECIAL ACTS RE: HIGHWAYS

(House Bill No. 387)

(42)

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Approved March 22, 1933

(House Bill No. 1599)

(351)

AN ACT INCLUDING A SECTION OF HIGHWAY IN THE TOWNS OF THOMASTON AND HARWINTON IN THE TRUNK LINE SYSTEM

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

The highway in the town of Thomaston known as the "Two Mile Bridge Road," beginning at trunk line route number eight and extending northerly by way of the Hill road in the town of Harwinton to the intersection of said Hill road and route number 116, is included in the trunk line system of highways.

Approved June 3, 1937.

SPECIAL ACTS

(House Bill No. 587)
(401)

AN ACT CONCERNING THE CONSTRUCTION OF A STORM WATER CULVERT ON
HOUSE SIX IN THE TOWN OF THOMASTON

The highway commissioner shall construct a storm water culvert on East Main Street in the town of Thomaston, of sufficient size and capacity to eliminate the present open brook, said work to be commenced in the spring of 1958.

Approved May 23, 1957

Special Act No. 277
(1963 Session)

AN ACT CONCERNING CONSTRUCTION OF A STORM WATER
DRAIN IN THE TOWN OF THOMASTON

Section 1. The highway commissioner is directed to construct a thirty-inch storm water drain in Park street in the town of Thomaston, as a substitute for the inadequate drain now serving routes eight and six and running through private property and connecting with an existing thirty-inch drain in Park Street, said work to be commenced not later than May 1, 1964.

Section 2. Notwithstanding the expiration of the flood fund on June 30, 1963, as provided in section 3-39 of the general statutes, as amended, the sum of twenty thousand dollars is appropriated to the highway commissioner from said flood fund to carry out the purposes of this act.

Approved June 27, 1963.

THOMASTON CODE

SPECIAL ACT RE: STATE PARK

(Substitute for House Bill No. 625)
(388)

AN ACT AUTHORIZING THE STATE PARK AND FOREST
COMMISSION TO ACQUIRE PROPERTY IN THOMASTON

Section 1. The state park and forest commission is authorized to acquire and develop as part of Humaston Brook State Park, the property known as the Nystrom property and described as follows: (1) Beginning at a point in the northerly right of way line of Walnut Hill road, so called, where said line intersects the westerly right of way line of a north-south road leading to Northfield in the town of Litchfield, thence westerly five hundred and seventy feet, more or less, thence northerly seven hundred and ninety-five feet, more or less; thence seven hundred and eighty feet, more or less; thence northerly one thousand and five hundred feet, more or less, thence easterly seven hundred and eighty feet more or less; to a point on the westerly shore of Nystrom pond, so called; thence two thousand feet, more or less, southerly, easterly and northerly along the shore of said Nystrom pond to a point, this point being the southwest corner of the now or formerly David Turner land; thence easterly along the said Turner land to a point in the westerly right of way line of the said north-south road; thence southerly one thousand two hundred and sixty-nine feet, more or less, along the westerly right of way line of the said north-south road to the point of beginning; (2) beginning at a point in the easterly right of way line of the north-south road leading to North-field in the town of Litchfield, said point being three hundred and sixty feet, more or less, northerly along said easterly right of way line from the intersection of the northerly right of way line of Walnut Hill Road so-called, and the easterly right of way line of the said north-south road; thence northerly one thousand one hundred and forty feet, more or less, along easterly right of way of said north-south road to the land now or formerly owned by David Turner; thence easterly eight hundred feet, more or less, along said Turner land; thence southerly to a point; thence westerly six hundred feet, more or less, to a point, thence southerly to a point; thence westerly one hundred and fifty feet, more or less, to the point of beginning.

Sec. 2. Said property shall be acquired subject to a reservation by the present owner that bathing in said Nystrom pond shall be permitted.

Sec. 3. The sum of six thousand dollars is appropriated to said commission for the purposes of this act.

Approved June 23, 1945.

SPECIAL ACTS

SPECIAL ACT RE: THOMASTON DAM

(House Bill No. 593)

(147)

AN ACT CONCERNING RECREATIONAL ACTIVITIES
AT THE THOMASTON DAM SITE

The state park and forest commission is directed to make a study of proposed recreational facilities that may be available on land to be acquired by the federal government bordering the Thomaston Dam site. Said commission is authorized to secure rights of way for such purposes from the federal authorities and to formulate plans detailing the specific uses recommended. The commission shall file a report with the secretary of the state prior to the convening of the 1959 general assembly.

Approved May 1, 1957.

THOMASTON CODE

SPECIAL ACT RE: BLACK ROCK SCHOOL PROPERTY

(House Bill No. 555)

(58)

AN ACT CONCERNING THE SALE OF A CERTAIN PARCEL OF LAND
BY THE STATE PARK AND FOREST COMMISSION

Section 1. The treasurer of the state of Connecticut is authorized to sell to the town of Thomaston, for the consideration of a sum of twenty-two thousand, a certain parcel of land containing twelve and three-quarters acres approximately, together with buildings and appurtenances thereon, being a section of the Black Rock state park, belonging to the state park and forest commission, located at the junction of U.S. Route 6 and Connecticut Route 109 in the town of Thomaston, Litchfield county, more particularly shown on a map entitled "Map of Property for proposed school site to be conveyed to the town of Thomaston by the state of Connecticut state park and forest commission," original of which is to be filed in the town clerk's office in said Thomaston. A school shall be erected on said land.

Sec. 2. The proceeds of such sale shall be appropriated to the state park and forest commission to erect a garage on state park property for the storage of equipment belonging to the state park and forest commission.

Approved, April 2, 1953.

SPECIAL ACTS

PARKS

SPECIAL ACT RE: PARKS

Special Act No. 278
(1963 Session)

AN ACT CONCERNING THE DEVELOPMENT AND IMPROVEMENT
OF THE BATHING BEACH AT NYSTROM POND

Section 1. The state park and forest commission is directed to develop and improve the bathing beach at Nystrom Pond in the town of Thomaston.

Sec. 2. The sum of ten thousand dollars is appropriated to the department of agriculture and natural resources to carry out the purposes of this act.

Approved June 27, 1963

THOMASTON CODE

SPECIAL ACT RE: PARKS

Special Act. No. 102
(1967 Session)

AN ACT PERMITTING THE SALE OF CERTAIN PARK LAND BY
THE STATE OF CONNECTICUT TO THE TOWN OF THOMASTON

The State of Connecticut acting through the state park and forest commission is authorized and empowered to sell approximately eleven acres of land on the south side of Branch Road, Thomaston, for a mutually agreed upon price per acre to the town of Thomaston to be used by said town for educational and municipal purposes. Said property is more particularly bounded and described as follows: Beginning at a point in the southerly line at Branch road which point is the northwest corner of the premises herein conveyed; thence, easterly along the southerly line of Branch road two hundred sixty-five feet more or less to a point; thence in a generally southerly direction along land now or formerly of the town of Thomaston three hundred feet more or less to a point; thence in a generally easterly direction along land now or formerly of the town of Thomaston two hundred forty-three feet more or less to a point; thence in a general southerly direction along land now or formerly of the town of Thomaston five hundred seventy-eight feet more or less to a point; thence in a general southwesterly direction along land now or formerly of the state of Connecticut and known as Black Rock State Park seven hundred ten feet more or less to a point; thence in a general northerly direction along land now or formerly of the state of Connecticut and known as Black Rock State Park seven hundred ninety-five feet more or less to a point; thence in a generally easterly direction one hundred feet more or less to a point; thence in a general northerly direction three hundred feet more or less to the point or place of beginning.

Approved June 2, 1967

SPECIAL ACTS

PENSION SYSTEMS

SPECIAL ACT NO. 359
(February 1965 Special Session)

AN ACT AUTHORIZING THE TOWN OF THOMASTON
TO ENACT A PENSION ORDINANCE

The town of Thomaston, acting by its town meeting, may adopt an ordinance to establish pension systems for the officers and employees of the town, provided the rights or benefits granted to any individual under any existing retirement or pension system applicable to present or former officers and employees of the town shall not be diminished or eliminated.

Approved July 7, 1965.

THOMASTON CODE

SPECIAL ACT RE: VALIDATING NOTICE

Special Act. No. 192
(1967 Session)

AN ACT VALIDATING A NOTICE GIVEN BY PEARL JOHNPIERE, AND GRANTING HER PERMISSION TO PROSECUTE TO FINAL EFFECT A SUIT AGAINST THE TOWN OF THOMASTON

SECTION 1. The notice given to the town clerk of the town of Thomaston, dated October 6, 1966, by Pearl Johnpiere, concerning injuries sustained by her on August 6, 1966, otherwise valid except that such notice was not given within the time limited by law, is validated and declared sufficient to maintain and prosecute to final judgment a legal action against said town of Thomaston.

SECTION 2. Such notice shall have the same power and effect as though the provisions of section 13a-149 of the general statutes had been complied with and said town shall be barred from setting up the failure to comply with said section 13a-149 as a defense to said action and shall also be barred from denying that proper and sufficient notice of said injuries had been given to said town.

SECTION 3. Said Pearl Johnpiere may bring and prosecute to final judgment a civil action to recover damages for said injuries in any court of competent jurisdiction, notwithstanding any provision of any statute of limitation.

Approved June 8, 1967

SPECIAL ACTS

SPECIAL ACT NO. 79-29

AN ACT CONCERNING THE DATE FOR BIDS ON EQUIPMENT
FOR THE NEW HIGH SCHOOL IN THOMASTON

Notwithstanding the provisions of section 10-291 of the general statutes or any regulations adopted by the state board of education requiring that a bid not be let out until a grant commitment has been approved for a school building project, the town of Thomaston may let out for bid school building project number 140-78-13A prior to receiving such state grant commitment and shall be eligible to subsequently receive a grant commitment from the state.

Approved May 3, 1979

THOMASTON CODE

SPECIAL ACT NO. 81-50

AN ACT ALLOWING THE TOWN OF THOMASTON TO ADOPT A PHASE-IN PLAN
RELATED TO REVALUATION EFFECTIVE IN THE 1979 ASSESSMENT LIST

The town of Thomaston having adopted, applicable with respect to the 1979 assessment list in said town, a revaluation of all real property in compliance with the requirements in section 12-62 of the general statutes and having failed to adopt a plan deferring a portion of the increase in assessed value of such property in the year said revaluation became effective as allowed under subsection (e) of section 12-62a, is hereby authorized to adopt such a plan related to said 1979 assessment list, provided such plan is in compliance with the provisions of said subsection (e) of section 12-62a in all respects other than the fact that it was not adopted in the year said revaluation became effective. Upon the adoption of such plan the assessor in said town is hereby authorized to adjust said 1979 assessment list and any subsequent assessment list as necessary in implementing such plan. Notwithstanding failure to comply with the requirements in section 2-14, any actions performed in accordance with this act are hereby validated and made binding upon the town of Thomaston.

Approved June 16, 1981

**DISPOSITION
LIST**

Chapter DL

DISPOSITION LIST

§ DL-1. Disposition of legislation.

The following is a chronological listing of legislation of the Town of Thomaston adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] The last legislation reviewed for the original publication of the Code was an ordinance adopted 5-29-2007.

§ DL-1. Disposition of legislation.

Adoption Date	Subject	Disposition
6-14-2007	Police Department: appointment of constables	Ch. 75, Art. II
3-13-2008	Inland wetlands and watercourses: fines; citation and hearing procedures	Ch. 173, Art. I
10-1-2008	Deputy Treasurer	Ch. 104
10-27-2009	Recycling; refuse collection amendment	Ch. 235, Art. II
10-27-2009	Vehicles and traffic: police traffic duties	Ch. 260, Art. IV
12-16-2009	Retirement plan amendment	Ch. 92
12-16-2009	Retirement plan amendment	Ch. 92
3-31-2010	Tax payments, refunds and fees	Ch. 247, Art. V
9-29-2010	Building construction: building permits withheld for delinquent taxes amendment	Ch. 128, Art. III
8-17-2011	Boards, commissions and committees: Inland Wetlands and Watercourses Commission amendment	Ch. 10, Art. IX
1-25-2012	Tax liens	Ch. 247, Art. VI
9-12-2012	Deputy Treasurer amendment	Ch. 104
10-24-2012	Fees amendment	Ch. 154
4-24-2013	Retirement Plan amendment	Ch. 92
3-26-2014	Naugatuck Valley Council of Governments	Ch. 83, Art. II
12-30-2014	Enterprise Zone	Ch. 148
8-26-2015	Taxation: required filings	Ch. 247, Art. VIII
8-26-2015	Alcoholic beverages: liquor permits	Ch. 114, Art. II
8-26-2015	Cemeteries amendment	Ch. 135
8-26-2015	Tax incentive program assessment reductions	NCM
2-4-2016	Assessor amendment	Ch. 7
2-4-2016	Driveways amendment	Ch. 142

Adoption Date	Subject	Disposition
2-4-2016	Road excavation permit regulations amendment	Ch. 315
2-4-2016	Adult-oriented businesses	Ch. 109

INDEX

THOMASTON INDEX

DEFINITIONS NOTE: For the convenience of the Code user, all terms defined in this Code are included in the Index under the heading "Definitions and Abbreviations."

- A -

- ABANDONMENT**
 - Taxation, 247-12
- ACCESSORY BUILDINGS**
 - Fees, 154-8
- ACCESSORY USES**
 - Building construction, 128-4
- ADULT-ORIENTED BUSINESSES**
 - Alcoholic beverages, 109-9
 - Appeals, 109-8
 - Application, 109-5
 - Authorization, 109-1
 - Chief of Police, 109-6
 - Definitions, 109-3
 - Fees, 109-5, 109-11
 - General purpose and intent, 109-2
 - Hearings, 109-8
 - Inspections, 109-6
 - Investigations, 109-6
 - Liability, 109-5
 - Licenses and permits, 109-5, 109-7 - 109-9, 109-11
 - Licensing procedure, 109-6
 - Live adult entertainment, 109-10
 - Massage parlors, 109-11
 - Minors, 109-5, 109-9
 - Notices, 109-6, 109-8, 109-11
 - Operating requirements, 109-9
 - Penalties for offenses, 109-4, 109-6, 109-7, 109-9, 109-12
 - Permit requirements, 109-4
- ADVERTISING**
 - Garage and tag sales, 161-12
 - Peddling and soliciting, 210-7
- ALARMS**
 - Assessments, 110-5
 - Costs and expenses, 110-5
 - Definitions, 110-2
 - False alarms, 110-4
 - Fees, 154-8
 - Installation standards, 110-3
 - Meetings, 110-3
 - Minutes, 110-3
 - Notices, 110-5
 - Penalties for offenses, 110-5
 - Permit, 110-3
 - Police Department, 110-3
 - Purpose, 110-1
 - Registration, 110-3
 - Registration required, 110-3
 - User fee for false alarms, 110-4
- ALCOHOLIC BEVERAGES**
 - Adult-oriented businesses, 109-9
 - Hours of Sale
 - Sales, 114-1
 - Sales on Sunday, 114-1
 - Liquor Permits

- Notice of liquor permit renewal, 114-2

- Parks and recreation areas, 204-5
- AMBULANCE COMMISSION**
 - Boards, commissions and committees, 10-56 - 10-59

- ANCHORING**
 - Floodplain management, 280-10

- ANIMALS**
 - Water Pollution Control Authority, 325-5

- APARTMENTS**
 - Solid waste, 235-8, 235-9

- APPEALS**
 - Adult-oriented businesses, 109-8
 - Boards, commissions and committees, 10-18, 10-19, 10-22, 10-23, 10-60 - 10-64
 - Building construction, 128-5, 128-10
 - Fees, 154-3, 154-4, 154-7, 154-9
 - Floodplain management, 280-23 - 280-26, 280-28
 - Inland Wetlands and Watercourses, 173-6
 - Peddling and soliciting, 210-7
 - Solid waste, 235-11, 235-13
 - Taxation, 247-13
 - Water Pollution Control Authority, 325-9

- APPOINTMENT OF CONSTABLES**
 - Police Department, 75-4 - 75-7

- APPROPRIATIONS**
 - Boards, commissions and committees, 10-13, 10-30, 10-54, 10-58

- AQUIFER PROTECTION AGENCY**
 - Agency designated, 5-2
 - Inventory of land use, 5-5
 - Membership, 5-3
 - Notices, 5-4
 - Permit, 5-4
 - Regulations, 5-4
 - Staff, 5-3
 - Statutory authority, 5-1
 - Training, 5-3

- ASHES**
 - Parks and recreation areas, 204-4
 - Water Pollution Control Authority, 325-5

- ASSESSMENTS**
 - Alarms, 110-5
 - Boards, commissions and committees, 10-60 - 10-64
 - Taxation, 247-7, 247-10, 247-11, 247-15
 - Water Pollution Control Authority, 325-9, 325-14

- ASSESSOR**
 - Appointments, 7-2
 - Authorization, 7-1
 - Board of assessors abolished, 7-4
 - Qualifications, 7-3
 - Salaries and compensation, 7-3
 - Term of office, 7-2

- ATTORNEY'S FEES**
 - Fees, 154-6

- B -

- BACKFILLING**
 - Road excavation permit regulations, 315-4, 315-9, 315-12, 315-14

- BARRICADES**
 - Road excavation permit regulations, 315-3

- BATTERIES**
 - Solid waste, 235-9

- BAZAARS AND RAFFLES**
 - Act adopted, 121-1

- BLASTING**
 - Parks and recreation areas, 204-3
 - Road excavation permit regulations, 315-8

- BOARD FOR ADMISSIONS OF ELECTORS**
 - Boards, commissions and committees, 10-24

- BOARD OF ASSESSMENT APPEALS**
 - Boards, commissions and committees, 10-60 - 10-64

- BOARD OF FINANCE**
 - Boards, commissions and committees, 10-1

- BOARDS, COMMISSIONS AND COMMITTEES**
 - Ambulance Commission, 10-56 - 10-59

- Appropriations, 10-58
- Compensation, 10-58
- Costs and expenses, 10-58
- Duties, 10-59
- Emergencies, 10-56, 10-59
- Establishment, 10-56
- Membership, 10-57
- Purpose, 10-56
- Terms of office, 10-57
- Vacancies, 10-57

- Board for Admissions of Electors, 10-24
- Membership, 10-24

- Board of Assessment Appeals, 10-60 - 10-64

- Appeals, 10-60 - 10-64
- Appeals and actions, 10-62
- Appropriation, 10-63
- Assessments, 10-60 - 10-64
- Change in title, 10-60
- Membership, 10-61
- Powers and duties, 10-64

- Board of Finance, 10-1
- Establishment, 10-1
- Powers and duties, 10-1

- Economic Development Commission, 10-47 - 10-51
- Compensation, 10-50
- Costs and expenses, 10-50
- Establishment, 10-47
- Hearings, 10-49
- Meetings, 10-50

THOMASTON INDEX

- Membership, 10-48
 - Minority representation, 10-51
 - Officers, 10-50
 - Purpose, 10-47
 - Quorum, 10-50
 - Removal of members, 10-49
 - Terms of office, 10-48
 - Vacancies, 10-49
 - Flood and Erosion Control Board,
 - 10-2, 10-3
 - Erosion control, 10-2, 10-3
 - Membership, 10-2
 - Powers and duties, 10-3
 - Historical Commission, 10-65 – 10-69
 - Cemetery, 10-68
 - Conduct of affairs, 10-69
 - Establishment, 10-65
 - Meetings, 10-69
 - Membership, 10-67
 - Monuments, 10-68
 - Officers, 10-69
 - Powers and duties, 10-68
 - Purpose, 10-66
 - Terms of office, 10-67
 - Vacancies, 10-67
 - Inland Wetlands and Watercourses Commission, 10-31 – 10-37
 - Additional duties and authority, 10-37.2
 - Compensation, 10-36
 - Conflicts of interest, 10-35
 - Costs and expenses, 10-36
 - Employees, 10-37
 - Establishment, 10-31
 - Hearings, 10-34, 10-35
 - Membership, 10-32
 - Officers, 10-33
 - Purpose, 10-31
 - Quorum, 10-37.1
 - Records, 10-35
 - Removal of members, 10-34
 - Terms of office, 10-32
 - Vacancies, 10-32
 - Watercourses, 10-31 – 10-33, 10-35
 - Interlocal Agreement Commission, 10-15 – 10-17
 - Appointment, 10-16
 - Hearings, 10-17
 - Notices, 10-17
 - Purpose, 10-15
 - Removal of members, 10-17
 - Statutory authority, 10-15
 - Opera House Commission, 10-11 – 10-14
 - Appropriations, 10-13
 - Establishment, 10-11
 - Hearings, 10-12
 - Inspections, 10-13
 - Insurance, 10-13
 - Liability, 10-13
 - Meetings, 10-12
 - Membership, 10-12
 - Notices, 10-12, 10-13
 - Officers, 10-12
 - Powers and duties, 10-13
 - Public assembly, 10-13
 - Purpose, 10-11
 - Removal of members, 10-12
 - Terms of office, 10-12
 - Veto power of Selectmen, 10-14
 - Planning and Zoning Commission, 10-38 – 10-46
 - Appointment, 10-40
 - Compensation, 10-44
 - Conflicts of interest, 10-43
 - Costs and expenses, 10-44
 - Employees, 10-45
 - Hearings, 10-42, 10-43
 - Membership, 10-40
 - Officers, 10-41
 - Present members, 10-39
 - Quorum, 10-46
 - Records, 10-43
 - Removal of members, 10-42
 - Terms of office, 10-40
 - Title, 10-38
 - Vacancies, 10-40
 - Recreation Commission, 10-25 – 10-30
 - Appointment, 10-26
 - Appropriations, 10-30
 - Compensation, 10-29
 - Costs and expenses, 10-29, 10-30
 - Establishment, 10-25
 - Hearings, 10-28
 - Membership, 10-26
 - Notices, 10-28
 - Purpose, 10-25
 - Removal of members, 10-28
 - Statutory authority, 10-25
 - Terms of office, 10-27
 - Senior Citizen Advisory Board, 10-52 – 10-55
 - Appropriations, 10-54
 - Compensation, 10-54
 - Costs and expenses, 10-54
 - Duties, 10-53
 - Membership, 10-52
 - Terms of office, 10-55
 - Sewer Commission, 10-4 – 10-10
 - Appointment, 10-5
 - Attendance, 10-8
 - Compensation, 10-9
 - Establishment, 10-4
 - Fill, 10-7
 - Hearings, 10-5
 - Meetings, 10-8
 - Membership, 10-5
 - Notices, 10-5
 - Officers, 10-6
 - Pollution, 10-10
 - Powers and duties, 10-6
 - Records, 10-6
 - Removal of members, 10-5
 - Vacancies, 10-7
 - Waivers, 10-8
 - Water, 10-10
 - Water pollution, 10-10
 - Water Pollution Control Authority, 10-10
 - Zoning Board of Appeals, 10-18 – 10-23
 - Appeals, 10-18, 10-19, 10-22, 10-23
 - Appointments, 10-20
 - Attendance, 10-22
 - Establishment, 10-18
 - Hearings, 10-22
 - Meetings, 10-22
 - Membership, 10-19
 - Notices, 10-22
 - Powers and duties, 10-20
 - Removal of members, 10-22
 - Statutory authority, 10-18
 - Terms of existing members, 10-23
 - Terms of office, 10-19
 - Vacancies, 10-21
- BOND**
- Building construction, 128-2, 128-6
 - Parks and recreation areas, 204-7
 - Peddling and soliciting, 210-4
 - Road excavation permit regulations, 315-4, 315-6, 315-7, 315-9, 315-11, 315-15
- BONDS**
- Treasurer, Deputy, 104-3
- BUILDING CONSTRUCTION**
- Building Permits Withheld for Delinquent Taxes, 128-7 – 128-10
 - Appeals, 128-10
 - Building permits, 128-7 – 128-9
 - Costs and expenses, 128-8
 - Disabilities, 128-9
 - Evidence of payment, 128-8
 - Exceptions, 128-9
 - Improvements, 128-7, 128-9
 - Liens, 128-8
 - Permit, 128-7 – 128-9
 - Safety standards, 128-9
 - Statutory authority, 128-7
 - Buildings on Unaccepted Streets, 128-2 – 128-6
 - Accessory uses, 128-4
 - Appeals, 128-5
 - Appeals and variances, 128-5
 - Bond, 128-2, 128-6
 - Building permits, 128-2 – 128-4, 128-6
 - Conditions for building permit issuance, 128-2
 - Emergencies, 128-6
 - Emergency vehicles, 128-6
 - Farms and farming, 128-4
 - Intent, 128-6
 - Lots, 128-3, 128-6
 - Meetings, 128-6
 - Newspapers, 128-6
 - Permit, 128-2 – 128-4, 128-6
 - Permits for certain building types, 128-4
 - Records, 128-3
 - Statutory authority, 128-6
 - Variances, 128-5
 - Vehicles, 128-6

THOMASTON INDEX

Zoning permits, 128-3
State Building Code, 128-1
Adoption of state code, 128-1
Building Inspector, 128-1
Newspapers, 128-1
Safety standards, 128-1
BUILDING INSPECTOR
Building construction, 128-1
Water Pollution Control Authority, 325-4
BUILDING PERMITS
Building construction, 128-2 -
128-4, 128-6 - 128-9
Fees, 154-8
Water Pollution Control Authority, 325-14

- C -

CEMETERIES
Access, 135-13
Cemetery Committee, 135-1
Appointments, 135-1
Quorum, 135-1
Cemetery workers, 135-4
Conflicts of interest, 135-2
Costs and expenses, 135-10
Deeds, 135-10
Driveways, 135-4
Fees, 135-8
Fees for opening and closing graves, 135-8
Garbage, rubbish and refuse, 135-4
Guarantees, 135-11
Improvements, 135-5
Interments, 135-9
Lots, 135-2, 135-6, 135-10 - 135-12
Monuments, 135-2, 135-5
Monuments and other structures, 135-5
Peace and good order, 135-3
Penalties for offenses, 135-3
Plans and records, 135-7
Records, 135-7, 135-10, 135-12
Reports, 135-3
Transfer of lots, 135-12
Trees, 135-6
Trees, shrubs and flowers, 135-6
CEMETERY COMMITTEE
Cemeteries, 135-1
CERTIFICATES OF OCCUPANCY
Fees, 154-8
Taxation, 247-15
Water Pollution Control Authority, 325-9
CESSPOOLS
Water Pollution Control Authority, 325-3
CHARGES
Cemeteries, 135-8
Fees, 154-4
Police Department, 75-2
Road excavation permit regulations, 315-2

Sewers and sewage disposal, 228-1
Solid waste, 235-2, 235-3
Vehicles and traffic, 260-4, 260-13
Water Pollution Control Authority, 325-1, 325-4, 325-5, 325-9, 325-14
CHIEF OF POLICE
Adult-oriented businesses, 109-6
CHURCHES
Garage and tag sales, 161-17
CITATIONS
Streets and sidewalks, 240-23
COMMUNITY ENTERPRISE ZONE BOARD
Enterprise Zone, 148-1
COMPENSATION
Boards, commissions and committees, 10-9, 10-29, 10-36, 10-44, 10-50, 10-54, 10-58
Development Action Plan Agency, 21-3
CONFLICTS OF INTEREST
Boards, commissions and committees, 10-35, 10-43
Cemeteries, 135-2
CONSTABLES
Appointments, 75-5
Police Department, 75-5
Terms of office, 75-5
Vacancies, 75-6
CONSTRUCTION
Driveways, 142-3, 142-8, 142-10
Fees, 154-8
Floodplain management, 280-10, 280-11, 280-13, 280-14, 280-18, 280-19, 280-21, 280-23, 280-25, 280-27
Road excavation permit regulations, 315-1, 315-2, 315-4, 315-9, 315-11, 315-14
Taxation, 247-11
Water Pollution Control Authority, 325-4, 325-5, 325-9
CORRUGATED CARDBOARD
Solid waste, 235-9
COSTS AND EXPENSES
Alarms, 110-5
Boards, commissions and committees, 10-29, 10-30, 10-36, 10-44, 10-50, 10-54, 10-58
Building construction, 128-8
Cemeteries, 135-10
Development Action Plan Agency, 21-3
Driveways, 142-8
Fees, 154-1 - 154-4, 154-6, 154-8
Fire Department Bylaws, A400-5
Floodplain management, 280-7, 280-24, 280-25
Garage and tag sales, 161-12
Inland Wetlands and Watercourses, 173-3
Peddling and soliciting, 210-9
Public library bylaws, A405-5
Road excavation permit regulations, 315-4, 315-9

Solid waste, 235-9
Streets and sidewalks, 240-22
Taxation, 247-11, 247-12
Vehicles and traffic, 260-8, 260-11, 260-12, 260-14, 260-19
Water Pollution Control Authority, 325-3 - 325-6, 325-8, 325-9, 325-14

CULVERTS

Driveways, 142-5

CURB

Road excavation permit regulations, 315-3, 315-13
Solid waste, 235-9

- D -

DEFINITIONS AND ABBREVIATIONS

Act or The Act, 325-2
Adult arcade, 109-3
Adult books, 109-3
Adult cabaret, 109-3
Adult entertainment, 109-3
Adult mini motion picture theater, 109-3
Adult motion picture theater, 109-3
Adult novelties, 109-3
Adult oriented business, 109-3
Adult oriented store, 109-3
Adult theater, 109-3
Adult videos, 109-3
Alarm system, 110-2
Alarm user, 110-2
Apartment complex, 235-8
Applicant, 210-1
Area of special flood hazard, 280-8
Automatic telephone dialing device, 110-2
Base flood, 280-8
Basement, 280-8
Biochemical oxygen demand (BOD), 325-2
Building Code, 325-2
Building drain, 325-2
Building sewer, 325-2
Canvasser or solicitor, 210-1
Categorical standards, 325-2
Commercial establishment, 235-8
Compatible pollutant, 325-2
Condominium complex, 235-8
Contractor, 315-3
Contractual standards, 235-2
Cooling water, 325-2
Curb cut, 315-3
DEP, 325-2
Development, 280-8
Disposal charge, 235-2
Domestic sewage, 325-2
Employee, 109-3
Entertainer, 109-3
Escort, 109-3
Escort agency, 109-3
Excavate, 315-3
False alarm, 110-2

THOMASTON INDEX

First selectman, 235-8
Floatable oil, 325-2
Flood insurance rate map (firm), 280-8
Flood insurance study, 280-8
Floodway, 280-8
Functionally dependant facility, 280-8
Garage sale, 161-2
Garbage, 325-2
Hazardous waste, 235-2
Hearing officer, 173-2
Highway and street, 240-13
Holding tank waste, 325-2
Incompatible pollutant, 325-2
Industrial establishment, 235-8
Industrial wastes, 325-2
Inspector, 109-3
Institutional establishment, 235-8
Junked vehicle, 260-9
Live adult entertainment, 109-3
Lowest floor, 280-8
Manufactured home, 280-8
Massage parlor, 109-3
Masseur, 109-3
Mean sea level, 280-8
Mid-Connecticut System, 235-2
Minor, 109-3
National Pollution Discharge Elimination System (NPDES) permit, 325-2
New construction, 280-8
Nonprofit, 210-1
Nude model studio, 109-3
Nudity, 109-3
Operator, 109-3, 260-1
Park, 204-2
Parking, 260-1
Parking meter, 260-1
Parking meter space, 260-1
Peddler or hawker, 210-1
Permit, 315-3
Permitted premises, 109-3
Permittee, 109-3
Person, 210-1, 240-13, 325-2
Personal property, 161-2
pH, 325-2
Place of worship, 109-3
Pretreatment or treatment, 325-2
Private property, 260-9
Properly shredded garbage, 325-2
Public building, 109-3
Public park and recreation area, 109-3
Public property, 260-9
Public sewer, 325-2
Recyclable materials, 235-8
Residential establishment, 235-8
Right-of-way, 315-3
Road, 315-3
Safety standards equipment, 315-3
Sanitary sewer, 325-2
School, 109-3
Seminude, 109-3
Septage, 325-2
Sewage, 325-2
Sewer, 325-2

Sewerage system, 325-2
Sexual activities, exemptions, 109-3
Sexual encounter establishment, 109-3
Shoulder, 240-13
Sidewalk, 240-13
Single stream, 235-8
Slug, 325-2
Solid waste, 235-2
Soluble oil, 325-2
Specified anatomical areas, 109-3
Specified sexual activities, 109-3
Start of construction, 280-8
Storm sewer, 325-2
Structure, 280-8
Substantial damage, 280-8
Substantial improvement, 280-8
Superintendent, 315-3
Suspended solids, 325-2
Temporary cover, 315-3
Town, 204-2, 210-1, 235-8, 260-9
Toxic pollutant, 325-2
Traffic authority, 260-1
Trench, 315-3
Vehicle, 260-1, 260-9
Vendor, 210-1
Warranty, 315-3
Water Pollution Control Authority (WPCA), 325-2
Water surface elevation, 280-8
Wetlands agent, 173-2
Wetlands violation, 173-2
Work, 315-3

DEMOLITION

Fees, 154-8
Historic preservation, 169-1 - 169-3, 169-5

DEVELOPMENT ACTION

PLAN AGENCY

Appointment, 21-2
Community Development Action Plan, 21-8
Compensation, 21-3
Costs and expenses, 21-3
Creation, 21-1
Duties, 21-7
Employees, 21-6
Execution of documents, 21-9
Joint service with Housing Authority, 21-4
Majority vote required for actions, 21-5
Officers, 21-5
Records, 21-6
Signs, 21-9
Terms of office, 21-2
Vacancies, 21-2

DIRT

Parks and recreation areas, 204-4

DISABILITIES

Building construction, 128-9
Road excavation permit regulations, 315-14
Taxation, 247-5

DISCLOSURE PROVISIONS

Taxation, 247-12

DISORDERLY CONDUCT

Parks and recreation areas, 204-5

DOGS

Parks and recreation areas, 204-8

DRAINAGE

Driveways, 142-5
Floodplain management, 280-21, 280-29
Road excavation permit regulations, 315-14
Streets and sidewalks, 240-12, 240-14, 240-15
Water Pollution Control Authority, 325-9

DRIVEWAYS

Action on request for permit, 142-6
Cemeteries, 135-4
Conditions for approval, 142-2
Construction, 142-3, 142-8, 142-10
Correction of defects by Town, 142-8
Costs and expenses, 142-8
Culverts, 142-5
Drainage, 142-5
Grade, 142-5
Hearings, 142-11
Improvements, 142-4
Inspections, 142-3, 142-4
Parking, 142-2
Penalties for offenses, 142-7
Permit, 142-1 - 142-6, 142-9, 142-11
Permit fee, 142-9
Permit required, 142-1
Permit validity, 142-3
Proximity to boundary lines, 142-10
Road excavation permit regulations, 315-4, 315-13
Safety standards, 142-11
Specifications, 142-11
Validation, 142-5
Variances, 142-8
Vehicles, 142-2

DUMPS AND DUMPING

Parks and recreation areas, 204-4

DUMPSTERS

Solid waste, 235-10

DUST

Road excavation permit regulations, 315-14

- E -

EASEMENTS

Floodplain management, 280-4
Water Pollution Control Authority, 325-7

ECONOMIC DEVELOPMENT COMMISSION

Boards, commissions and committees, 10-47 - 10-51

ELEVATORS

Floodplain management, 280-18

THOMASTON INDEX

EMERGENCIES

- Boards, commissions and committees, 10-56, 10-59
- Building construction, 128-6
- Fire Department and Ambulance Corps, 32-1
- Floodplain management, 280-2, 280-6, 280-22, 280-24, 280-27
- Road excavation permit regulations, 315-4 - 315-6, 315-10
- Streets and sidewalks, 240-8
- Water Pollution Control Authority, 325-5

EMERGENCY VEHICLES

- Building construction, 128-6
- Floodplain management, 280-24

ENCROACHMENTS

- Floodplain management, 280-14

ENTERPRISE ZONE

- Authority, 148-1
- Community Enterprise Zone Board, 148-1
- Enterprise Zone established, 148-1

EROSION CONTROL

- Boards, commissions and committees, 10-2, 10-3

EXCAVATIONS

- Floodplain management, 280-3
- Parks and recreation areas, 204-3
- Road excavation permit regulations, 315-1 - 315-4, 315-6, 315-9, 315-14
- Streets and sidewalks, 240-1 - 240-3, 240-14

See also ROAD EXCAVATION PERMIT REGULATIONS

EXPENSES, see COSTS AND EXPENSES

EXPLOSIVES

- Solid waste, 235-4
- Water Pollution Control Authority, 325-5

- F -

FALSE ALARMS

- Alarms, 110-4

FARMS AND FARMING

- Building construction, 128-4
- Peddling and soliciting, 210-2

FEEES

- Adult-oriented businesses, 109-5, 109-11
- Building Permit, 154-8 - 154-10
- Accessory buildings, 154-8
- Alarms, 154-8
- Appeals, 154-9
- Authorization and fee schedule, 154-8
- Building permits, 154-8
- Certificates of occupancy, 154-8
- Construction, 154-8
- Costs and expenses, 154-8
- Demolition, 154-8

- Fences, 154-8
- Garages, 154-8
- Heating, 154-8
- Improvements, 154-8
- Inspections, 154-8
- Penalties for offenses, 154-8
- Permit, 154-8 - 154-10
- Plumbing, 154-8
- Pools, 154-8
- Signs, 154-8
- Swimming pools, 154-8
- Waivers, 154-10

Land Use Applications, 154-1 - 154-7

- Appeals, 154-3, 154-4, 154-7
- Attorney's fee, 154-6
- Base application fees, 154-3
- Charges, 154-4
- Costs and expenses, 154-1 - 154-4, 154-6
- Enforcement and collection, 154-6
- Inspections, 154-1, 154-2
- Liability, 154-6
- Newspapers, 154-7
- Notices, 154-1 - 154-3
- Outside consultants, 154-5
- Permit, 154-6
- Purpose, 154-2
- Statutory authority, 154-1
- Surcharge fees, 154-4
- Watercourses, 154-3, 154-4, 154-7
- When effective, 154-7
- Taxation, 247-19

FENCES

- Fees, 154-8

FILL

- Boards, commissions and committees, 10-7
- Fire Department Bylaws, A400-1
- Floodplain management, 280-14, 280-19, 280-21
- Road excavation permit regulations, 315-4, 315-14
- Streets and sidewalks, 240-14

FINES, see PENALTIES FOR OFFENSES

FIRE DEPARTMENT AND AMBULANCE CORPS

- Length of Service Awards Program, 32-1 - 32-4
- Authority of Selectmen, 32-2
- Emergencies, 32-1
- Meetings, 32-2
- Newspapers, 32-4
- Program established, 32-1
- Retirement, 32-1 - 32-3
- Retirement Plan Committee, 32-3
- When effective, 32-4

FIRE DEPARTMENT BYLAWS

- Bills for services, A400-6
- Board of Fire Commissioners, A400-1
- Chief and Assistant Engineers, A400-2
- Costs and expenses, A400-5

- Fill, A400-1
- Fires, A400-4
- Hearings, A400-7
- Inspections, A400-3
- Meetings, A400-2
- Parades, A400-4
- Powers of Engineers, A400-4
- Removal of members, A400-7

FIRES

- Fire Department Bylaws, A400-4

FLAMMABLES

- Solid waste, 235-4
- Water Pollution Control Authority, 325-5

FLOOD AND EROSION CONTROL BOARD

- Boards, commissions and committees, 10-2, 10-3

FLOOD HAZARD AREAS

- Floodplain management, 280-2, 280-3, 280-6, 280-9, 280-13, 280-15, 280-20 - 280-22, 280-29

FLOODPLAIN MANAGEMENT

- Administration, 280-20 - 280-22
- Administrative officers, 280-20
- Construction, 280-21
- Drainage, 280-21
- Duties and responsibilities of Building Official, 280-22
- Emergencies, 280-22
- Fill, 280-21
- Flood hazard area permit, 280-21
- Flood hazard areas, 280-20 - 280-22
- Floodways, 280-22
- Improvements, 280-21
- Inspections, 280-22
- Insurance, 280-22
- Notices, 280-22
- Permit, 280-20 - 280-22
- Records, 280-22
- Reports, 280-22
- Safety standards, 280-22
- Stop-work orders, 280-21
- Storage, 280-21
- Walls, 280-21
- Water, 280-22
- Watercourses, 280-21, 280-22
- Appeals and Variances, 280-23 - 280-28
- Appeals to court, 280-28
- Conditions for variances, 280-25
- Construction, 280-23, 280-25, 280-27
- Costs and expenses, 280-24, 280-25
- Emergencies, 280-24, 280-27
- Emergency vehicles, 280-24
- Filing of variances, 280-26
- Floodways, 280-25
- Gas, 280-24
- General considerations, 280-24
- Improvements, 280-23, 280-25

THOMASTON INDEX

- Insurance, 280-27
- Lots, 280-25
- Notice and records, 280-27
- Notices, 280-27
- Nuisances, 280-25
- Records, 280-26, 280-27
- Reports, 280-27
- Safety standards, 280-23 – 280-25
- Utilities, 280-24
- Vehicles, 280-24
- Water, 280-24
- Zoning Board of Appeals, 280-23
- Definitions, 280-8
- General Provisions, 280-1 – 280-7
 - Area of applicability, 280-2
 - Compliance required, 280-3
 - Costs and expenses, 280-7
 - Easements, 280-4
 - Emergencies, 280-2, 280-6
 - Excavations, 280-3
 - Flood hazard areas, 280-2, 280-3, 280-6
 - Flood Insurance Rate Map, 280-2
 - Floodways, 280-2
 - Grade, 280-3
 - Insurance, 280-1, 280-2
 - Interpretation, 280-5
 - Liability, 280-6
 - Other restrictions, 280-4
 - Penalties for offenses, 280-7
 - Purpose, 280-1
 - Safety standards, 280-1
 - Special exceptions, 280-7
 - Storage, 280-3
 - Utilities, 280-1
 - Variances, 280-7
 - Warning and disclaimer, 280-6
- Standards, 280-9 – 280-19
 - Alteration of watercourse, 280-16
 - Anchoring, 280-10
 - Building location and floor location, 280-13
 - Changes to existing structures, 280-17
 - Construction, 280-10, 280-11, 280-13, 280-14, 280-18, 280-19
 - Construction material and methods, 280-11
 - Elevated buildings, 280-18
 - Elevator, 280-18
 - Encroachments, 280-14
 - Fill, 280-14, 280-19
 - Flood hazard areas, 280-9, 280-13, 280-15
 - Floodways, 280-14, 280-19
 - Garages, 280-18
 - General requirement, 280-9
 - Grade, 280-18
 - Heating, 280-12
 - Improvements, 280-10, 280-11, 280-13, 280-14, 280-17 – 280-19
 - Manufactured homes, 280-15
 - Parking, 280-18
 - Permit, 280-18
 - Plumbing, 280-12, 280-18
 - Sanitary facilities, 280-13
 - Screens, 280-18
 - Storage, 280-18
 - Streams without established base flood elevations or floodways, 280-19
 - Utilities, 280-11 – 280-13, 280-18
 - Vehicles, 280-18
 - Ventilation, 280-12
 - Walls, 280-13, 280-18
 - Water, 280-12, 280-13, 280-19
 - Watercourses, 280-16, 280-19
 - Water supply, 280-12
- Subdivision Requirements, 280-29
 - Drainage, 280-29
 - Flood hazard areas, 280-29
 - Gas, 280-29
 - Lots, 280-29
 - Manufactured homes, 280-29
 - Parks, 280-29
 - Special flood hazard areas, 280-29
 - Utilities, 280-29
 - Water, 280-29
- FLOODWAYS**
 - Floodplain management, 280-2, 280-14, 280-19, 280-22, 280-25
- FUEL**
 - Water Pollution Control Authority, 325-5
- GAMBLING**
 - Parks and recreation areas, 204-5
- GAMES OF CHANCE**
 - Parks and recreation areas, 204-5
- GARAGE AND TAG SALES**
 - Advertising, 161-12
 - Application for permit, 161-5
 - Church, 161-17
 - Costs and expenses, 161-12
 - Definitions, 161-2
 - Display of permit, 161-11
 - Exemptions, 161-17
 - Findings and intent, 161-1
 - Hours of operation, 161-8
 - Inspections, 161-14
 - Inspections and enforcement, 161-14
 - Investigation prior to permit issuance, 161-10
 - Nonconforming uses, 161-17
 - Order to be maintained, 161-13
 - Parking, 161-15
 - Penalties for offenses, 161-16, 161-18, 161-19
 - Permit, 161-4 – 161-7, 161-9 – 161-11, 161-13, 161-16
 - Permit conditions, 161-7
 - Permit fee, 161-6
 - Permit required, 161-4
 - Police Department, 161-15
 - Police officers, 161-14
 - Property permitted to be sold, 161-3
 - Rescheduled sales or additional sales, 161-9
 - Revocation and refusal of permit, 161-16
 - Right of entry, 161-14
 - Safety standards, 161-1, 161-13
 - Sales, 161-1 – 161-5, 161-7 – 161-9, 161-11 – 161-18
 - Separate violations, 161-18
 - Signs, 161-12
 - Vehicles, 161-13, 161-15
- GARAGES**
 - Fees, 154-8
 - Floodplain management, 280-18
 - Vehicles and traffic, 260-14, 260-19
 - See also* GARAGE AND TAG SALES
- GARBAGE**
 - Parks and recreation areas, 204-4
 - Water Pollution Control Authority, 325-2, 325-3, 325-5
- GARBAGE, RUBBISH AND REFUSE**
 - Cemeteries, 135-4
- GAS**
 - Floodplain management, 280-24, 280-29
 - Water Pollution Control Authority, 325-5
- GENERAL PROVISIONS**
 - Adoption of Code, 1-1 – 1-11
 - Amendments to Code, 1-6
 - Changes in previously adopted ordinances, 1-10
 - Code book to be kept up-to-date, 1-7
 - Continuation of existing provisions, 1-2
 - Copy of Code on file, 1-5
 - Inspections, 1-5
 - Meetings, 1-10
 - Penalties for offenses, 1-9
 - Penalties for tampering with Code, 1-9
 - Repealer, 1-3
 - Retirement, 1-3
 - Sales, 1-8
 - Sales of Code book, 1-8
 - Severability, 1-4
 - Supplementation, 1-8
 - When effective, 1-11
- GLASS**
 - Parks and recreation areas, 204-4
 - Solid waste, 235-9
 - Water Pollution Control Authority, 325-5
- GRADE**
 - Driveways, 142-5
 - Floodplain management, 280-3, 280-18

THOMASTON INDEX

Road excavation permit regulations, 315-14
Streets and sidewalks, 240-14
GUARANTEES
Cemeteries, 135-11
GUIDE DOGS
Parks and recreation areas, 204-8
GUTTERS
Road excavation permit regulations, 315-14
Streets and sidewalks, 240-15

- H -

HAZARDOUS WASTE
Solid waste, 235-2, 235-4
HEARINGS
Adult-oriented businesses, 109-8
Boards, commissions and committees, 10-5, 10-12, 10-17, 10-22, 10-28, 10-34, 10-35, 10-42, 10-43, 10-49
Driveways, 142-11
Fire Department Bylaws, A400-7
Inland Wetlands and Watercourses, 173-4, 173-5
Peddling and soliciting, 210-7
Police Department, 75-2
Regional Planning Agency, 87-4
Solid waste, 235-5
Streets and sidewalks, 240-3
Vehicles and traffic, 260-13, 260-14
Water Pollution Control Authority, 325-9
HEATING
Fees, 154-8
Floodplain management, 280-12
Taxation, 247-1
HISTORICAL COMMISSION
Boards, commissions and committees, 10-65 - 10-69
HISTORIC PRESERVATION
Demolition Permits for Historic Structures, 169-1 - 169-5
Exemptions, 169-5
Historic preservation, 169-2
Newspapers, 169-2
Notices, 169-2, 169-3
Objections, 169-3
Other requirements, 169-4
Permit, 169-1 - 169-3, 169-5
Permit required, 169-1
Public notice, 169-2
Safety standards, 169-5
Statutory authority, 169-4
HOLIDAYS
Parks and recreation areas, 204-10
Peddling and soliciting, 210-5
HOME OCCUPATIONS
Taxation, 247-10
HOUSING AUTHORITY
Declaration of need, 43-2
Findings, 43-1

- I -

IMPROVEMENTS
Building construction, 128-7, 128-9
Cemeteries, 135-5
Driveways, 142-4
Fees, 154-8
Floodplain management, 280-10, 280-11, 280-13, 280-14, 280-17 - 280-19, 280-21, 280-23, 280-25
Taxation, 247-10, 247-11, 247-14
INDECENT LANGUAGE
Parks and recreation areas, 204-5
INDEMNIFICATION, see LIABILITY
INDUSTRIAL WASTES
Water Pollution Control Authority, 325-2, 325-3, 325-5
INLAND WETLANDS AND WATERCOURSES
Fines; Citation and Hearing Procedures
Additional remedies, 173-7
Appeals, 173-6
Authorization, 173-1
Citation procedure, 173-4
Costs and expenses, 173-3
Definitions, 173-2
Hearings, 173-4, 173-5
Liability, 173-5
Notices, 173-4, 173-5
Penalties for offenses, 173-3
Wetlands violations, 173-3
INLAND WETLANDS AND WATERCOURSES COMMISSION
Boards, commissions and committees, 10-31 - 10-37
INSPECTIONS
Adult-oriented businesses, 109-6
Boards, commissions and committees, 10-13
Driveways, 142-3, 142-4
Fees, 154-1, 154-2, 154-8
Fire Department Bylaws, A400-3
Floodplain management, 280-22
Garage and tag sales, 161-14
General provisions, 1-5
Road excavation permit regulations, 315-2, 315-4, 315-14
Solid waste, 235-17
Streets and sidewalks, 240-9
Taxation, 247-12
Vehicles and traffic, 260-8
Water Pollution Control Authority, 325-4, 325-5, 325-7
INSURANCE
Boards, commissions and committees, 10-13
Floodplain management, 280-1, 280-2, 280-22, 280-27
Road excavation permit regulations, 315-4, 315-8
Solid waste, 235-10

INTERLOCAL AGREEMENT COMMISSION
Boards, commissions and committees, 10-15 - 10-17
INTOXICATING BEVERAGES
Parks and recreation areas, 204-5
INVESTIGATIONS
Adult-oriented businesses, 109-6
Garage and tag sales, 161-10
Peddling and soliciting, 210-5, 210-9

- J -

JUSTICES OF THE PEACE
Election, 52-1

- L -

LIABILITY
Adult-oriented businesses, 109-5
Boards, commissions and committees, 10-13
Fees, 154-6
Floodplain management, 280-6
Inland Wetlands and Watercourses, 173-5
Road excavation permit regulations, 315-8
Sewers and sewage disposal, 228-1
Solid waste, 235-10
Streets and sidewalks, 240-18, 240-19
Vehicles and traffic, 260-12
Water Pollution Control Authority, 325-4 - 325-8
LICENSE
Peddling and soliciting, 210-3 - 210-11, 210-13, 210-14, 210-16, 210-17
LICENSES AND PERMITS
Adult-oriented businesses, 109-4 - 109-9, 109-11
Alcoholic beverages, 114-2
LIENS
Building construction, 128-8
Streets and sidewalks, 240-22
Taxation, 247-15, 247-17, 247-20
Water Pollution Control Authority, 325-8, 325-9, 325-14
LOITERING
Parks and recreation areas, 204-5
LOTS
Building construction, 128-3, 128-6
Cemeteries, 135-2, 135-6, 135-10 - 135-12
Floodplain management, 280-25, 280-29
Streets and sidewalks, 240-9

THOMASTON INDEX

- M -

MANHOLES
Water Pollution Control Authority, 325-5

MANUFACTURED HOMES
Floodplain management, 280-15, 280-29

MANURE
Water Pollution Control Authority, 325-5

MARKERS
Parks and recreation areas, 204-3

MASSAGE PARLORS
Adult-oriented businesses, 109-11

MEETINGS
Alarms, 110-3
Boards, commissions and committees, 10-8, 10-12, 10-22, 10-50, 10-69
Building construction, 128-6
Fire Department and Ambulance Corps, 32-2
Fire Department Bylaws, A400-2
General provisions, 1-10
Regional Planning Agency, 87-3
Retirement plan, 92-1
Solid waste, 235-1, 235-3
Taxation, 247-13
Terms of office, 100-1
Water Pollution Control Authority, 325-4

METERS
Vehicles and traffic, 260-1 - 260-8
Water Pollution Control Authority, 325-5

MINORS
Adult-oriented businesses, 109-5, 109-9

MINUTES
Alarms, 110-3

MONUMENTS
Boards, commissions and committees, 10-68
Cemeteries, 135-2, 135-5
Parks and recreation areas, 204-3

- N -

NAUGATUCK VALLEY COUNCIL OF GOVERNMENTS
Regional Councils, 83-4 - 83-9

NEWSPAPERS
Building construction, 128-1, 128-6
Fees, 154-7
Fire Department and Ambulance Corps, 32-4
Historic preservation, 169-2
Parks and recreation areas, 204-11
Peddling and soliciting, 210-2
Solid waste, 235-9
Vehicles and traffic, 260-11

NONCONFORMING USES
Garage and tag sales, 161-17

NOTICES

Adult-oriented businesses, 109-6, 109-8, 109-11
Alarms, 110-5
Alcoholic beverages, 114-2
Aquifer Protection Agency, 5-4
Boards, commissions and committees, 10-5, 10-12, 10-13, 10-17, 10-22, 10-28
Fees, 154-1 - 154-3
Floodplain management, 280-22, 280-27
Historic preservation, 169-2, 169-3
Inland Wetlands and Watercourses, 173-4, 173-5
Parks and recreation areas, 204-3
Peddling and soliciting, 210-7
Regional Planning Agency, 87-4
Retirement plan, 92-4, 92-5
Road excavation permit regulations, 315-2, 315-3, 315-10, 315-14
Solid waste, 235-5, 235-11, 235-15
Streets and sidewalks, 240-10
Vehicles and traffic, 260-4, 260-11 - 260-14
Water Pollution Control Authority, 325-5, 325-8, 325-9, 325-14

NOTICES OF VIOLATIONS
Vehicles and traffic, 260-4, 260-11
Water Pollution Control Authority, 325-8

NUISANCES
Floodplain management, 280-25
Solid waste, 235-9, 235-10
Vehicles and traffic, 260-10, 260-11
Water Pollution Control Authority, 325-1, 325-5

- O -

OBSTRUCTIONS

Water Pollution Control Authority, 325-5

ODORS

Solid waste, 235-14
Water Pollution Control Authority, 325-5

OFFENSES, see PENALTIES FOR OFFENSES

OPERA HOUSE COMMISSION

Boards, commissions and committees, 10-11 - 10-14

- P -

PAPER

Parks and recreation areas, 204-4
Solid waste, 235-9
Water Pollution Control Authority, 325-7

PARADES

Fire Department Bylaws, A400-4

PARKING

Driveways, 142-2
Floodplain management, 280-18
Garage and tag sales, 161-15
Parks and recreation areas, 204-10, 204-11
Vehicles and traffic, 260-1 - 260-8, 260-10, 260-16 - 260-18, 260-20

PARKS AND RECREATION AREAS

Conduct in Public Parks, 204-1 - 204-8
Alcoholic beverages, 204-5
Ashes, 204-4
Behavior, 204-5
Blasting, 204-3
Bond, 204-7
Definitions, 204-2
Dirt, 204-4
Disorderly conduct, 204-5
Dogs, 204-8
Dogs prohibited in Nystrom's Park, 204-8
Dumps and dumping, 204-4
Excavations, 204-3
Gambling, 204-5
Games of chance, 204-5
Garbage, 204-4
Glass, 204-4
Guide dogs, 204-8
Indecent language, 204-5
Intoxicating beverages, 204-5
Loitering, 204-5
Markers, 204-3
Monuments, 204-3
Notices, 204-3
Paper, 204-4
Park buildings and property, 204-3
Penalties for offenses, 204-6
Permit, 204-7
Permits for special events, 204-7
Refuse and trash, 204-4
Short title, 204-1
Signs, 204-3, 204-8
Special uses, 204-7
Trees, 204-3
Floodplain management, 280-29
Nystrom's Pond, 204-9 - 204-11
Authorization, 204-9
Facility fees, 204-10
Holidays, 204-10
Newspapers, 204-11
Parking, 204-10, 204-11
Penalties for offenses, 204-11
Regulations, 204-11
Vehicles, 204-10

PEACE AND GOOD ORDER
Cemeteries, 135-3

PEDDLING AND SOLICITING
Advertising, 210-7
Appeals, 210-7
Application fee, 210-9
Bond, 210-4

THOMASTON INDEX

Certain acts prohibited, 210-6
 Compliance with statutory requirements, 210-16
 Costs and expenses, 210-9
 Definitions, 210-1
 Duty of police to enforce, 210-8
 Exemption for veterans, 210-9
 Exemptions and exclusions, 210-2
 Expiration and renewal of license, 210-10
 Farms and farming, 210-2
 Hearings, 210-7
 Holidays, 210-5
 Investigations, 210-5, 210-9
 Issuance or denial of license, 210-5
 License, 210-3 – 210-11, 210-13, 210-14, 210-16, 210-17
 License application and accompanying documents, 210-4
 License required, 210-3
 Newspapers, 210-2
 Notices, 210-7
 Penalties for offenses, 210-7, 210-8, 210-15
 Police Department, 210-8
 Police officers, 210-5, 210-8, 210-11
 Prior licenses, 210-17
 Records, 210-14
 Safety standards, 210-7, 210-11
 Sales, 210-2, 210-15
 Schools, 210-2, 210-12
 Signs, 210-4
 Suspension and revocation of license, 210-7
 Use of private property, 210-13
 Use of streets, 210-11
 Use of Town property, 210-12
 Vehicles, 210-4
 Veterans, 210-9
 Waivers, 210-4

PENALTIES FOR OFFENSES
 Adult-oriented businesses, 109-4, 109-6, 109-7, 109-9, 109-12
 Alarms, 110-5
 Cemeteries, 135-3
 Driveways, 142-7
 Fees, 154-8
 Floodplain management, 280-7
 Garage and tag sales, 161-16, 161-18, 161-19
 General provisions, 1-9
 Inland Wetlands and Watercourses, 173-3
 Parks and recreation areas, 204-6, 204-11
 Peddling and soliciting, 210-7, 210-8, 210-15
 Police Department, 75-2
 Road excavation permit regulations, 315-10, 315-15
 Solid waste, 235-6, 235-9 – 235-12, 235-18, 235-19
 Streets and sidewalks, 240-7, 240-11, 240-16, 240-23
 Taxation, 247-14, 247-21

Vehicles and traffic, 260-3 – 260-6, 260-11, 260-14, 260-15, 260-19, 260-20, 260-22
 Water Pollution Control Authority, 325-5, 325-6, 325-8

PERMIT

Alarms, 110-3
 Aquifer Protection Agency, 5-4
 Building construction, 128-2 – 128-4, 128-6 – 128-9
 Driveways, 142-1 – 142-6, 142-9, 142-11
 Fees, 154-6, 154-8 – 154-10
 Floodplain management, 280-18, 280-20 – 280-22
 Garage and tag sales, 161-4 – 161-7, 161-9 – 161-11, 161-13, 161-16
 Historic preservation, 169-1 – 169-3, 169-5
 Parks and recreation areas, 204-7
 Road excavation permit regulations, 315-3, 315-4, 315-10, 315-13, 315-15
 Solid waste, 235-10, 235-11, 235-13
 Streets and sidewalks, 240-2, 240-3, 240-15
 Taxation, 247-5
 Vehicles and traffic, 260-10
 Water Pollution Control Authority, 325-2, 325-4, 325-5, 325-9, 325-14

PLANNING AND ZONING COMMISSION

Boards, commissions and committees, 10-38 – 10-46

PLASTICS

Solid waste, 235-9
 Water Pollution Control Authority, 325-5

PLUMBING

Fees, 154-8
 Floodplain management, 280-12, 280-18
 Water Pollution Control Authority, 325-4

POLICE DEPARTMENT

Alarms, 110-3
 Appointment of Constables, 75-4 – 75-7
 Authority of members, 75-3
 Authority of Selectmen, 75-2
 Authorization, 75-4
 Charges, 75-2
 Constables, 75-5
 Establishment, 75-1
 Establishment and authority, 75-1 – 75-3
 Garage and tag sales, 161-15
 Hearings, 75-2
 Minority representation, 75-7
 Peddling and soliciting, 210-8
 Penalties for offenses, 75-2
 Police Department, 75-1 – 75-3
 Police officers, 75-3
 Road excavation permit regulations, 315-4

Streets and sidewalks, 240-7, 240-23

Vehicles and traffic, 260-5, 260-11, 260-14, 260-19, 260-20

POLICE OFFICERS

Garage and tag sales, 161-14
 Peddling and soliciting, 210-5, 210-8, 210-11
 Police Department, 75-3
 Vehicles and traffic, 260-4

POLLUTION

Boards, commissions and committees, 10-10
 Water, 267-1
 Water Pollution Control Authority, 325-1 – 325-9, 325-13

POOLS

Fees, 154-8

PRIVIES

Water Pollution Control Authority, 325-3

PRIVY VAULTS

Water Pollution Control Authority, 325-3

PUBLIC ASSEMBLY

Boards, commissions and committees, 10-13

PUBLIC LIBRARY BYLAWS

Costs and expenses, A405-5
 Directors to manage funds, A405-6
 Disposition of funds, A405-4
 Expenses for maintenance, A405-5
 Library Board, A405-3
 Library established, A405-1
 Number of directors, A405-2

– R –

RAFFLES, *see* BAZAARS AND RAFFLES

RECORDS

Boards, commissions and committees, 10-6, 10-35, 10-43
 Building construction, 128-3
 Cemeteries, 135-7, 135-10, 135-12
 Development Action Plan Agency, 21-6
 Floodplain management, 280-22, 280-26, 280-27
 Peddling and soliciting, 210-14
 Retirement plan, 92-5
 Streets and sidewalks, 240-9
 Taxation, 247-12, 247-14, 247-15
 Water, 267-1
 Water Pollution Control Authority, 325-5, 325-9

RECREATION COMMISSION

Boards, commissions and committees, 10-25 – 10-30

RECYCLABLES

Solid waste, 235-7 – 235-10, 235-12 – 235-15

THOMASTON INDEX

- Certain acts prohibited, 210-6
 - Compliance with statutory requirements, 210-16
 - Costs and expenses, 210-9
 - Definitions, 210-1
 - Duty of police to enforce, 210-8
 - Exemption for veterans, 210-9
 - Exemptions and exclusions, 210-2
 - Expiration and renewal of license, 210-10
 - Farms and farming, 210-2
 - Hearings, 210-7
 - Holidays, 210-5
 - Investigations, 210-5, 210-9
 - Issuance or denial of license, 210-5
 - License, 210-3 – 210-11, 210-13, 210-14, 210-16, 210-17
 - License application and accompanying documents, 210-4
 - License required, 210-3
 - Newspapers, 210-2
 - Notices, 210-7
 - Penalties for offenses, 210-7, 210-8, 210-15
 - Police Department, 210-8
 - Police officers, 210-5, 210-8, 210-11
 - Prior licenses, 210-17
 - Records, 210-14
 - Safety standards, 210-7, 210-11
 - Sales, 210-2, 210-15
 - Schools, 210-2, 210-12
 - Signs, 210-4
 - Suspension and revocation of license, 210-7
 - Use of private property, 210-13
 - Use of streets, 210-11
 - Use of Town property, 210-12
 - Vehicles, 210-4
 - Veterans, 210-9
 - Waivers, 210-4
 - PENALTIES FOR OFFENSES**
 - Adult-oriented businesses, 109-4, 109-6, 109-7, 109-9, 109-12
 - Alarms, 110-5
 - Cemeteries, 135-3
 - Driveways, 142-7
 - Fees, 154-8
 - Floodplain management, 280-7
 - Garage and tag sales, 161-16, 161-18, 161-19
 - General provisions, 1-9
 - Inland Wetlands and Watercourses, 173-3
 - Parks and recreation areas, 204-6, 204-11
 - Peddling and soliciting, 210-7, 210-8, 210-15
 - Police Department, 75-2
 - Road excavation permit regulations, 315-10, 315-15
 - Solid waste, 235-6, 235-9 – 235-12, 235-18, 235-19
 - Streets and sidewalks, 240-7, 240-11, 240-16, 240-23
 - Taxation, 247-14, 247-21
 - Vehicles and traffic, 260-3 – 260-6, 260-11, 260-14, 260-15, 260-19, 260-20, 260-22
 - Water Pollution Control Authority, 325-5, 325-6, 325-8
 - PERMIT**
 - Alarms, 110-3
 - Aquifer Protection Agency, 5-4
 - Building construction, 128-2 – 128-4, 128-6 – 128-9
 - Driveways, 142-1 – 142-6, 142-9, 142-11
 - Fees, 154-6, 154-8 – 154-10
 - Floodplain management, 280-18, 280-20 – 280-22
 - Garage and tag sales, 161-4 – 161-7, 161-9 – 161-11, 161-13, 161-16
 - Historic preservation, 169-1 – 169-3, 169-5
 - Parks and recreation areas, 204-7
 - Road excavation permit regulations, 315-3, 315-4, 315-10, 315-13, 315-15
 - Solid waste, 235-10, 235-11, 235-13
 - Streets and sidewalks, 240-2, 240-3, 240-15
 - Taxation, 247-5
 - Vehicles and traffic, 260-10
 - Water Pollution Control Authority, 325-2, 325-4, 325-5, 325-9, 325-14
 - PLANNING AND ZONING COMMISSION**
 - Boards, commissions and committees, 10-38 – 10-46
 - PLASTICS**
 - Solid waste, 235-9
 - Water Pollution Control Authority, 325-5
 - PLUMBING**
 - Fees, 154-8
 - Floodplain management, 280-12, 280-18
 - Water Pollution Control Authority, 325-4
 - POLICE DEPARTMENT**
 - Alarms, 110-3
 - Appointment of Constables, 75-4 – 75-7
 - Authority of members, 75-3
 - Authority of Selectmen, 75-2
 - Authorization, 75-4
 - Charges, 75-2
 - Constables, 75-5
 - Establishment, 75-1
 - Establishment and authority, 75-1 – 75-3
 - Garage and tag sales, 161-15
 - Hearings, 75-2
 - Minority representation, 75-7
 - Peddling and soliciting, 210-8
 - Penalties for offenses, 75-2
 - Police Department, 75-1 – 75-3
 - Police officers, 75-3
 - Road excavation permit regulations, 315-4
 - Streets and sidewalks, 240-7, 240-23
 - Streets and sidewalks, 240-7, 240-23
 - Vehicles and traffic, 260-5, 260-11, 260-14, 260-19, 260-20
 - POLICE OFFICERS**
 - Garage and tag sales, 161-14
 - Peddling and soliciting, 210-5, 210-8, 210-11
 - Police Department, 75-3
 - Vehicles and traffic, 260-4
 - POLLUTION**
 - Boards, commissions and committees, 10-10
 - Water, 267-1
 - Water Pollution Control Authority, 325-1 – 325-9, 325-13
 - POOLS**
 - Fees, 154-8
 - PRIVIES**
 - Water Pollution Control Authority, 325-3
 - PRIVY VAULTS**
 - Water Pollution Control Authority, 325-3
 - PUBLIC ASSEMBLY**
 - Boards, commissions and committees, 10-13
 - PUBLIC LIBRARY BYLAWS**
 - Costs and expenses, A405-5
 - Directors to manage funds, A405-6
 - Disposition of funds, A405-4
 - Expenses for maintenance, A405-5
 - Library Board, A405-3
 - Library established, A405-1
 - Number of directors, A405-2
- R -
- RAFFLES, see BAZAARS AND RAFFLES**
 - RECORDS**
 - Boards, commissions and committees, 10-6, 10-35, 10-43
 - Building construction, 128-3
 - Cemeteries, 135-7, 135-10, 135-12
 - Development Action Plan Agency, 21-6
 - Floodplain management, 280-22, 280-26, 280-27
 - Peddling and soliciting, 210-14
 - Retirement plan, 92-5
 - Streets and sidewalks, 240-9
 - Taxation, 247-12, 247-14, 247-15
 - Water, 267-1
 - Water Pollution Control Authority, 325-5, 325-9
 - RECREATION COMMISSION**
 - Boards, commissions and committees, 10-25 – 10-30
 - RECYCLABLES**
 - Solid waste, 235-7 – 235-10, 235-12 – 235-15

THOMASTON INDEX

SIGNS

- Development Action Plan Agency, 21-9
- Fees, 154-8
- Garage and tag sales, 161-12
- Parks and recreation areas, 204-3, 204-8
- Peddling and soliciting, 210-4
- Road excavation permit regulations, 315-3
- Vehicles and traffic, 260-17

SINGLE-FAMILY DWELLINGS

- Water Pollution Control Authority, 325-9

SNOW AND ICE REMOVAL

- Streets and sidewalks, 240-4, 240-21

SOLAR ENERGY SYSTEMS

- Taxation, 247-1

SOLICITING, *see* PEDDLING AND SOLICITING

SOLID WASTE

- Recycling; Refuse Collection, 235-7 - 235-19
 - Apartments, 235-8, 235-9
 - Appeals, 235-11, 235-13
 - Batteries, 235-9
 - Captions, 235-16
 - Collection restrictions, 235-12
 - Corrugated cardboard, 235-9
 - Costs and expenses, 235-9
 - Curb, 235-9
 - Definitions, 235-8
 - Dumpsters, 235-10
 - Glass, 235-9
 - Inspections, 235-17
 - Insurance, 235-10
 - Liability, 235-10
 - Newspapers, 235-9
 - Notices, 235-11, 235-15
 - Nuisances, 235-9, 235-10
 - Odors, 235-14
 - Paper, 235-9
 - Penalties for offenses, 235-9 - 235-12, 235-18, 235-19
 - Permit, 235-10, 235-11, 235-13
 - Plastics, 235-9
 - Purpose, 235-7
 - Recyclables, 235-7 - 235-10, 235-12 - 235-15
 - Recycling, 235-9, 235-10, 235-12
 - Refuse collection, 235-14
 - Registration, 235-10, 235-11
 - Registration of refuse collectors, 235-10
 - Reports, 235-18
 - Reports of violations, 235-18
 - Residential permits, 235-13
 - Revocation of permit, 235-11
 - Severability, 235-16
 - Source separation and recycling, 235-9
 - Statutory authority, 235-7
 - Storage, 235-9
 - Vehicles, 235-10, 235-14
 - When effective, 235-15

- Storage and Disposal, 235-1 - 235-6
 - Acceptable solid waste, 235-4
 - Charges, 235-2, 235-3
 - Definitions, 235-2
 - Designated disposal facility, 235-3
 - Explosives, 235-4
 - Flammables, 235-4
 - Hazardous waste, 235-2, 235-4
 - Hearings, 235-5
 - Meetings, 235-1, 235-3
 - Notices, 235-5
 - Penalties for offenses, 235-6
 - Purpose, 235-1
 - Recycling, 235-5
 - Rules and regulations, 235-5
 - Safety standards, 235-5
 - Storage, 235-1

SPECIAL ACTS, *see* APPENDIX CH. A410

SPECIAL EXCEPTIONS

- Floodplain management, 280-7
- Water Pollution Control Authority, 325-9

SPECIAL USES

- Parks and recreation areas, 204-7

STOP-WORK ORDERS

- Floodplain management, 280-21

STORAGE

- Floodplain management, 280-3, 280-18, 280-21
- Solid waste, 235-1, 235-9
- Vehicles and traffic, 260-19

STREETS AND SIDEWALKS

- Drainage, 240-12 - 240-16
 - Authority, 240-12
 - Change of grade or interference with drainage, 240-14
 - Definitions, 240-13
 - Drainage, 240-12, 240-14, 240-15
 - Excavations, 240-14
 - Fill, 240-14
 - Grade, 240-14
 - Gutter, 240-15
 - Penalties for offenses, 240-16
 - Permit, 240-15
 - Unlawful discharges, 240-15
 - Water, 240-14, 240-15
- Excavations, 240-1 - 240-3
 - Delegation of authority, 240-3
 - Excavations, 240-1 - 240-3
 - Hearings, 240-3
 - Permit, 240-2, 240-3
 - Regulations, 240-2
 - Safety standards, 240-3
 - Statutory authority, 240-1
- Private Snow Removal, 240-4 - 240-7
 - Authority, 240-4
 - Definitions, 240-5
 - Penalties for offenses, 240-7
 - Police Department, 240-7
 - Prohibited acts, 240-6
 - Snow removal, 240-4

- Snow and Ice on Sidewalks, 240-17 - 240-23
 - Abutting owner's liability, 240-19
 - Authority, 240-17
 - Citation, 240-23
 - Costs and expenses, 240-22
 - Failure to remove, 240-22
 - Liability, 240-18, 240-19
 - Liens, 240-22
 - Municipal liability limited, 240-18
 - Penalties for offenses, 240-23
 - Police Department, 240-23
 - Snow and ice removal, 240-21
 - Snow and ice removal by abutting owner, 240-21
 - Statute of limitations, 240-20
- Street Numbers, 240-8 - 240-11
 - Affixing of street numbers, 240-10
 - Assignment of street numbers, 240-9
 - Emergencies, 240-8
 - Inspections, 240-9
 - Lots, 240-9
 - Notices, 240-10
 - Penalties for offenses, 240-11
 - Purpose, 240-8
 - Records, 240-9
 - Safety standards, 240-8
- SWIMMING POOLS**
 - Fees, 154-8

- T -

TAXATION

- Delinquent Motor Vehicle Property Taxes, 247-2, 247-3
 - Authorization, 247-2
 - Method of payment, 247-3
 - Vehicles, 247-3
- Exemption for Certain Vehicles Owned by Persons with Disabilities, 247-4 - 247-7
 - Application for exemption, 247-7
 - Assessments, 247-7
 - Authorization, 247-4
 - Definition, 247-6
 - Disabilities, 247-5
 - Permit, 247-5
 - Tax exemption, 247-5
 - Vehicles, 247-5 - 247-7
 - Waivers, 247-7
- Exemption for Solar Energy Systems, 247-1
 - Exemption authorized, 247-1
 - Heating, 247-1
 - Solar energy systems, 247-1
- Required Filings
 - Waiver of information reporting penalty, 247-21
- Tax Incentive Program, 247-8 - 247-16
 - Abandonment, 247-12
 - Administration, 247-8

THOMASTON INDEX

Appeals, 247-13
Application, 247-12
Assessments, 247-10, 247-11, 247-15
Authority, 247-8
Certificates of occupancy, 247-15
Conditions of approval, 247-14
Construction, 247-11
Costs and expenses, 247-11, 247-12
Disclosure, 247-12
Eligibility, 247-10
General provisions, 247-16
Home occupations, 247-10
Improvements, 247-10, 247-11, 247-14
Inspections, 247-12
Liens, 247-15
Meetings, 247-13
Penalties for offenses, 247-14
Procedure, 247-13
Records, 247-12, 247-14, 247-15
Safety standards, 247-12
Sales, 247-14
Statement of purpose, 247-9
Tax abatement schedule, 247-11
Tax assessment agreement, 247-15
Utilities, 247-12
Vehicles, 247-14
Waivers, 247-13
Zoning Map, 247-12

Tax Liens
Assignment of tax liens, 247-20

Tax Payments, Refunds and Fees
Administrative fee for delinquent motor vehicle taxes, 247-19
Liens, 247-17
Payments, 247-18
Refunds, 247-17

TERMS OF OFFICE
Municipal Officials, 100-1, 100-2
Biennial elections, 100-1
Meetings, 100-1
Start of term, 100-2
Registrars of Voters, 100-11 - 100-14
Authorization, 100-11
Deputy Registrars of Voters, 100-13
Term established, 100-12
Vacancy, 100-14
Tax Collector, 100-7 - 100-10
Incumbent, 100-9
Term increased, 100-7
Vacancy, 100-8
When effective, 100-10
Town Clerk, 100-3 - 100-6
Incumbent, 100-5
Term increased, 100-3
Vacancy, 100-4
When effective, 100-6

TESTS

Road excavation permit regulations, 315-4, 315-6
Water Pollution Control Authority, 325-4, 325-5, 325-7, 325-9

TOILET FACILITIES

Water Pollution Control Authority, 325-3

TOWING

Vehicles and traffic, 260-19

TREASURER, DEPUTY

Appointments, 104-2
Authority, 104-1
Bonds, 104-3
Position created, 104-2
Powers and duties, 104-3
Qualifications, 104-2
Terms of office, 104-2

TREES

Cemeteries, 135-6
Parks and recreation areas, 204-3

TRENCHES

Road excavation permit regulations, 315-3, 315-9, 315-12

- U -

UTILITIES

Floodplain management, 280-1, 280-11 - 280-13, 280-18, 280-24, 280-29
Road excavation permit regulations, 315-2, 315-4
Taxation, 247-12
Water, 267-1

- V -

VAPOR

Water Pollution Control Authority, 325-5

VARIANCES

Building construction, 128-5
Driveways, 142-8
Floodplain management, 280-7, 280-23 - 280-27

VEHICLES

Building construction, 128-6
Driveways, 142-2
Floodplain management, 280-18, 280-24
Garage and tag sales, 161-13, 161-15
Parks and recreation areas, 204-10
Peddling and soliciting, 210-4
Solid waste, 235-10, 235-14
Taxation, 247-3, 247-5 - 247-7, 247-14
Vehicles and traffic, 260-1, 260-3 - 260-5, 260-8 - 260-10, 260-12, 260-14, 260-17 - 260-20

VEHICLES AND TRAFFIC

Junked Vehicles, 260-9 - 260-15
Charges, 260-13

Costs and expenses, 260-11, 260-12, 260-14
Declaration of nuisance, 260-10
Definitions, 260-9
Garages, 260-14
Hearings, 260-13, 260-14
Liability, 260-12
Newspapers, 260-11
Notices, 260-11 - 260-14
Notices of violations, 260-11
Nuisances, 260-10, 260-11
Parking, 260-10
Penalties for offenses, 260-11, 260-14, 260-15
Permit, 260-10
Police Department, 260-11, 260-14
Prohibited acts, 260-10
Removal by Town, 260-14
Request for hearing, 260-13
Responsibility of property owner or occupant, 260-12
Sales, 260-14
Vehicles, 260-9, 260-10, 260-12, 260-14
Yards, 260-14

Police Traffic Duties
Authorization, 260-21
Penalties for offenses, 260-22
Police protection required at construction sites, 260-22

Traffic Control and Parking Meters, 260-1 - 260-8
Charges, 260-4
Collection of coins, 260-7
Costs and expenses, 260-8
Definitions, 260-1
Evidence, 260-5
Inspections, 260-8
Intent, 260-8
Meters, 260-1 - 260-8
Notices, 260-4
Notices of violations, 260-4
Parking, 260-1 - 260-8
Penalties for offenses, 260-3 - 260-6
Police Department, 260-5
Police officers, 260-4
Registration, 260-5
Regulations, 260-2
Reports, 260-4
Safety standards, 260-8
Use of funds, 260-8
Use of parking meters, 260-3
Vehicles, 260-1, 260-3 - 260-5, 260-8

Winter Parking Ban, 260-16 - 260-20
Authority, 260-16
Costs and expenses, 260-19
Definitions, 260-17
Garages, 260-19
Parking, 260-16 - 260-18, 260-20
Parking prohibited under certain conditions, 260-18

THOMASTON INDEX

Parking ticket, 260-20
Penalties for offenses, 260-19, 260-20
Police Department, 260-19, 260-20
Removal of vehicles, 260-19
Safety standards, 260-19
Signs, 260-17
Storage, 260-19
Towing, 260-19
Vehicles, 260-17 - 260-20
VEHICLES, EMERGENCY, see
EMERGENCY VEHICLES
VENTILATION
Floodplain management, 280-12
VETERANS
Peddling and soliciting, 210-9
VIOLATIONS, see PENALTIES
FOR OFFENSES

- W -

WAIVERS

Boards, commissions and committees, 10-8
Fees, 154-10
Peddling and soliciting, 210-4
Road excavation permit regulations, 315-1, 315-2, 315-5
Taxation, 247-7, 247-13
Water Pollution Control Authority, 325-14

WALLS

Floodplain management, 280-13, 280-18, 280-21
Water Pollution Control Authority, 325-4

WATER

Boards, commissions and committees, 10-10
Floodplain management, 280-12, 280-13, 280-19, 280-22, 280-24, 280-29
Road excavation permit regulations, 315-14
Streets and sidewalks, 240-14, 240-15
Water Consumption Records, 267-1
Authorization to obtain records, 267-1
Pollution, 267-1
Records, 267-1
Utilities, 267-1
Water, 267-1
Water pollution, 267-1
Water Pollution Control Authority, 325-1 - 325-9, 325-13

WATERCOURSES

Boards, commissions and committees, 10-31 - 10-33, 10-35
Fees, 154-3, 154-4, 154-7
Floodplain management, 280-16, 280-19, 280-21, 280-22
Road excavation permit regulations, 315-14

Water Pollution Control Authority, 325-5, 325-7

WATER POLLUTION

Boards, commissions and committees, 10-10
Water, 267-1
Water Pollution Control Authority, 325-1 - 325-9, 325-13

WATER POLLUTION CONTROL AUTHORITY

Office and Billing Policy, 325-12 - 325-15
Assessments, 325-14
Authority, 325-13
Billing procedure, 325-14
Building permits, 325-14
Charges, 325-14
Construal of provisions, 325-15
Costs and expenses, 325-14
Liens, 325-14
Notices, 325-14
Permit, 325-14
Pollution, 325-13
Purpose, 325-12
Waivers, 325-14
Water, 325-13
Water pollution, 325-13

Sewer Use, 325-1 - 325-11

Animals, 325-5
Appeals, 325-9
Ashes, 325-5
Assessments, 325-9
Assessments and charges, 325-9
Building Inspector, 325-4
Building sewers and connections, 325-4
Certificates of occupancy, 325-9
Cesspools, 325-3
Charges, 325-1, 325-4, 325-5, 325-9
Connection to public sewer required, 325-3
Construction, 325-4, 325-5, 325-9
Costs and expenses, 325-3 - 325-6, 325-8, 325-9
Definitions and word usage, 325-2
Drainage, 325-9
Easements, 325-7
Emergencies, 325-5
Explosives, 325-5
Flammables, 325-5
Fuel, 325-5
Garbage, 325-2, 325-3, 325-5
Gas, 325-5
Glass, 325-5
Hearings, 325-9
Industrial wastes, 325-2, 325-3, 325-5
Inspections, 325-4, 325-5, 325-7
Liability, 325-4 - 325-8
Liens, 325-8, 325-9
Manholes, 325-5

Manure, 325-5
Meetings, 325-4
Meters, 325-5
Notices, 325-5, 325-8, 325-9
Notices of violations, 325-8
Nuisances, 325-1, 325-5
Obstructions, 325-5
Odors, 325-5
Paper, 325-7
Penalties for offenses, 325-5, 325-6, 325-8
Permit, 325-2, 325-4, 325-5, 325-9
Plastics, 325-5
Plumbing, 325-4
Pollution, 325-1 - 325-9
Privies, 325-3
Privy vaults, 325-3
Protection from damage, 325-6
Purpose and applicability, 325-1
Records, 325-5, 325-9
Repealer, 325-10
Reports, 325-5
Right of entry, 325-7
Safety standards, 325-7
Septic tank, 325-3
Severability, 325-10
Single-family dwellings, 325-9
Special exceptions, 325-9
Tests, 325-4, 325-5, 325-7, 325-9
Toilet facilities, 325-3
Unlawful discharges, 325-3
Use of public sewers, 325-5
Vapor, 325-5
Walls, 325-4
Water, 325-1 - 325-9
Watercourses, 325-5, 325-7
Water pollution, 325-1 - 325-9
Water supply, 325-4
Wells, 325-4
When effective, 325-11
Zoning permits, 325-9

WATER SUPPLY

Floodplain management, 280-12
Water Pollution Control Authority, 325-4

WELLS

Water Pollution Control Authority, 325-4

- Y -

YARDS

Road excavation permit regulations, 315-4, 315-7
Vehicles and traffic, 260-14

- Z -

ZONING BOARD OF APPEALS

Boards, commissions and committees, 10-18 - 10-23

ZONING MAP

Taxation, 247-12

THOMASTON INDEX

ZONING PERMITS

Building construction, 128-3
Water Pollution Control Authority, 325-9