

**Proposed Code Adoption Ordinance
Town of Easton**

Be it enacted and ordained by the Town of Easton at Town Meeting duly assembled:

§ 1-3. Adoption of Code.

The compilation of the ordinances of the Town of Easton, codified and consolidated into chapters and sections in the form attached hereto and made a part hereof, and consisting of Chapters 1 through 430, is hereby approved, adopted, ordained and enacted as the "Code of the Town of Easton, Connecticut," hereinafter called the "Code." All provisions contained in the compilation provided for herein and known as the "Code of the Town of Easton" shall be in force and effect on and after the effective date of this ordinance.

§ 1-4. Continuation of existing provisions.

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

§ 1-5. Repealer.

All ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Town of Easton which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

§ 1-6. Severability.

If any clause, sentence, paragraph or section of any ordinance contained herein or if the application thereof to any person, firm, corporation or circumstances for any reason is adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of such ordinance and the application of such provision to other persons, firms, corporations or circumstances but shall be confined in its operation to the clause, paragraph, or part thereof directly involved in the controversy in which said judgment shall have been rendered and to the person, firm, corporation or circumstances involved.

§ 1-7. Copy of Code on file.

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

§ 1-8. Amendments to Code.

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

§ 1-9. Code to be kept up-to-date.

It shall be the duty of the Town Clerk to keep up-to-date the certified copy of the Code of the Town of Easton required to be filed in the office of the Town Clerk for use by the public. All changes in said Code and all ordinances adopted by the Town subsequent to the enactment of this ordinance in such form as to indicate the intention that they be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes until such changes are included as supplements to said Code.

§ 1-10. Sale of Code; supplementation.

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

§ 1-11. Penalties for tampering with Code.

Any person who, without authorization from the Town Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the Town of Easton, or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Town of Easton to be

misrepresented thereby, or who violates any other provision of this ordinance, shall, upon conviction thereof, be subject to a fine of not more than \$100.

§ 1-12. Changes in previously adopted ordinances.

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

§ 1-13. When effective.

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

Schedule A
(As referenced in § 1-12B)

Throughout the Code, all references to "Chairman" and "Chairperson" are amended to "Chair."

Chapter 1, General Provisions.

Section 1-2B is added to read as follows: "Whenever any words in any section of this Code import the plural number, the singular number shall be deemed to be included, and whenever the singular number shall be used, it shall be deemed to include the plural. Any word of masculine gender includes the feminine and the neuter and may refer to a corporation or to a board or other body or assemblage of persons, and when the sense so indicates, words of the neuter gender may refer to any gender. Words used in the present tense include the future."

Chapter 7, Aging, Commission for the.

Section 7-1 is amended to delete "pursuant to 7-127a of the General Statutes." (Section 7-127a was repealed in 1982.)

Chapter 13, Assessment Appeals, Board of.

Section 13-1 is amended to change "Board of Tax Review" to "Board of Assessment Appeals" and to change "for a term of six years" to "for a term of four years."

Chapter 18, Building Board of Appeals.

Sections 18-1 and 18-2 are amended to update the reference to § 19-402 of the General Statutes to § 29-266.

Chapter 46, Emergency Management.

Article I, Department of Emergency Management, is amended in its entirety to read as follows:

§ 46-1. Department continued.

There shall continue to be a Department of Emergency Management pursuant to § 28-7 of the General Statutes.

§ 46-2. Director/Coordinator.

A. Said Department shall be under the supervision of a Director or Coordinator of all disaster emergency functions appointed by the First Selectman. The Director/Coordinator of the Department of Emergency Management will serve at the will of the First Selectman and may be removed by the First Selectman at any time. The Director/Coordinator of the Department of Emergency Management shall report directly to the First Selectman and will advise the First Selectman on matters pertaining to civil preparedness and disaster emergency operations.

B. The Director/Coordinator of the Department of Emergency Management will:

(1) Coordinate the activities of all Town agencies in disaster emergency situations, but in no case will he assume command of any agency or department other than the Department of Emergency Management unless directly ordered to do so by the First Selectman;

(2) Coordinate the activities of all Department of Emergency Management forces, both full-time and volunteer, and will be responsible for the recruitment and training of needed civil preparedness personnel;

(3) Assist the First Selectman in the preparation and updating of Town emergency operations plans and standard operating procedures;

(4) Maintain contact with the Connecticut Civil Preparedness Area office designated for the Town of Easton and will cooperate with the State Department of Emergency Services and Public Protection in preparation of required reports, procedures and other necessary paperwork to ensure that the Town receives all possible funding, equipment and other benefits available to the Town through state and national civil preparedness; and

(5) Perform such other civil preparedness related functions as may, from time to time, be assigned to him by the First Selectman of the Town of Easton or may be required by the General Statutes or by the Commissioner of Emergency Services and Public Protection.

C. The Director/Coordinator of the Department of Emergency Management shall receive such compensation for performance of his duties as may be determined by the Board of Selectmen.

Chapter 47, Emergency Medical Services Commission.

Section 47-1 is amended to update the reference to Chapter 334B of the statutes to Chapter 368D.

Section 47-5B is amended to change "Chapter 334B of the State of Connecticut" to "Chapter 368D of the General Statutes."

Chapter 64, Fire Commissioners, Board of.

Section 64-4D is amended as follows: "Make recommendations ~~to the Communications Committee~~ for improvements in the communications service particularly as it pertains to the effectiveness of the fire protection of the Town."

Section 64-4G is amended to change "Commission" to "Board."

Section 64-4I is amended to change "the Commissioner" to "the Board."

Section 64-6 is amended to update the references to §§ 29-45a, 29-46 and 29-47 of the General Statutes to §§ 29-298, 29-299 and 29-300, respectively.

Chapter 71, Funds.

The definition of "agricultural land" in § 71-5 is amended to add the following wording: "Any land in the Town suitable by reference to soil types, existing and past use of such land for agricultural purposes and other relevant factors for the cultivation of plants for production of human food and fiber or production of other useful and valuable plant products and for the production of animals, livestock and poultry useful to man and the environment, and land capable of providing economically profitable farm units, and may include adjacent pastures, wooded land, natural drainage areas and other adjacent open areas."

Subsection A in the definition of "development rights" in § 71-5 is amended to change "Subsection (g) of Section 1-1 of the Connecticut General Statutes, as amended by Section 1 of Public Act 83-587" to "§ 1-1(q) of the General Statutes."

Section 71-7 is amended to add "provided that" at the end of the first paragraph and to add Subsections A and B as follows:

A. The development rights have been voluntarily offered for sale to the municipality by the owner; and

B. The land has been designated for preservation purposes by the municipality in an open space plan, municipal plan of conservation and development or farmland preservation plan.

Chapter 86, Incentive Plans.

Section 86-2 is amended to change "Fire Commission" to "Board of Fire Commissioners (hereinafter referred to as the 'Commission')."

Section 86-4 is amended as follows: "Participation shall be measured on a calendar year basis. A request for an appropriation in the amount sufficient to fund the program for each calendar year for each organization shall be made to the Board of Finance so that payment for the preceding calendar year may be made by August 1 of the succeeding fiscal year."

Chapter 112, Library Board.

Section 112-2 is amended as follows: "and not more than three members of the Board shall be members of the same political party."

Chapter 128, Officers and Employees.

Section 128-6 is amended to update the reference to § 9-198 of the statutes to § 7-100k and to delete "it is hereby resolved that."

Original § 1 of the 1982 ordinance (Article II) dealing with incumbent Assessors is repealed.

Section 128-7 is amended to revise the first sentence to read as follows: "The Assessor shall be a certified Connecticut municipal assessor."

Chapter 141, Personnel.

Section 141-2B is amended as follows: "No more than ~~six~~ five members of said Commission shall be of the same political party."

Chapter 155, Police Department.

Sections 155-2 and 155-3 are amended to change "Police Commission" to "Board of Police Commissioners."

Chapter 226, Alarm Systems.

Section 226-3 is amended to add the following wording in the last sentence: "Said application shall set forth the name, address, and telephone number of both the installer of the system and the person on whose premises the system will be installed, as well as a description of the system and the location where it is proposed to be installed."

Section 226-7 is amended to change "Alarms installed after said date" to "Alarms installed after the adoption of this chapter."

Section 226-9 is amended to change "in the amount of \$15" to "as may be established by the Board of Police Commissioners from time to time."

Chapter 230, Alcoholic Beverages.

Sections 230-2 and 230-3 are amended to correct the statutory reference from § 30-86(3) to § 30-89(c).

Section 230-4 is amended to correct the statutory reference from § 30-86(3) to § 30-86(b)(3).

Chapter 273, Driveways.

Section 273-1 is amended to change "First Selectman" to "Town Engineer."

Chapter 290, Fees.

Section 290-1 is amended to update "Master Plan" to "Plan of Conservation and Development."

The definition of "Town facilities" in § 290-2 is amended to change "Highway Department" to "Public Works Department."

Section 290-5 is amended to add the following wording: "The following parties shall be exempt from the provisions of this article:"

Section 290-6 is amended to change the fine from \$1,500 to \$250.

Chapter 298, Flood Damage Prevention.

Section 298-1 is amended to change "flood areas having special flood areas" to "flood areas having special flood hazards" and to change "Administrator" in Subsection B to "Administrator of the Federal Emergency Management Agency."

Chapter 325, Inland Wetland and Watercourses.

Section 325-6D is amended to change "issuing official or policeman" to "issuing official or police officer."

Chapter 361, Nuisances.

Section 361-3 is amended to change "15 calendar days" to "10 calendar days."

Chapter 373, Parking.

Section 373-3A is amended to update the fine for a handicapped parking violation from \$85 to \$150 for a first violation and \$250 for a subsequent violation, pursuant to § 14-253a(1) of the Connecticut General Statutes.

Section 373-5 is amended as follows: "The Board of Police Commissioners may, in case of emergency, restrict or forbid parking on any street or portion of a street of the Town city, ~~including those streets hereinafter mentioned~~ during the time of such emergency. When practical during such emergency period, signs shall be posted designating such restrictions, and the police shall enforce such emergency restrictions in the same manner as the ordinances of the Town city."

Chapter 379, Peddling and Soliciting.

Chapter 379 is adopted to read as set forth at the end of this schedule.

Chapter 388, Public Service Companies.

Section 388-1 is amended to change "chief executive officer or officers" to "First Selectman."

Chapter 405, Sewers and Sewage Disposal.

Section 405-2 is amended to change "the Sanitarian and the Town Health Department" to "the Town Health Department."

Chapter 414, Solid Waste.

Section 414-6C(1) is amended to change "the Commission" to "the Solid Waste Commission."

The definition of "ticket" in § 414-9 is amended to change "authorizing and disposing of" to "authorizing the disposal of."

Section 414-10C is amended as follows: "No refuse collector shall collect, ~~have~~ haul or otherwise transport refuse in the Town except in duly registered vehicles."

Section 414-10E is amended to delete the following sentence: "The registration fee shall be \$100 for each vehicle with a capacity of 10 or more cubic yards and \$50 for each vehicle of a capacity of less than 10 cubic yards which is used to transport refuse."

Chapter 421, Streets and Sidewalks.

Sections 421-4, 421-6 and 421-7 are amended to change "First Selectman" to "Town Engineer."

Section 421-13 is amended to change "Police Commission" to "Board of Police Commissioners."

Section 421-21E(5)(h) is amended to read as follows: "Vegetation on the side of the road shall be managed in such a way as to preserve wildflowers, shrubs of ornamental wildlife values, larger trees overarching smaller, isolated trees, as well as closed forest canopies, all of which have extremely high scenic values."

Chapter 430, Taxation.

Section 430-7 is amended to read as follows:

§ 430-7. Solar energy systems.

A. Any building, the construction of which is commenced on or after October 1, 1977, which is equipped with a solar energy heating or cooling system, or any building to which a solar energy heating or cooling system is added on or after October 1, 1977, shall receive a property tax assessment exemption to the extent of the amount by which the assessed valuation of such real property equipped with such solar heating or cooling system exceeds the assessed valuation of such real property equipped with the conventional portion of the heating or cooling system, exclusive of any portion of such system related to solar energy. The exemption shall only apply to the first 15 assessment years following construction of such building or addition of any such system to a building.

B. As used in this section, "solar energy heating or cooling system" means equipment which provides for the collection, transfer, storage and use of incident solar energy for water heating, space heating or cooling which absent such solar energy system would require a conventional energy resource, such as petroleum products, natural gas or electricity, employs mechanical means such as fans or pumps to transfer energy, and meets standards established by regulation by the Secretary of the Office of Policy and Management. Such standards are incorporated herein by reference.

C. Any person who desires to claim the exemption provided in this section shall file with the Assessor in the Town of Easton, within 30 days following the annual assessment date, written application claiming such exemption on a form as prescribed by the Secretary of the Office of Policy and Management. Failure to file such application in said manner and form within the time limit prescribed shall constitute a waiver of the right to such exemption for the assessment year.

In § 430-8A the definitions of "hybrid solar energy system" and "passive solar energy system" are amended to read as follows:

HYBRID SOLAR ENERGY SYSTEM – A solar energy heating or cooling system which consists of both active and passive elements and which meets the standards established for both.

PASSIVE SOLAR ENERGY SYSTEM – A system which utilizes the structural elements of a building for the collection of incident solar energy and its storage and distribution for use in water heating or space heating or cooling, which building absent such system would require a conventional energy resource, such as petroleum products, natural gas or electricity, and which system meets standards established by regulation by the Secretary of the Office of Policy and Management.

Section 430-8C is amended to read as follows:

Any building, the construction of which is commenced on or after April 20, 1977, which is equipped with a passive or hybrid solar energy system, or any building to which such a system is added on or after April 20, 1977, shall receive a property tax assessment exemption to the extent of any amount by which the assessed valuation of such real property equipped with such a system exceeds the valuation at which such real property would be assessed if built using conventional construction techniques in lieu of construction related to such a system, as determined by the assessing officer of the Town of Easton.

Section 430-8D is amended to change "Board of Assessors" to "Assessor."

Chapter 379

PEDDLING AND SOLICITING

§ 379-1. Definitions.

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

PEDDLER — Any person, firm or corporation, whether principal or agent, who or which goes from place to place within the Town of Easton selling, vending, or bartering any food, goods, wares, or merchandise on foot, from house to house, at organized events, or from any vehicle.

SOLICITOR — Any person, firm or corporation, whether principal or agent, who or which solicits orders for the sale of food, goods, wares, or merchandise for future delivery or for services to be performed in the future. This definition also includes any person, firm or corporation, whether principal or agent, who or which without invitation goes upon private property to request contribution of funds or anything of value or to sell goods or services for political, charitable, religious, or other noncommercial purposes.

§ 379-2. Permit required.

- A. It shall be unlawful for any person, firm or corporation to carry on the business of peddling or soliciting in the Town of Easton without having first applied for and received from the Chief of Police a permit to do so.
- B. The permit shall expire 90 days from the date issued, unless an earlier expiration date is noted on the permit.
- C. The permit shall be nontransferable.

§ 379-3. Application for permit.

Any person, firm or corporation desiring such a permit shall apply for one in writing to the Chief of Police, or his or her agent, on forms provided by the Town.

- A. Such application shall:
 - (1) State the name and home and business address of the applicant;
 - (2) State the name and address of the person, firm or corporation by whom or by which employed;
 - (3) Provide a general physical description of the person, including weight, height, and color of hair and eyes;
 - (4) Provide a brief description of the food, goods, wares, merchandise or services to be offered by the applicant;
 - (5) Recite the specific dates, not to exceed 90 days, in which the applicant intends to sell, vend, barter or solicit orders in the Town;

- (6) Provide the applicant's state or federal tax identification number; and
 - (7) List all convictions, if any, of the applicant upon any criminal charge.
- B. The applicant shall submit:
- (1) When applicable, a copy of a valid Health Department certificate enforceable for the same period of time as the requested permit;
 - (2) When applicable, a copy of a certificate from the State Sealer of Weights and Measures indicating that all weights and measures used by the applicant in his or her business have been approved and stamped;
 - (3) The application fee in the amount described in this chapter;
 - (4) If the applicant or his or her employer is from out of state, a certificate of good standing from the Secretary of the State providing that the firm or corporation is qualified to conduct business in the State of Connecticut; and
 - (5) Identifying information for the motor vehicle, including a copy of the registration thereof, if any, to be used by the applicant.
- C. Each applicant shall be fingerprinted and photographed, and any such fingerprints may, in the discretion of the Chief of Police, be sent to the Federal Bureau of Investigation and to the Connecticut State Police Investigation Department for further investigation.
- D. The signature on the application shall be witnessed by the Chief of Police, or his or her agent.
- E. The Chief of Police, or his or her agent, shall issue the permit within 15 days from the date a completed application is received by the Town.
- (1) If the Chief of Police finds the application to be in order, he or she shall endorse his or her approval on the application and shall deliver the required permit to the applicant.
 - (2) The permit shall show the name, address and photograph of the permittee, the date of issuance, the date of expiration, and an identifying description of any vehicle to be used in carrying on the business for which the permit is issued.
- F. The Chief of Police, or his or her agent, may deny the application for any of the following reasons:
- (1) The location or time of the peddling and soliciting would endanger the public safety and welfare;
 - (2) Investigation of the application reveals that false information has been provided;
 - (3) There is no proof as to the authority of the applicant to serve as an agent of the principal;
 - (4) The applicant has been denied a permit pursuant to this chapter within the past

year, unless the applicant can establish to the satisfaction of the Chief of Police that the reasons for the denial no longer exist; or

- (5) The applicant has been convicted within the immediately preceding five years for a crime involving fraud, deceit, or misrepresentation.

§ 379-4. Hours of operation.

No person shall carry on the business of a peddler or solicitor within the Town of Easton between sunset and 9:00 a.m.

§ 379-5. Fees.

- A. The fee for each application submitted shall be \$50 or such other amount as may be established by the Board of Police Commissioners from time to time.
- B. The fee for each permit issued shall be:
 - (1) For a permit to expire not more than 30 days from the date issued: \$100.
 - (2) For a permit to expire not more than 60 days from the date issued: \$150.
 - (3) For all other permits: \$200.

§ 379-6. Display of permit.

Such permit shall be carried at all times by the permittee when peddling or soliciting in the Town and shall be exhibited by a permittee whenever he or she shall be requested so to do by any police officer or any purchaser or prospective purchaser.

§ 379-7. Receipts for purchases.

All peddlers and solicitors shall give a written receipt for all orders taken within the Town, which receipt shall be signed and dated by the peddler or solicitor and shall set forth a brief description of the food, goods, wares, merchandise or services sold, the total purchase price thereof, and the amount of any payment received by the peddler or solicitor from the purchaser.

§ 379-8. Revocation of permit.

- A. Any such permit may be revoked by the Chief of Police after reasonable investigation for any of the following causes:
 - (1) Violations by the permittee of any of the ordinances of the Town or any state or federal law;
 - (2) Fraud, misrepresentation, or false statement contained in the application for a permit;
 - (3) Fraud, misrepresentation, or false statement by the permittee in the course of conducting peddling or solicitation activities;
 - (4) Conviction of the permittee for any crime involving moral turpitude;
 - (5) Soliciting orders within 1,000 feet of any school grounds on days school is in

session during the period commencing 1/2 hour before school is in session and ending 1/2 hour after the session terminates;

- (6) Peddling any articles of food, goods, wares, or merchandise from a permanent, temporary, or stationary stand, tent, vehicle or cart within the right-of-way of any Town or state road or highway; or
 - (7) Acting in a manner prohibited by § 379-4, 379-6 or 379-7.
- B. Notice of revocation shall be given in writing, specifically setting forth the effective date of the revocation and the grounds for revocation. Such notice shall be mailed, postage prepaid, to the permittee at his or her address as given in his or her application for a permit or as subsequently updated by the permittee.
 - C. The permittee may appeal the decision to revoke to the Board of Selectmen by providing a written notice of appeal to the office of the First Selectman within 10 days of the date of mailing of the notice of revocation. The Board of Selectmen shall hear the complaint within 20 days from receipt of the appeal and shall issue a decision within five days thereafter. Notice of the date, time and place of the hearing shall be mailed to the permittee at the address given in his or her application or such updated address as may have been provided. The decision of the Board of Selectmen shall be final and binding on all parties.

§ 379-9. Exceptions.

The provisions of this chapter shall not apply to:

- A. Sales by farmers or gardeners of the produce of their farms and gardens.
- B. Peddlers or solicitors making visits upon invitation of the homeowner.
- C. Peddlers or solicitors making regular visits to serve business establishments.
- D. Pupils in the Easton or Joel Barlow public school system peddling or soliciting in connection with a fund-raising project approved by the local or regional board of education or school principal or a parent-teacher organization of the local or regional public school system.
- E. Participants in fund-raising events sponsored by local charitable, athletic, civic or religious nonprofit organizations.
- F. Any solicitation made upon the premises owned or occupied by an organization upon whose behalf the solicitation is made.
- G. Any communication by an organization soliciting contributions solely from persons who are members of the organization at the time of such solicitation.

§ 379-10. Penalties for offenses.

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be fined \$100 for each offense. Every day upon which such violation shall occur or upon which such violation shall continue shall constitute a separate offense.

- A. In addition, the permit of the peddler or solicitor shall be revoked in accordance with § 379-8 of this chapter.
- B. The Town, or any individual, may pursue any available civil remedies.