

\$25.00

**TOWN OF STERLING**  
**ORDINANCES AND REGULATIONS**  
**MAY 1796 THROUGH AUGUST 13, 2014**

**REVISED DECEMBER 17, 2014**

**PUBLIC ACTS**  
**VOLUME 1 THROUGH 1961 SESSION**

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**RESOLVE INCORPORATING THE TOWN OF STERLING  
PASSED MAY 1794**

RESOLVED BY THIS ASSEMBLY: THAT ALL THAT PART OF THE ANCIENT TOWN OF VOLUNTOWN, WITHIN THE FOLLOWING BOUNDS, BEGINNING AT THE NORTHWEST CORNER OF SAID ANCIENT TOWN OF VOLUNTOWN, AT THE SOUTH LINE OF KILLINGLY, THENCE RUNNING SOUTHERLY ON THE EAST LINE OF PLAINFIELD; THENCE EAST TEN DEGREES SOUTH TO THE DIVISION LINE BETWEEN THIS STATE AND THE STATE OF RHODE ISLAND; THENCE BY SAID STATE LINE TO THE SOUTHEAST CORNER OF KILLINGLY; THENCE WESTERLY ON THE LINE OF KILLINGLY TO THE FIRST MENTIONED BOUNDS, BE AND THE SAME IS HEREBY CONSTITUTED, AND INCORPORATED INTO A DISTANCE TOWN BY THE NAME OF "STERLING AND SHALL BE AND REMAIN IN AND OF THE COUNTY OF WINDHAM.

SAID TOWN OF STERLING SHALL NOT HAVE MORE THAN ONE REPRESENTATIVE IN THE GENERAL ASSEMBLY AT ANY ONE TIME AND SHALL AT ALL TIMES HAVE, POSSESS AND ENJOY ALL THE OTHER POWERS, PRIVILEGES, RIGHTS AND IMMUNITIES, AND BE LIABLE TO ALL THE DUTIES OF A TOWN, WHICH THE OTHER TOWNS IN THIS STATE BY LAW ESTABLISHED HAVE AND DO ENJOY AND ARE LIABLE TO. AND THE SAID TOWN OF STERLING SHALL TAKE TO THEMSELVES AND MAINTAIN THEIR PROPORTION OF ALL THE POOR PERSONS, NOW SUPPORTED OR ASSISTED BY SAID ANCIENT TOWN OF VOLUNTOWN, AND SHALL RECEIVE AND ACKNOWLEDGE THEIR PROPORTION OF INHABITANTS OF SAID ANCIENT TOWN OF VOLUNTOWN, WHO NOW DWELL IN OTHER PLACES BY PERMISSION OR CERTIFICATE, OR OTHERWISE, AND SHALL HEREAFTER RETURN AS LEGAL INHABITANTS OF SAID ANCIENT TOWN, AND THE SAID TOWN OF STERLING SHALL BE LIABLE FOR THEIR PROPORTION OF ALL PUBLIC MONEYS OF SAID ANCIENT TOWN, AND ALL OTHER CORPORATE PROPERTY NOW BELONGING TO SAID ANCIENT TOWN. ALL WHICH PROPORTIONS SHALL BE ASCERTAINED BY THE LIST OF 1793. AND SAID TOWN OF STERLING SHALL HAVE A TOWN MEETING ON THE 9TH DAY OF JUNE 1794, TO CHOOSE OFFICERS FOR SAID TOWN, WHICH MEETING SHALL BE WARNED BY A WARNING SIGNED BY JOHN GASTON, JUSTICE OF THE PEACE, POSTED UPON THE PUBLIC SIGH-POST IN SAID TOWN, AT LEAST FIVE DAYS BEFORE SAID MEETING, WHICH SAID MEETING SHALL BE HOLDEN IN THE DWELLING HOUSE OF ROBERT DIXON, ESQ. IN SAID TOWN, OF WHICH MEETING THE SAID JOHN GASTON, ESQ. SHALL BE MODERATOR, AND SAID TOWN SHALL PROCEED TO CHOOSE A CLERK FOR SAID TOWN AND OTHER OFFICERS FOR SAID TOWN, WHICH SAID OFFICERS, BEING SO CHOSEN, SHALL CONTINUE IN OFFICE UNTIL THE FIRST DAY OF JANUARY, NEXT, OR UNTIL OTHERS ARE CHOSEN IN THEIR STEAD, AND THE RESIDENCE OF SAID ANCIENT TOWN OF VOLUNTOWN SHALL REMAIN A DISTINCT TOWN, BY THE NAME "VOLUNTOWN" AND SHALL NOT HAVE MORE THAN ONE REPRESENTATIVE IN THE GENERAL ASSEMBLY AT ANY ONE TIME.

**AN ACT CONCERNING SCHOOL PROPERTY IN THE TOWN OF STERLING**

RESOLVED BY THIS ASSEMBLY: THAT THE TOWN OF STERLING SHALL SUCCEED TO ALL RIGHTS WHICH ANY OF ITS SCHOOL DISTRICTS HAD IN ANY REAL ESTATE WITHIN SAID TOWN AT THE TIME WHEN SAID TOWN VOTED TO CONSOLIDATE ITS SCHOOL DISTRICT.

APPROVED: MARCH 19, 1903

**AN ACT CONCERNING THE BOUNDARY LINE BETWEEN THE TOWNS OF PLAINFIELD AND STERLING**

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES IN GENERAL ASSEMBLY CONVENEED:

THE BOUNDARY LINE LAST SURVEYED AND ESTABLISHED BETWEEN THE TOWN OF PLAINFIELD AND STERLING BY THE SELECTMEN OF SAID TOWNS AS FOLLOWS: BEGINNING AT THE VOLUNTOWN LINE, AT A POINT THREE THOUSAND AND TWENTY-SIX FEET WESTERLY, MEASURED ON SAID TOWN LINE, FROM THE WEST OF THE LINE MEETING HOUSE, SO-CALLED, SAID POINT BEING IN THE NORTHERLY LINE OF A HIGHWAY AND AT THE SOUTHEAST CORNER OF A WOOD LOT OWNED BY GEORGE H. GALLUP; THENCE NORTH 18 , 10' EAST 6 MILES, CROSSING MOOSUP RIVER WHERE QUANDOCK BROOK ENTERS SAID RIVER TO A STONE BOUND A LITTLE NORTH OF THE TOP OF A LEDGE; THENCE MAKING AN ANGLE OF 1 , 5',36" TO LEFT WITH PREVIOUS LINE, THREE MILES, TWO HUNDRED TWENTY-THREE AND FOUR TENTHS RODS TO A STONE BOUND IN THE SOUTH LINE OF THE TOWN OF KILLINGLY, SAID SURVEY BEING ON RECORD IN THE TOWN CLERKS OFFICE IN EACH OF SAID TOWN, IS HEREBY CONFIRMED AND ESTABLISHED AS THE LEGAL BOUNDARY LINE BETWEEN SAID TOWN OF PLAINFIELD AND STERLING AND THE LEGAL BOUNDARY OF SAID TOWNS, RESPECTIVELY, SO FAR AS SAME IS AFFECTED BY SAID LINE HEREINAFTER ESTABLISHED AND DESCRIBED.

APPROVED JUNE 14, 1907

**AN ACT CONCERNING BOUNDARY LINES OF THE TOWN OF KILLINGLY**

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES IN GENERAL ASSEMBLY CONVENEED:

THE BOUNDARY LINES, RECENTLY SURVEYED AND ESTABLISHED BY THE SELECTMEN OF THE TOWN OF KILLINGLY AND TOWNS OF PLAINFIELD AND STERLING, ALSO BETWEEN THE TOWNS OF KILLINGLY AND PUTNAM, SAID SURVEY BEING ON RECORD IN THE TOWN CLERKS OFFICE OF THE SEVERAL TOWNS ABOVE MENTIONED, ARE HEREBY ESTABLISHED AS THE LEGAL BOUNDARIES OF HE TOWNS IN QUESTION.

APPROVED APRIL 19, 1899

**AN ACT PROVIDING FOR THE BIENNIAL ELECTIONS IN THE TOWN OF STERLING**

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES IN GENERAL ASSEMBLY CONVENEED:

SECTION 1. AT THE ANNUAL TOWN ELECTION OF THE TOWN OF STERLING TO BE HELD ON THE FIRST MONDAY OF OCTOBER, 1937, AND BIENNIALY THEREAFTER, THERE SHALL BE ELECTED THREE

SELECTMEN, TWO AUDITORS, TWO REGISTRARS OF VOTERS, SEVEN GRAND JURORS, SEVEN CONSTABLES, AND A COLLECTOR OF TAXES, EACH OF WHOM SHALL HOLD OFFICE FOR TWO YEARS FROM THE DATE OF HIS ELECTION AND UNTIL BIENNIALLY THEREAFTER, A TOWN CLERK AND TOWN TREASURER, EACH OF WHOM SHALL HOLD OFFICE FOR TWO YEARS FROM THE FIRST MONDAY IN JANUARY NEXT SUCCEEDING HIS ELECTION AND UNTIL HIS SUCCESSOR SHALL BE ELECTED ON THE FIRST MONDAY OF OCTOBER, 1935, IS EXTENDED UNTIL THE FIRST MONDAY IN JANUARY, 1938.

SECTION 2. THE TERMS OF OFFICE OF ALL ASSESSORS AND MEMBERS OF THE BOARD OF RELIEF IN OFFICE ON THE FIRST MONDAY OF OCTOBER, 1937, SHALL EXPIRE ON SAID DATE, AND AT THE ELECTION TO BE HELD ON SAID FIRST MONDAY OF OCTOBER, 1937, THERE SHALL BE ELECTED TWO ASSESSORS AND TWO MEMBERS OF THE BOARD OF RELIEF, EACH OF WHOM SHALL HOLD OFFICE FOR TWO YEARS FROM THE DATE OF HIS ELECTION AND UNTIL HIS SUCCESSOR SHALL BE ELECTED AND SHALL HAVE QUALIFIED, AND THERE SHALL ALSO BE ELECTED AT SAID ELECTION ONE ASSESSOR AND ONE MEMBER OF THE BOARD OF RELIEF, EACH OF WHOM SHALL HOLD OFFICE FOR TWO YEARS FROM THE DATE OF HIS ELECTION AND UNTIL HIS SUCCESSOR SHALL BE ELECTED AND SHALL HAVE QUALIFIED AT THE BIENNIAL ELECTION TO BE HELD ON THE FIRST MONDAY OF OCTOBER, 1939, AND BIENNIALLY THEREAFTER, THERE SHALL BE ELECTED AN ASSESSOR OR ASSESSORS AND A MEMBER OF THE BOARD OF RELIEF OR MEMBERS OF THE BOARD OF RELIEF TO SUCCEED THOSE WHOSE TERMS EXPIRE AT SUCH TIME, EACH OF WHOM SHALL HOLD OFFICE FOR FOUR YEARS AND UNTIL HIS SUCCESSOR SHALL BE ELECTED AND SHALL HAVE QUALIFIED.

THE TERMS OF OFFICE OF ALL MEMBERS OF THE BOARD OF EDUCATION IN OFFICE ON THE FIRST MONDAY OF OCTOBER, 1937, SHALL EXPIRE ON SAID DATE AND ON SAID FIRST MONDAY OF OCTOBER, 1937, THERE SHALL BE ELECTED SIX MEMBERS OF THE BOARD OF EDUCATION, TWO TO HOLD OFFICE FOR TWO YEARS FROM THE DATE OF THEIR ELECTION, TWO TO HOLD OFFICE FOR FOUR YEARS FROM THE DATE OF THEIR ELECTION AND TWO TO HOLD OFFICE FOR SIX YEARS FROM THE DATE OF THEIR ELECTION AND UNTIL THEIR SUCCESSORS SHALL BE ELECTED AND SHALL HAVE QUALIFIED. AT THE BIENNIAL ELECTION OF SAID TOWN TO BE HELD ON THE FIRST MONDAY OF OCTOBER 1939, AND BIENNIALLY THEREAFTER, THERE SHALL BE ELECTED TWO MEMBERS OF THE BOARD OF EDUCATION, EACH OF WHOM SHALL HOLD OFFICE FOR SIX YEARS FROM THE DATE OF THIS ELECTION AND UNTIL HIS SUCCESSOR SHALL BE ELECTED AND SHALL HAVE QUALIFIED.

SECTION 4. IF THE NUMBER OF OFFICERS TO BE ELECTED UNDER THE PROVISIONS OF THIS ACT SHALL BE EVEN, NO PERSON SHALL VOTE FOR MORE THAN ONE-HALF OF THE NUMBER AND IF, THE NUMBER TO BE ELECTED SHALL BE ODD, NO PERSON SHALL VOTE FOR MORE THAN A BARE MAJORITY OF THE NUMBER.

SECTION 5. THIS ACT SHALL TAKE EFFECT UPON ITS APPROVAL BY THE ELECTORS OF THE TOWN OF STERLING AT THE ANNUAL TOWN ELECTION TO BE HELD ON THE FIRST MONDAY OF OCTOBER 1936.

APPROVED MARCH 20, 1935.

## **AN ACT INCORPORATING THE STERLING WATER COMPANY**

SECTION 1. HAROLD H BARBER, LLOYD W. FRINK, LESTER A BLANCHARD, FREDERICK J MC SHANE AND LAWRENCE WOLAK, AND SUCH OTHER PERSONS AS MAY BE ASSOCIATED WITH THEM, THEIR SUCCESSORS AND ASSIGNS, ARE CONSTITUTED A BODY CORPORATE AND POLITIC BY THE NAME OF THE STERLING WATER COMPANY, TO BE LOCATED IN THE TOWN OF STERLING, WITH POWER UNDER THAT NAME TO EXERCISE, IN ADDITION TO ALL OTHER POWERS HEREIN SPECIFICALLY GRANTED, ALL THE POWERS AND PRIVILEGES GRANTED BY THE GENERAL STATUTES TO WATER COMPANIES AND TO CORPORATIONS ORGANIZED UNDER THE GENERAL STATUTES, FOR THE PURPOSE OF SUPPLYING WATER FOR PUBLIC, DOMESTIC AND OTHER USES WITHIN THE TERRITORIAL LIMITS HEREINAFTER DESIGNATED.

SECTION 2. SAID CORPORATION SHALL SERVE THE AREA IN THE TOWN OF STERLING DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EMBANKMENT OF THE MILL POND HALFWAY BETWEEN SPILLWAY NUMBER 1 AND SPILLWAY NUMBER 2: SAID POINT BEING ABOUT 240' SOUTHEASTERLY FROM THE SOUTHEASTERLY LINE OF THE HIGHWAY KNOWN AS ROUTE 14 IN THE VILLAGE OF STERLING; THENCE NORTHEASTERLY IN A STRAIGHT LINE ABOUT 1,900 FEET TO A CONNECTICUT HIGHWAY DEPARTMENT MERESTONE LOCATED ON THE WESTERLY LINE OF THE HIGHWAY LEADING NORTHERLY FROM SAID VILLAGE, SAID POINT BEING ABOUT 1,320 FEET NORTHERLY FROM THE MILL OFFICE OF THE UNITED STATES FINISHING COMPANY; THENCE SOUTHEASTERLY IN A STRAIGHT LINE ABOUT 1,400 FEET TO A CONNECTICUT HIGHWAY DEPARTMENT MERESTONE ON THE SOUTHERLY LINE OF SAID ROUTE 14 AT A POINT ABOUT 1,100 FEET EASTERLY FROM THE SCHOOL HOUSE; THENCE SOUTHWESTERLY IN A STRAIGHT LINE ABOUT 1,500 FEET TO AN IRON PIPE BEING IN RANGE WITH THE EASTERLY LINE OF THE DWELLING HOUSE OF MICHAEL GARVEY AND 40.0 FEET SOUTHERLY FROM THE SOUTHEASTERN CORNER THEREOF THENCE NORTHWESTERLY IN A STRAIGHT LINE AND CROSSING SAID MILL POND A DISTANCE OF ABOUT 1,000 FEET TO THE POINT OF BEGINNING.

SECTION 3. SAID COMPANY SHALL HAVE CAPITAL STOCK OF FIFTY THOUSAND DOLLARS DIVIDED INTO SUCH CLASSES OR SHARES EITHER WITH OR WITHOUT PAR VALUE, AS MAY BE DETERMINED BY ITS INCORPORATORS. SAID COMPANY IS AUTHORIZED TO INCREASE, DEDUCE OR ALTER ITS CAPITAL STOCK FROM TIME TO TIME TO ANY AMOUNT, IN THE MANNER PROVIDED IN THE GENERAL STATUTES PERTAINING TO INCREASES, DEDUCTIONS OR ALTERATIONS OF CAPITAL STOCK BY SPECIALLY CHARTERED CORPORATIONS OR CORPORATIONS ORGANIZED UNDER THE GENERAL STATUTES, AND TO ISSUE, SUBJECT TO THE APPROVAL OF THE PUBLIC UTILITIES COMMISSION, ADDITIONAL SHARES OF CAPITAL STOCK TO ANY AMOUNT WITH OR WITHOUT PAR VALUE AND WITH SUCH ISSUE, PROVIDED NO SHARES HAVING A PAR VALUE SHALL BE ISSUED FOR LESS THAN PAR IN CASH OR IN PROPERTY AT THE ACTUAL VALUE THEREOF.

SECTION 4. SAID CORPORATION IS AUTHORIZED TO ISSUE, SUBJECT TO THE APPROVAL OF THE PUBLIC UTILITIES COMMISSION, BONDS, DEBENTURES AND OTHER CERTIFICATES OF INDEBTEDNESS TO ANY AMOUNT AND MAY SECURE THE SAME BY MORTGAGE OR OTHER LIEN ON ALL OR ANY PART OF ITS PROPERTY AND FRANCHISES.

SECTION 5. THE GOVERNMENT AND DIRECTION OF THE AFFAIRS OF SAID CORPORATION SHALL BE VESTED IN A BOARD OF DIRECTORS, OF NOT LESS THAN THREE IN NUMBER , WHO SHALL BE CHOSEN BY THE STOCKHOLDERS IN THE MANNER PROVIDED IN THE BYLAWS OF SAID CORPORATION.

SECTION 7 (*sic*). SAID CORPORATION IS AUTHORIZED TO OPEN THE GROUND IN ANY STREET, LANES, AVENUES, HIGHWAYS, AND PUBLIC GROUNDS WITHIN ITS TERRITORIAL LIMITS FOR THE PURPOSE OF LAYING WATER MAINS AND SANITARY AND STORM DRAINS AND INSTALLING HYDRANT, BUILDING SERVICES AND SUCH OTHER WORKS AS MAY BE NECESSARY IN ACCORDANCE WITH THIS ACT; AND TO REOPEN SUCH STREETS, LANES, AVENUES, HIGHWAYS AND PUBLIC GROUNDS AS MAY BE NECESSARY TO REPAIR SUCH WORKS FROM TIME TO TIME, PROVIDED SUCH STREETS, LANES, AVENUES, HIGHWAYS AND PUBLIC GROUNDS BE NOT INJURED BUT LEFT IN AS GOOD CONDITION AS BEFORE INSTALLING OR REPAIRING SUCH WORKS. SAID CORPORATION SHALL REPAIR ALL DEFECTS OR INJURIES TO SUCH STREETS, LANES, AVENUES, HIGHWAYS AND PUBLIC GROUNDS CAUSED BY ITS USE OF THE SAME FOR THE PURPOSE OF THIS ACT, AND MAY, FOR SUCH PURPOSES, CARRY AND CONDUCT ANY AQUEDUCT OR OTHER WORKS TO BE MADE OR CONSTRUCTED BY IT UNDER OR OVER ANY WATER COURSE, STREET, RAILROAD, HIGHWAY, PRIVATE WAY OR PUBLIC GROUNDS, PROVIDED SUCH WATER COURSE, STREET, RAILROAD HIGHWAY PRIVATE WAY OR PUBLIC GROUNDS BE RESTORED AS SPEEDILY AS POSSIBLE TO AS GOOD CONDITION AS BEFORE LAYING AND CONSTRUCTING SUCH WORK.

SECTION 8. SAID CORPORATION SHALL PAY ALL DAMAGES THAT SHALL BE SUSTAINED BY ANY PERSON OF PERSONS OR CORPORATION IN THEIR PROPERTY OR ESTATE, BY THE TAKING OF ANY REAL ESTATE OR EASEMENT, BY THE TAKING OF WATER FROM ANY BROOKS, SPRINGS, PONDS, LAKES OR ANY OTHER SOURCE OR BY CONSTRUCTING OR LAYING ANY PIPES, AQUEDUCTS OR RESERVOIRS OR OTHER WORKS FOR THE PURPOSES OF THIS ACT, WHICH DAMAGES, UNLESS THE SAME SHALL BE AGREED UPON BY THE PARTIES SHALL BE ASSESSED BY COMMITTEE TO BE APPOINTED BY THE SUPERIOR COURT OF WINDHAM COUNTY OR BY A JUDGE OF SAID COURT UPON APPLICATION MADE TO IT OR HIM BY SAID CORPORATION OR BY ANY PERSON OR CORPORATION SUSTAINED SUCH DAMAGES WHICH APPLICATION SHALL BE ACCOMPANIED BY A SUMMONS SERVED UPON THE OWNER OF PROPERTY AS IN CASE OF CIVIL PROCESS BEFORE SAID COURT.

SECTION 9. THE COMMITTEE APPOINTED BY SAID COURT SHALL CONSIST OF THREE DISINTERESTED PERSONS WHO AFTER BEING SWORN AND GIVING REASONABLE NOTICE, SHALL HEAR THE PARTIES, VIEW THE PROPERTY IN QUESTION, ASSESS JUST DAMAGES, IF ANY, TO THE RESPECTIVE OWNERS OR PARTIES IN THE PREMISES OR PROPERTY SO DAMAGED OR REQUIRED, OR PROPOSED TO BE TAKEN FOR THE PURPOSES OF THIS ACT AS THE CASE MAY BE, AND REPORT THEIR DOINGS TO THE COURT, WHICH REPORT MAY BE REJECTED AT THE DISCRETION OF THE COURT.

SECTION 10. SAID COURT MAY MAKE ANY ORDER NECESSARY FOR THE PROTECTION OF THE RIGHTS OF ALL PERSONS OR CORPORATIONS INTERESTED IN SUCH PROPERTY, OR SUSTAINING SUCH DAMAGES, BUT SUCH PROPERTY SHALL NOT BE TAKEN OR INTERFERED WITH BY SAID CORPORATION UNTIL THE AMOUNT OF SUCH JUDGEMENT SHALL BE PAID TO THE PERSON TO WHOM IT IS DUE, OR DEPOSITED FOR THE USE OF SUCH PERSON WITH THE TREASURER OF WINDHAM COUNTY AND IN CASE THE LAND OR ESTATE WHICH THE COMPANY MAY WISH TO TAKE SHALL CONSIST OF SEPARATE

PARCELS OWNED BY DIFFERENT PARTIES, THE APPLICATION MADE TO THE SUPERIOR COURT OR TO A JUDGE THEREOF MAY INCLUDE ALL OR ANY NUMBER OF SUCH SEPARATE PARCELS, TO SAME BEING THEREIN SPECIFICALLY DESCRIBED, AND THE PERSONS SO APPOINTED SHALL ASSESS THE DAMAGES, IF ANY, SEPARATELY TO THE PARTIES OWNING THE SEPARATE PARCELS.

SECTION 11. THE OCCUPANT OF ANY HOUSE, TENEMENT OR BUILDING WHO SHALL TAKE WATER OF SAID CORPORATION, AND THE OWNER OF THE PREMISES OR BUILDINGS WHERE SUCH WATER IS SUPPLIED, SHALL BE JOINTLY AND SEVERALLY LIABLE FOR THE PRICE OR THE RENT OF THE SAME AND THE AGENT OF SAID CORPORATION INTRUSTED WITH THE SUPERINTENDENCE OF SUCH WORK MAY, AT ALL REASONABLE TIMES, ENTER THE PREMISES SO SUPPLIED TO EXAMINE THE PIPES AND FIXTURES AND TO PREVENT UNNECESSARY WASTE.

SECTION 12. ANY PERSON WHO SHALL DIVERT THE WATER OR OBSTRUCT THE SAME OR ANY PART THEREOF, FROM OR IN ANY AQUEDUCT, RESERVOIR, STREAM, SPRING OR OTHER PLACE WHICH SHALL BE TAKEN OR USED OR CONSTRUCTED BY SAID CORPORATION, OR SHALL CORRUPT THE SAME, SHALL BE LIABLE TO SAID CORPORATION IN TRIPLE DAMAGES THEREFORE, AND MAY BE FINED NOT MORE THAN ONE HUNDRED DOLLARS OR IMPRISONED NOT MORE THAT SIX MONTHS OR BOTH.

SECTION 13. THE PROVISIONS OF THIS ACT SHALL NOT APPLY TO ANY LAND, BUILDINGS OR OTHER PREMISES OF THE UNITED STATES FINISHING COMPANY WHICH LIES WITHIN THE AREA DESCRIBED IN SECTION 2, NOR SHALL THIS ACT INTERFERE WITH SAID COMPANY'S RIGHTS TO SERVICE AND MAINTAIN WATER LINES OWNED BY SAID COMPANY SUPPLYING ITS PREMISES WITHIN SAID AREA.

APPROVED: JUNE 30, 1953; CERTIFICATE OR ORGANIZATION FILED WITH THE SECRETARY OF THE STATE, SEPTEMBER 2, 1953.

### **ITEINERANT VENDORS**

VOLUME 11

PAGE 138

OCTOBER 3, 1932

WE, THE LEGAL VOTERS OF THE TOWN OF STERLING IN TOWN MEETING LEGALLY WARNED AND HELD THIS 3RD DAY OF OCTOBER A.D. 1932, HEREBY APPROVE THE ENACTMENT OF THE FOLLOWING BY-LAW FOR THE REGULATION OF ITINERANT VENDORS:

SUBJECT TO THE PROVISIONS OF SEC. 457 OF THE GENERAL STATUTES, REVISION OF 1930, AND SECTION 464A OF THE PUBLIC ACTS OF 1931, NO PERSON OTHER THAN A RESIDENT OF THE TOWN OF STERLING SHALL HAWK, VEND OR PEDDLE ANY GOODS, WARES OR MERCHANDISE UPON THE STREETS OF SAID TOWN WITHOUT HAVING OBTAINED A LICENSE TO HAWK, VEND OR PEDDLE AS HEREINAFTER PROVIDED.

ANY PERSON MAY APPLY TO THE TOWN CLERK OF SAID TOWN FOR A LICENSE TO HAWK, VEND OR PEDDLE AND UPON PAYMENT OF A LICENSE FEE TO TEN DOLLARS BY SUCH APPLICANT, SAID CLERK

SHALL ISSUE SUCH LICENSE, SAID LICENSE SHALL BE VALID FOR ONE YEAR FROM THE DATE THEREOF. THE TOWN CLERK SHALL KEEP A RECORD OF ALL SUCH LICENSES ISSUED BY HIM, AND WITHIN THIRTY DAYS AFTER THE RECEIPT OF LICENSE FEES, DEDUCT TWENTY-FIVE CENTS FOR EACH LICENSE ISSUED AND PAY THE BALANCE TO THE TOWN TREASURER. ANY PERSON VIOLATING ANY PROVISION OF THIS BY-LAW SHALL BE FINED NOT MORE THAN FIVE DOLLARS AND COSTS.

THE FOREGOING BECOMES EFFECTIVE NOVEMBER 1, 1932.

### **HOURS FOR SALE OF ALCOHOLIC LIQUORS**

VOLUME

PAGE 245

JUNE 30, 1942

A MOTION TO ALLOW THE SALE OF ALCOHOLIC LIQUORS ON SUNDAY BETWEEN THE HOURS OF TWELVE O'CLOCK NOON AND NINE O'CLOCK IN THE EVENINGS, IN HOTELS, RESTAURANTS, AND CLUBS WITH MEALS WAS CARRIED

VOTES CAST: 151, YES 87, NO 64

### **RESOLUTION REGARDING NATIONAL DEFENSE**

VOLUME II

PAGE 239

OCTOBER 13, 1942

IT WAS VOTED TO ADOPT THE FOLLOWING RESOLUTION:

SECTION 1. IN ORDER TO FURTHER NATIONAL DEFENSE AND SAFEGUARD AND PROTECT LIFE AND PROPERTY WITHIN THE TOWN OF STERLING IN CASE OR EVENING AIR RAIDS OR ATTACKS OR THREATENED AIR RAIDS OR ATTACKS OR FOR THE PURPOSE OF TRIAL BLACKOUTS OR OTHER TRIALS OR TESTS TO PREPARE TO MEET SUCH AIR RAIDS OR ATTACKS, ALL PERSONS WITHIN THE TOWN ARE REQUIRED TO COMPLY WITH THE RULES REGULATIONS AND ORDERS PERTAINING THERETO PROMULGATED BY THE ARMY, NAVY OR STATE DEFENSE COUNCIL, OR BY ANY PERSON OR ORGANIZATION ACTING BY LAWFUL AUTHORITY OF THEM, OR ANY OF THEM, PROVIDED, HOWEVER, THAT WARNINGS OF THE BEGINNING AND TERMINATION OF THE PERIOD OF ANY SUCH EVENTUALITY SHALL BE GIVEN THROUGHOUT TO TOWN BY AUDIBLE SIGNALS.

SECTION 2. ALL POLICE AND FIREMAN AND ALL MEMBERS OF THE AUXILIARY POLICE AND FIRE FORCES OF THE TOWN ARE HEREBY AUTHORIZED AND DIRECTED TO ENFORCE BLACKOUT PLANS AND DEFENSE MEASURES AND THE SAID RULES, REGULATIONS AND ORDERS PERTAINING THERETO DURING SUCH PERIODS AND SUMMARILY TO COMPEL COMPLIANCE THEREWITH. IN CASES OF IMMEDIATE THREAT OF ENEMY ACTION, THEY MAY ABATE CONDITIONS DANGEROUS TO THE PUBLIC SAFETY.

SECTION 3. THE BOARD OF SELECTMEN IS AUTHORIZED TO ESTABLISH, PROMULGATE AND ENFORCE SUCH LOCAL RULES, REGULATIONS AND ORDERS WITH RESPECT TO SUCH PERIODS NOT INCONSISTENT WITH THE RULES, REGULATIONS AND ORDERS REFERRED TO IN SECTION 1 HEREOF, AS THEY SHALL DEEM NECESSARY OR APPROPRIATE TO EFFECT THE SPIRIT AND INTENT OF THIS ORDINANCE.

SECTION 4. ANY PERSON VIOLATING ANY OF THE PROVISIONS OF THIS ORDINANCE OR DURING ANY PERIOD OF BLACKOUT AND DEFENSE, ANY OF THE SAID RULES REGULATIONS AND ORDERS PERTAINING THERETO OR WHO SHALL FAIL OR REFUSE DURING ANY SUCH PERIODS TO COMPLY WITH ANY INSTRUCTIONS LAWFULLY GIVEN BY ANY POLICE OR FIREMAN OR ANY MEMBER OF THE AUXILIARY POLICE OR FIRE FORCES OF THE CITY (OR TOWN), OR WHO SHALL OBSTRUCT OR INTERFERE WITH ANY SUCH OFFICER IN THE PERFORMANCE OF HIS DUTIES SHALL BE FINED NOT EXCEEDING TEN DOLLARS (\$10.00) OR IMPRISONED NOT MORE THAN FIVE DAYS OR BOTH.

**PLAYING OF BINGO**

VOLUME II PAGE 465 FEBRUARY 1, 1950

IT WAS VOTED TO RESCIND THE ACTION TAKEN ON MARCH 2, 1940, IN REGARD TO PLAYING BINGO IN THE TOWN OF STERLING.

IT WAS VOTED TO AUTHORIZE THE PLAYING OF BINGO IN THE TOWN OF STERLING.

**BIENNIAL ELECTIONS**

VOLUME II PAGE 497 AUGUST 24, 1951

IT WAS VOTED TO CHANGE THE PRESENT ANNUAL ELECTION OF TOWN OFFICES TO BIENNIAL.

**OUTBOARD MOTORS ON STERLING POND**

VOLUME II PAGE 551 OCTOBER 11, 1954

IT WAS VOTED TO PROHIBIT THE USE OF OUTBOARD MOTORS IN STERLING POND.

**BUILDING ORDINANCE**

VOLUME III PAGE 3 OCTOBER 14, 1957

IT WAS VOTED TO ADOPT THE FOLLOWING ORDINANCE CONCERNING BUILDING CONSTRUCTION: BEFORE THE ERECTION, CONSTRUCTION, ALTERATION OR EXTENSION OF ANY BUILDING, THE COST OF WHICH IS IN EXCESS OF \$200.00 THE OWNER SHALL SUBMIT TO THE SELECTMEN'S OFFICE, UPON FORMS FURNISHED BY THE TOWN WITHOUT CHARGE, AN ESTIMATED COST OF ERECTION, CONSTRUCTION, ALTERATION OR EXTENSION, AND THE LOCATION OF SUCH BUILDING. ANY PERSON WHO SHALL VIOLATE THE TERMS OF THIS ORDINANCE SHALL BE FINED NOT MORE THAT \$100.00.

**AN ORDINANCE ESTABLISHING THE STERLING DEVELOPMENT AND INDUSTRIAL COMMISSION**

VOLUME III

PAGE 78

SEPTEMBER 13, 1962

SECTION 1. THE TOWN OF STERLING HEREBY ACCEPTS THE PROVISIONS OF SECTION 7-136 OF THE CONNECTICUT GENERAL STATUTES, REVISION OF 1958 AS AMENDED, AND ESTABLISHES A DEVELOPMENT AND INDUSTRIAL COMMISSION FOR THE PROMOTION OF DEVELOPMENT OF BUSINESS AND INDUSTRIAL RESOURCES OF THE TOWN OF STERLING.

SECTION 2. SUCH COMMISSION SHALL BE COMPOSED OF TEN MEMBERS TO BE APPOINTED BY THE BOARD OF SELECTMEN OF THE TOWN OF STERLING.

SECTION 3. THE TERMS OF THE MEMBERS OF SUCH COMMISSION SHALL BE AS FOLLOWS:

UPON THE ESTABLISHMENT OF SUCH COMMISSION TWO MEMBERS SHALL BE APPOINTED FOR A TERM OF ONE YEAR, TWO MEMBERS SHALL BE APPOINTED FOR A TERM OF THREE YEARS, TWO MEMBERS SHALL BE APPOINTED FOR A TERM OF FOUR YEARS, TWO MEMBERS SHALL BE APPOINTED FOR TERM OF FIVE YEARS. THEREAFTER, AS EACH VACANCY OCCURS UPON SUCH COMMISSION, EACH MEMBER OF SUCH COMMISSION SHALL BE APPOINTED FOR A TERM OF FIVE YEARS.

**AN ORDINANCE ESTABLISHING A FIRE DISTRICT FOR THE TOWN OF STERLING**

VOLUME III

PAGE 106

FEBRUARY 25, 1964

SECTION 1. TO SEE WHETHER OR NOT THE VOTERS RESIDING WITHIN THE DISTRICT HEREINAFTER DESCRIBED WILL VOTE TO ESTABLISH A FIRE DISTRICT FOR THE PROPOSE OF EXTINGUISHING FIRES WITHIN THE FOLLOWING TERRITORIAL LIMITS:

ALL OF THE TERRITORIAL AREA LYING WITHIN THE GEOGRAPHICAL LIMITS OR BOUNDARIES OF THE TOWN OF STERLING, WHICH SAID LIMITS, IS BOUNDED ON THE NORTH BY THE TOWN OF KILLINGLY, ON THE EAST BY THE STATE OF RHODE ISLAND, ON THE SOUTH BY THE TOWN OF VOLUNTOWN AND ON THE WEST BY THE TOWN OF PLAINFIELD.

SECTION 2. IF ARTICLE NO. 1 OF THIS WARNING IS APPROVED, THEN IN SUCH EVENT, TO ACT UPON THE FOLLOWING:

- (A) TO CHOOSE A NAME FOR SAID DISTRICT, STERLING FIRE DISTRICT:
- (B) TO CHOOSE NECESSARY OFFICERS FOR SAID DISTRICT TO HOLD OFFICE UNTIL THE FIRST ANNUAL MEETING THEREOF:
- (C) TO TRANSACT SUCH OTHER BUSINESS AS MAY LEGALLY COME BEFORE SUCH MEETING.

**FILING OF MOTOR VEHICLE TAX LIST**

VOLUME III

PAGE 120 – 121

JUNE 18, 1964

THAT, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 12-41 OF THE GENERAL STATUTES OF THIS STATE, REVISION OF 1958, AS AMENDED, AND SUBJECT TO THE APPROVAL HEREOF BY THE TAX COMMISSIONER, NO PERSON REQUIRED BY LAW TO FILE LISTS OF PROPERTY SUBJECT TO TAXATION WITH THE BOARD OF ASSESSORS, OF THIS TOWN, SHALL BE REQUIRED TO INCLUDE IN SUCH LIST MOTOR VEHICLES WHICH ARE REGISTERED IN THE OFFICE OF THE STATE MOTOR VEHICLE COMMISSIONER.

**ORDINANCE - SAND OR GRAVEL PITS AND QUARRIES**

VOLUME III

PAGE 130

JULY 23, 1964

AT A SPECIAL TOWN MEETING HELD ON JULY 23, 1964, THE FOLLOWING ORDINANCE WAS PASSED:

**ORDINANCE – “SAND OR GRAVEL PITS AND QUARRIES”**

THE REMOVAL OF STONE, SAND AND GRAVEL FROM THE BANKS OR QUARRIES AND PROCESSING OF SAID MATERIAL MAY BE PERMITTED IN THE TOWN OF STERLING AFTER APPROVAL BY THE BOARD OF SELECTMEN OF THE TOWN OF STERLING SUBJECT TO APPROPRIATE CONDITIONS AND SAFEGUARDS AS FOLLOWS:

- 1) OPERATIONS SHALL NOT AFFECT THE HEALTH AND GENERAL WELFARE OF THE TOWN.
- 2) SUCH REMOVAL OF MATERIAL SHALL NOT DEPRECIATE THE LAND OR SURROUNDING PROPERTY VALUES.
- 3) CONSIDERATION MUST BE GIVEN TO ASSURE ADEQUATE SURFACE GRAVITY, DRAINAGE AFTER SUCH REMOVAL.
- 4) THE BOARD OF SELECTMEN MAY REQUIRE THE FILING OF A “DEVELOPMENT PLAN.”

## MOBILE PARKS AND TRAILER ORDINANCE

VOLUME III

PAGES 200-201

FEBRUARY 16, 1967

### 1. MOBILE PARKS AND TRAILER ORDINANCE.

WHEREAS, THE GEOGRAPHICAL SITUATION AND RESOURCES OF THE TOWN OF STERLING ARE SUCH THAT ANY FURTHER PERMANENT OCCUPANCY OF LAND WITHIN ITS BOARDERS BY TRAILER AND MOBILE HOMES WOULD OVERTAX THE ABILITIES OF THE TOWN TO COPE WITH THE PROBLEMS ARISING THERE FROM, AND

WHEREAS, THERE IS PRESENTLY LOCATED WITHIN THE GEOGRAPHICAL LIMITS OF SAID TOWN NUMEROUS TRAILERS AND MOBILE HOMES, TO SUCH AN EXTENT THAT THEY ARE A BURDEN TO THE RESIDENTS AND TAXPAYERS OF THE TOWN.

NOW, THEREFORE, IN ORDER TO INSURE THE PROTECTION OF HEALTH, SAFETY, PEACE, ECONOMY AND WELFARE OF THE RESIDENTS AND TAXPAYERS OF THE TOWN OF STERLING, THE FOLLOWING RULES AND REGULATIONS SHALL GOVERN ALL TRAILERS, MOBILE HOMES OR OTHER VEHICLES WITH OR WITHOUT WHEELS FROM THE EFFECTIVE DATE OF THIS ORDINANCE.

SECTION 1. THE RULES AND REGULATIONS OF THIS ORDINANCE ARE NOT TO AFFECT THE LEGALLY QUALIFIED MOBILE HOMES AND/OR TRAILERS EXISTING WITHIN THE GEOGRAPHICAL LIMITS OF THE SAID TOWN OF STERLING UPON EFFECTIVE DATE OF THIS ORDINANCE, EXCEPT AS HEREIN SPECIFICALLY PROVIDED.

SECTION 2. NO AUTOMOBILE, AUTOMOBILE TRAILER, MOBILE HOME, TRUCK, TRUCK TRAILER, TROLLEY CAR, RAILROAD CAR OR OTHER VEHICLE WITH OR WITHOUT WHEELS DESIGNED, ALTERED, OR USED FOR HUMAN OCCUPANCE AS HOME OR CAMP ALL OF WHICH TERMS SHALL HEREINAFTER BE DESIGNATED BY THE WORD "VEHICLE" SHALL BE PARKED AND OCCUPIED FOR RESIDENCE PURPOSES OFF THE PUBLIC HIGHWAYS IN THE TOWN FOR A PERIOD EXCEEDING FIVE (5) DAYS WITHOUT AN OCCUPANCY PERMIT ISSUED BY THE TOWN CLERK.

SECTION 3. NO PERMIT SHALL BE ISSUED BY THE TOWN CLERK UNTIL WRITTEN APPROVAL OF THE TOWN HEALTH OFFICER CERTIFYING COMPLIANCE WITH STATE SANITARY REGULATIONS, AND THAT THE PRESENCE OF SUCH VEHICLE WILL NOT IMPERIL THE PUBLIC HEALTH, HAS BEEN FILED WITH THE TOWN CLERK IN RESPECT TO THE PROPOSED SITE TO BE OCCUPIED BY SUCH VEHICLE AND IN RESPECT TO THE SANITARY FACILITIES OF SUCH VEHICLE.

SECTION 4. NO SUCH OCCUPANCY PERMIT SHALL BE ISSUED FOR AN INITIAL PERIOD EXCEEDING THIRTY (30) DAYS AND SUCH PERMIT SHALL BE RENEWABLE FOR A PERIOD NOT EXCEEDING AN

ADDITIONAL THIRTY (30) DAYS, THE PERMIT SHALL STATE THE LOCATION OF THE VEHICLE AND THE MAXIMUM NUMBER OF PERSONS OCCUPYING SUCH VEHICLE.

SECTION 5. NO SUCH VEHICLE SHALL BE PARKED OR OCCUPIED WITHIN FIFTY (50) FEET OF A PUBLIC HIGHWAY UNLESS CONCEALED FROM VIEW FROM SUCH HIGHWAY, AND NOT LESS THAN FIFTY (50) FEET FROM NEIGHBORING PROPERTY LINES.

SECTION 6. THE TOWN CLERK SHALL ISSUE SUCH PERMIT IF THE PROVISIONS OF THE ORDINANCE ARE COMPLIED WITH.

SECTION 7. THE BOARD OF SELECTMEN MAY ISSUE A TEMPORARY PERMIT FOR OCCUPANCY OF A TRAILER OR MOBILE HOME TO BE USED SOLELY FOR TEMPORARY RESIDENCE WHILE THE PERMITTEE IS IN THE PROCESS OF BUILDING HIS OWN HOME. HOWEVER, THE REQUIREMENTS OF LOCATION AND HEALTH OFFICE APPROVAL SHALL BE NECESSARY BEFORE ISSUING OF A TEMPORARY PERMIT UNDER THIS SECTION. THE PERMIT UNDER THIS SECTION MAY BE ISSUED BY THE BOARD OF SELECTMEN FOR WHATEVER LENGTH OF TIME THEY FEEL IS NECESSARY IN EACH APPLICATION BUT IN NO CASE SHALL EXCEED ONE YEAR FROM DATE OF APPLICATION.

SECTION 8. THIS ORDINANCE SHALL NOT APPLY TO ANY VEHICLE PARKED AND OCCUPIED FOR RESIDENCE PURPOSES OFF THE PUBLIC HIGHWAY IN THE TOWN ON THE EFFECTIVE DATE OF THIS ORDINANCE NOR TO THE REPLACEMENT OF SUCH VEHICLE ON THE SAME LOT.

SECTION 9. THIS ORDINANCE SHALL NOT APPLY TO THE ESTABLISHMENT OF SUMMER RECREATIONAL CAMP SITES WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE TOWN OF STERLING. SUMMER RECREATIONAL CAMP SITES SHALL BE AREAS DESIGNATED BY THE BOARD OF SELECTMEN TO BE USED SOLELY FOR THAT PURPOSE.

DEFINITIONS:

- a. "PERSONS" INCLUDES INDIVIDUALS, PARTNERSHIPS, CORPORATIONS, OWNERS, LESSEES, LICENSEES AND THE AGENTS OF THEM.
- b. "TRAILERS" MEANS A TRAILER COACH NOT EQUIPPED WITH RUNNING WATER, BATH FACILITIES, FLUSH TOILETS AND APPROPRIATE SANITARY CONDITIONS.
- c. "MOBILE HOME" MEANS A UNIT SIMILAR TO A TRAILER COACH BUT WHICH IS EQUIPPED WITH RUNNING WATER, BATH FACILITIES, FLUSH TOILET AND APPROPRIATE SANITARY CONDITIONS.
- d. "HEALTH OFFICER" MEANS THE DULY APPOINTED HEALTH OFFICER OF THE TOWN OF STERLING OR HIS DEPUTY.
- e. "SUMMER RECREATIONAL CAMP SITES" MEANS AREAS OPEN FOR VACATIONERS DURING THE PERIOD FROM MEMORIAL DAY TO LABOR DAY.

SECTION 11. THE SELECTMEN OF THE TOWN OF STERLING ARE HEREBY AUTHORIZED TO BRING ANY CIVIL ACTION IN THE APPROPRIATE COURT OF THE STATE OF CONNECTICUT TO ENFORCE THIS ORDINANCE.

SECTION 12. ANY PERSONS AGGRIEVED HEREBY OR AGGRIEVED IN GRANTING OR REFUSAL TO GRANT ANY PERMIT HEREUNDER MAY APPEAL TO THE COURT OF COMMON PLEAS FOR WINDHAM COUNTY IN THE SAME MANNER AS IS PROVIDED FOR APPEALS IN CIVIL CASES.

SECTION 13. IF ANY CLAUSE, PROVISION OR REQUIREMENTS OF THESE REGULATIONS BE DECLARED INVALID SUCH ACTION SHALL NOT AFFECT THE VALIDITY OF ANY OTHER CLAUSES, PROVISIONS OR REQUIREMENTS THEREOF.

SECTION 14. THIS ORDINANCE SHALL TAKE EFFECT FIFTEEN (15) DAYS AFTER PUBLICATION IN ACCORDANCE WITH PUBLIC STATUTES.

### **ROAD ORDINANCE**

VOLUME III

PAGES 201-203

FEBRUARY 16, 1967

#### SECTION 1. DEFINITIONS:

“STREET” MEANS A NEWLY ESTABLISHED PROJECT ROAD OR ANY ABANDONED OR LEGALLY CLOSED HIGHWAY OR ROAD BEING OPENED FOR PUBLIC USE.

“BOARD” MEANS THE BOARD OF SELECTMEN.

#### SECTION 2. PROCEDURE AND LAYOUT FOR ACCEPTANCE:

1. LAYOUT WHENEVER ANY STREET IS PROPOSED AND BEFORE THE CONSTRUCTION, CLEARING, OR EXCAVATING IS INITIATED, THE OWNER OR DEVELOPER SHALL PRESENT TO THE BOARD THREE CERTIFIED COPIES OF PLANS AND PROFILES ON LINEN PREPARED BY A LICENSED CONNECTICUT ENGINEER OR LAND SURVEYOR TOGETHER WITH A TOPOGRAPHY MAP OF THE AREAS AND A WRITTEN APPLICATION FOR APPROVAL OF SUCH STREET, THE PLANS SHALL CONFORM TO THE SPECIFICATIONS HEREINAFTER STATED. SUCH PLANS SHALL INCLUDE ALL DRAINAGE NEEDS, AS PREPARED BY A CERTIFIED LICENSED CONNECTICUT ENGINEER, AND CULVERTS AND CATCH BASINS.

THE BOARD AT A REGULAR MEETING SHALL DISCUSS THE PROPOSED PLAN WITH THE OWNER, DEVELOPER AND/OR AGENT AND IF APPROVED, SHALL RETURN ONE COPY OF THE PLAN WITH NOTE OF ITS ACTION TO THE OWNER WITHIN 30 DAYS FROM THE RECEIPT OF THE APPLICATION. WHEN APPROVED BY THE BOARD, ONE COPY OF THE PLANS SHALL BE FILED WITH THE TOWN CLERK.

2. TOWN MEETING ACCEPTANCE: AFTER A PROPOSED ROAD HAS BEEN APPROVED BY THE BOARD, THE PROPOSED ROAD MAY BE PRESENTED TO A TOWN MEETING FOR ACCEPTANCE INTO THE TOWN ROAD SYSTEM, SUBJECT TO FINAL COMPLETION OF ALL WORK ON SAID ROAD IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE, WHICH FINAL COMPLETION TO BE CERTIFIED BY THE BOARD OF SELECTMEN AS HEREINAFTER PROVIDED.

3. FINAL ACCEPTANCE BY BOARD: UPON COMPLETION OF PROPOSED STREET AND BEFORE ACCEPTANCE BY THE BOARD OF SAID STREET INTO THE TOWN HIGHWAY SYSTEM, THE OWNER OR DEVELOPER SHALL FURNISH CERTIFICATE FROM A QUALIFIED ENGINEER, CERTIFYING THAT (a) THE WORK HAS BEEN COMPLETED ACCORDING TO THE PROFILE SUBMITTED AND IN ACCORDANCE WITH ALL SPECIFICATIONS HEREINAFTER STATED. (b) THE DRAINAGE SYSTEM IS ADEQUATE FOR THE PROJECTED DEVELOPMENT. UPON RECEIPT OF SUCH CERTIFICATION THE TOWN MEETING HAVING VOTED TO ACCEPT SUCH PROPOSED ROAD, SUCH ROAD MAY BE FINALLY ACCEPTED BY THE BOARD INTO THE TOWN ROAD SYSTEM.

4. RECORD OF ACCEPTANCE: FINAL ACCEPTANCE OF ALL ROADS BY THE BOARD OF SELECTMEN SHALL BE ENTERED INTO THE MINUTE BOOK OF THE TOWN CLERK OF THE TOWN OF STERLING AS PROOF OF SUCH ACCEPTANCE.

### SECTION 3. CONSTRUCTION SPECIFICATIONS:

#### 1. WIDTH

ANY STREET SHALL CONTAIN A MINIMUM "RIGHT OF WAY" OF FIFTY (50) FEET UNLESS LAID OUT WITH PRIOR APPROVAL OF A MAJORITY OF THE BOARD. SUCH STREET SHALL BE CONVEYED BY WARRANTY DEED TO THE TOWN OF STERLING. THE ROAD BED OF ANY STREET SHALL HAVE A MINIMUM WIDTH OF THIRTY (30) FEET. NO DEAD END STREET SHALL BE APPROVED BY THE BOARD EXCEPT THAT A TURN ABOUT OF ONE HUNDRED (100) FEET RADIUS BE CONSTRUCTED. THERE SHALL BE NO BRUSH, TREES, BOULDERS, WITHIN SIX (6) FEET OF THE SIDE OF THE ROAD BED. SUCH ROAD BED SHALL BE EXCAVATED TO A DEPTH OF TWELVE INCHES AND BE FREED OF BOULDERS AND ALL LEDGE SHALL BE CUT AN ADDITIONAL TWELVE INCHES.

#### 2. GRADE AND CONTOUR

- a. STREET SHALL BE ADJUSTED TO THE CONTOUR OF THE LAND BUT NO GRADE SHALL BE LESS THAN 0.5% OR MORE THAN 12% WITH EXCEPTIONS SUBJECT TO WRITTEN APPROVAL OF THE BOARD OF SELECTMEN.
- b. THE PROFILE OF SUCH NEW STREET SHALL HAVE NO ABRUPT CHANGE OF GRADE.
- c. SLOPES SHALL BE FINISHED IN A NEAT MANNER AND WHEREAS STREETS ARE OUT OR FILLED THE SIDE SLOPE SHALL NOT BE STEEPER THAN ONE FOOT VERTICAL OR TWO FEET HORIZONTAL, UNLESS THE PERMANENCE OF THE SLOPE SHALL BE OTHERWISE PROVIDED BY THE OWNER OR DEVELOPER TO THE SATISFACTION OF THE BOARD.

#### 3. DRAINAGE

ALL SHOULDERS TWO FEET ON EACH SIDE OF THE ROAD BED SHALL BE SO CONSTRUCTED THAT CONTROL OF SURFACE WATER AND SUB-SURFACED WATER IS MAINTAINED, ALL SHOULDERS AND WATERWAYS SHALL BE SURFACED WITH BITUMINOUS CONCRETE AND COMPACTED TO TWO (2) INCH THICKNESS INSTALLED AT EACH CORNER OF ALL INTERSECTIONS AND CATCH BASINS AT A MINIMUM OF EVERY THREE HUNDRED (300) FEET ON EACH SIDE OF THE ROAD EXCEPT AS MAY BE VARIED BY WRITTEN PERMISSION OF THE BOARD. ALL CATCH BASINS TO BE CONNECTED TO CAUSE A CONTINUOUS FLOW OF CONTROLLED SURFACE AND SUB-SURFACE WATER TO AN ULTIMATE DESTINATION OF NATURAL FLOW, BROOK, POND OR RIVER. A CULVERT PIPE SHALL BE REINFORCED CONCRETE OR ASPHALT COVERED CORRUGATED METAL PIPE.

4. CURBS

CURBS OF CURB MIX BITUMINOUS CONCRETE SHALL BE CONSTRUCTED AT EACH SIDE OF THE ROAD TO A HEIGHT OF 6 INCHES. SUCH CURBS TO BE UNIFORMLY CONSTRUCTED USING COMPACTING EQUIPMENT IDENTIFIED AS CURBING MACHINE.

5. DRAINAGE RIGHTS

ALL NECESSARY DRAINAGE RIGHTS AND/OR EASEMENTS FOR MAINTAINING DRAINAGE OVER OR UNDER ADJOINING LANDS TO AN ULTIMATE DESTINATION OF NATURAL FLOW AS PARAGRAPH 4 "DRAINAGE" SHALL BE PROCURED BY THE DEVELOPER AT NO COST TO THE TOWN OF STERLING.

6. UTILITIES

ALL UTILITIES SHALL BE IN PLACE BEFORE FINAL GRADING AND COMPACTING OF STREETS.

7. GRAVEL

GRAVEL SHALL BE UNIFORMLY APPLIED TO A COMPACTED DEPTH OF TWELVE (12) INCHES ON ALL NORMAL AREAS AND IN WET LAND TO A COMPACTED DEPTH OF TWENTY-FOUR (24) INCHES. ALL GRAVEL SHALL BE PROCESSED STONE OR SCREENED GRAVEL OR A UNIFORM SIZE OF NOT MORE THAN FIVE (5) INCHES IN DIAMETER FOR SUB-SURFACE AND NOT MORE THAN TWO (2) INCHES FOR FINISHED APPLICATION, TOP 4 INCH COURSE.

8. INITIAL SURFACING AND SEALING

a) THE ROAD BED SHALL NOT BE GRADED WITH A CROWN ON THE AVERAGE OF ONE-FOURTH (1/4") INCH PER FOOT.

b) THE FINAL GRAVEL FILL GRADING AND APPLICATION OF TAR AT ONE (1) GALLON PER SQUARE YARD WITH SAND COVERAGE SHALL BE DONE UNDER SUPERVISION OF THE BOARD AT THE DEVELOPERS OR OWNERS EXPENSE.

9. GUARDRAILS

GUARDRAIL POSTS AND RAILINGS SHALL BE INSTALLED AS DIRECTED BY THE BOARD.

10. ALL MATERIALS

ALL MATERIAL USED IN THE CONSTRUCTION OF ANY STREET SHALL BE IN ACCORDANCE WITH THE STATE OF CONNECTICUT, STATE HIGHWAY DEPARTMENT STANDARD SPECIFICATIONS FOR ROADS, BRIDGES, AND INCIDENTAL CONSTRUCTION, EXCEPT THAT PORTION THAT COVERS SIZE OF GRAVEL.

11. NAMES OF STREETS

NEW STREETS SHALL BE NAMED SUBJECT TO APPROVAL OF THE BOARD OF SELECTMEN.

12. SURETY BONDS

THE BOARD SHALL REQUIRE THAT A SURETY BOND OF CASH OR COLLATERAL SHALL BE DEPOSITED WITH THE TOWN TREASURER IN AN AMOUNT SUFFICIENT TO COVER ANY INCOMPLETE WORK BEFORE A CERTIFICATE PERTAINING TO THE STATUS OF SUCH ROAD CAN BE ISSUED BY THE BOARD OF SELECTMEN OR ANY OFFICER OF THE TOWN OF STERLING.

13. PREVIOUS STREET REGULATIONS AND/OR ORDINANCES

THIS ORDINANCE SHALL SUPPLANT ANY PREVIOUS REGULATIONS AND/OR ORDINANCES AND SHALL BECOME EFFECTIVE AFTER ITS PUBLICATION IN A LOCAL PAPER HAVING A CIRCULATION IN THE TOWN OF STERLING.

14. EXCEPTIONS

ANY ROAD OVER 50% COMPLETED MAY BE ACCEPTED BY THE BOARD UNDER THE TOWN POLICY IN EFFECT BEFORE THE PASSAGE OF THIS ORDINANCE.

THIS ORDINANCE TO TAKE EFFECT FIFTEEN (15) DAYS AFTER PUBLICATION IN ACCORDANCE WITH PUBLIC STATUTES.

**ORDINANCE CONCERNING THE ESTABLISHING OF RACE TRACKS IN THE TOWN OF STERLING**

VOLUME III

PAGE 231

NOVEMBER 28, 1967

IN ORDER TO INSURE THE PEACE AND SAFETY OF THE RESIDENTS OF THE TOWN OF STERLING AND FOR THE PROTECTION OF HEALTH, WELFARE AND ECONOMY OF ITS RESIDENTS AND TAXPAYERS, THEREFORE BE IT RESOLVED THAT:

1. NO RACE TRACK OF ANY SIZE OR DESCRIPTION FOR THE RUNNING OF STOCK-CARS, RACING CARS, MOTORCYCLES OR ANY OTHER MECHANICAL VEHICLE SHALL BE PERMITTED IN THE TOWN OF STERLING.
2. NO EXHIBITIONS, MEETS, RODEOS OR OTHER FORM OF RACING INVOLVING GAS OR BATTERY DRIVEN VEHICLES SHALL BE PERMITTED IN THE TOWN OF STERLING.

3. ANY PERSON OR CORPORATION VIOLATING THIS ORDINANCE SHALL BE FINED NOT MORE THAN \$100.00. EACH RACE OR ANY EXHIBITION, MEET, RODEO OR CONTEST SHALL CONSTITUTE A SEPARATE OFFENSE.
4. THE SELECTMEN OF THE TOWN OF STERLING ARE HEREBY AUTHORIZED TO BRING ANY CIVIL ACTION IN THE APPROPRIATE COURT OF THE STATE OF CONNECTICUT TO ENFORCE THIS ORDINANCE.
5. THIS ORDINANCE SHALL TAKE EFFECT FIFTEEN (15) DAYS AFTER PUBLICATION IN ACCORDANCE WITH THE STATUTES OF THE STATE OF CONNECTICUT.

**AMENDMENT TO MOBILE PARK AND TRAILER ORDINANCE**

VOLUME IV

PAGE 6

MAY 8, 1968

BE IT RESOLVED THAT THE TOWN OF STERLING MOBILE PARKS AND TRAILER ORDINANCE BE AMENDED AS FOLLOWS:

THE SECTION CONTAINING "DEFINITIONS" PARAGRAPH 2'E' BE AMENDED FROM "SUMMER RECREATIONAL CAMP SITES" MEANS AREAS OPEN FOR VACATIONERS DURING THE PERIOD FROM MEMORIAL DAY TO LABOR DAY" TO SUMMER RECREATIONAL CAMP SITES "MEANS AREAS OPEN FOR VACATIONERS DURING THE PERIOD FROM THE FIRST DAY OF APRIL TO THE LAST DAY OF SEPTEMBER".

**NURSING SERVICES**

VOLUME IV

PAGE 6

MAY 8, 1968

SECTION 1. TO AUTHORIZE THE BOARD OF SELECTMEN TO ENTER INTO A CONTRACT WITH THE TOWN OF PLAINFIELD PUBLIC HEALTH NURSING COMMITTEE FOR THE PURCHASE OF NURSING SERVICES IN THE TOWN OF STERLING.

SECTION 2. TO AUTHORIZE THE BOARD OF SELECTMEN AND/OR THE TOWN HEALTH OFFICER TO OBTAIN GRANTS-IN-AID FOR PUBLIC HEALTH NURSING PROGRAM FROM THE STATE DEPARTMENT OF HEALTH.

SECTION 3. THIS ORDINANCE SHALL TAKE EFFECT FIFTEEN (15) DAYS AFTER PUBLICATION IN ACCORDANCE WITH GENERAL STATUTES.

**AGREEMENT FOR PROVISION OF PUBLIC HEALTH NURSING SUPERVISION TO PLAINFIELD-STERLING PUBLIC HEALTH NURSING AGENCY BY THE CHAPLIN-HAMPTON-SCOTLAND OFFICIAL PUBLIC HEALTH**

VOLUME IV

PAGES 16-17

AUGUST 11, 1968

THIS AGREEMENT IS MADE BY AND BETWEEN THE CHAPLIN-HAMPTON-SCOTLAND OFFICIAL PUBLIC HEALTH NURSING AGENCY WITH OFFICE LOCATED IN THE TOWN OF CHAPLIN AND PLAINFIELD-STERLING PUBLIC HEALTH NURSING AGENCY WITH OFFICE LOCATED IN THE TOWN OF PLAINFIELD.

1. IN ORDER TO ASSIST THE PLAINFIELD-STERLING PUBLIC HEALTH NURSING AGENCY TO FULFILL CERTIFICATION REQUIREMENTS UNDER PUBLIC NURSING PROGRAM AND TO ASSIST THE TOWN OF STERLING TO MEET THE REQUIREMENTS OF THE STATUTES AND POLICIES OF THE STATE GRANT-IN-AID PROGRAM, THE CHAPLIN-HAMPTON-SCOTLAND OFFICIAL PUBLIC HEALTH NURSING AGENCY SHALL FURNISH PART-TIME PUBLIC HEALTH NURSING SUPERVISION TO THE STAFF OF THE PLAINFIELD-STERLING PUBLIC HEALTH NURSING AGENCY OF NOT LESS THAN AN AVERAGE OF 7 HOURS PER WEEK.

2. SERVICES GIVEN BY NURSING SUPERVISOR MAY INCLUDE THE FOLLOWING:

- PLANNED PROGRAM OF ORIENTATION OF STAFF NURSES
- ASSESSMENT OF NEEDS
- EVALUATION OF INDIVIDUAL CASE MANAGEMENT
- ESTABLISHMENT OF NURSING CARE PLAN
- PERIODIC EVALUATION OF NURSES'S PERFORMANCE
- APPROPRIATE IN-SERVICE EDUCATION
- ADMINISTRATIVE ASPECTS TO INCLUDE METHODS OF RECORDING AND REPORTING RECOMMENDING CONSIDERATION OF ADDITIONAL POLICIES TO MEET PROGRAM EVALUATION.

3. THE PLAINFIELD-STERLING PUBLIC HEALTH NURSING AGENCY ON A QUARTERLY BASIS SHALL REIMBURSE THE CHAPLIN-HAMPTON-SCOTLAND OFFICIAL PUBLIC HEALTH NURSING AGENCY AT THE RATE OF \$5.50 AN HOUR FOR PUBLIC HEALTH NURSING SUPERVISORY SERVICES. THERE WILL BE AN ADJUSTMENT IN COST IF SERVICES ARE NOT PROVIDED DUE TO UNAVAILABILITY OF SUPERVISOR STAFF. IN ADDITION, REIMBURSEMENT SHALL BE MADE AT THE RATE OF .10 CENTS PER MILE FOR TRAVEL BY THE SUPERVISOR BETWEEN THE CHAPLIN-HAMPTON-SCOTLAND HEALTH NURSING AGENCY OFFICES FOR SUPERVISORY VISITS AND CONFERENCES WITH THE PLAINFIELD-STERLING HEALTH NURSING AGENCY ADMINISTRATIVE COMMITTEES.

4. THE PUBLIC HEALTH NURSING SUPERVISOR OF CHAPLIN-HAMPTON-SCOTLAND HEALTH NURSING AGENCY SHALL ATTEND THE MEETING OF THE PLAINFIELD-STERLING PUBLIC HEALTH NURSING AGENCY ADMINISTRATIVE COMMITTEE AT LEAST THREE TIMES A YEAR TO INTERPRET SERVICES RENDERED, PROFESSION STANDARDS AND PUBLIC HEALTH NURSING NEEDS OF THE COMMUNITY AND THE STERLING PUBLIC SCHOOL.

5. BOTH AGENCIES WARRANT TO EACH OTHER THAT IN THE PERFORMANCE OF THIS AGREEMENT THEY WILL NOT DISCRIMINATE OR PERMIT DISCRIMINATIONS AGAINST ANY ONE PERSON OR GROUP OF PERSONS ON THE BASIS OF RACE, COLOR, RELIGION OR NATIONAL ORIGIN IN ANY MANNER PROHIBITED BY THE LAWS OF THE UNITED STATES OR OF THE STATE OF CONNECTICUT.

6. THERE SHALL BE A JOINT EVALUATION OF THE SUPERVISORY SERVICE AS OF DECEMBER 1, 1968, THEREAFTER COMPLETED ANNUALLY. THIS EVALUATION SHALL BE MADE AT LEAST TWO MONTHS PRIOR TO THE ANNIVERSARY DATE OF THE SIGNING OF THIS AGREEMENT. THE EVALUATION IS TO BE SHARED BY THE CHAPLIN-HAMPTON-SCOTLAND OFFICIAL PUBLIC HEALTH NURSING AGENCY AND THE PLAINFIELD-STERLING AGENCY ADMINISTRATIVE COMMITTEES AND THE PUBLIC HEALTH NURSING SUPERVISOR.

7. THIS AGREEMENT SHALL BE IN EFFECT FROM DATE OF SIGNING BY BOTH PARTIES AND UPON THE JOINT EVALUATION REFERRED IN #6 ABOVE. IT SHALL BE EXTENDED FROM YEAR TO YEAR UNLESS TERMINATED BY EITHER PARTY WITH WRITTEN NOTICE GIVEN 60 DAYS IN ADVANCE OF THE PROPOSED TERMINATION DATE OR AT ANY TIME BY MUTUAL CONSENT OF THE ADMINISTRATIVE COMMITTEES OF BOTH PARTIES.

IN WITNESS WHEREOF THE DULY AUTHORIZED REPRESENTATIVES OF THE PARTIES HEREUNTO SET THEIR SIGNATURES.

WITNESS:

E. ARTHUR BARRY, M.D.  
EDITH SLATE

SYBIL MORSE 8/9/68  
PRESIDENT  
MARGARET A. HOFFMAN 8/9/68  
SECRETARY

APPROVED:

EDITH J. SLATE

JOHN DELANEY 8/9/68  
PRESIDENT

E ARTHUR BARRY, M.D.

BEATRICE DAVIS 8/9/68  
SECRETARY

**SEWAGE DISPOSAL ORDINANCE TOWN OF STERLING**

VOLUME IV

PAGE 77

AUGUST 18, 1970

SECTION 1. NO DWELLING, APARTMENTS, BOARDING HOUSES, HOTELS, MOTELS, TRAILER OR MOBILE HOME PARKS, COMMERCIAL BUILDINGS, YOUTH

CAMPS OR COMMERCIAL CAMPS AND COMMERCIAL CAMPING FACILITIES SHALL BE CONSTRUCTED IN THE TOWN OF STERLING, CONNECTICUT UNLESS THE SEWAGE FACILITIES IN CONNECTION WITH THE

SAME HAVE BEEN APPROVED BY THE DIRECTOR OF HEALTH OF THE TOWN, OR ANY INSPECTOR APPOINTED BY HIM. THE DIRECTOR OF HEALTH OR ANY INSPECTOR APPROVED BY HIM SHALL APPROVE ANY SUCH SEWERAGE FACILITIES WHEN SUCH FACILITIES MEET THE REQUIREMENTS OF THE PUBLIC HEALTH CODE OF THE STATE OF CONNECTICUT.

SECTION 2. ALL APPLICATIONS FOR APPROVAL OF THE SEWERAGE FACILITIES SHALL BE FILED WITH THE DIRECTOR OF HEALTH OR THE INSPECTOR APPOINTED BY HIM. ALL APPLICATIONS FOR APPROVAL SHALL BE ACCOMPANIED BY A PLAN OF THE PROPOSED SEWERAGE FACILITIES. THE FEE, WHICH SHALL ACCOMPANY SAID APPLICATION, SHALL BE TWENTY-FIVE (25) DOLLARS, PAYABLE TO THE TOWN SANITARY INSPECTOR. THIS FEE SHALL INCLUDE REQUIRED SEEPAGE TESTING AND INSPECTION OF THE SEWERAGE SYSTEM BY THE SANITARY INSPECTOR.

SECTION 3. NO PRIVATE SEWAGE DISPOSAL SYSTEM SHALL BE RECONSTRUCTED, EXTENDED OR ALTERED IN THE TOWN OF STERLING UNLESS A VALID PERMIT HAS BEEN ISSUED BY THE DIRECTOR OF HEALTH FOR SUCH RECONSTRUCTION, EXTENSION OR ALTERATION. A FEE OF TEN (10) DOLLARS, PAYABLE TO THE TOWN SANITARY INSPECTOR, SHALL ACCOMPANY SAID APPLICATION TO RECONSTRUCT, EXTEND OR ALTER ANY EXISTING SEWAGE DISPOSAL SYSTEM. THIS FEE WILL INCLUDE INSPECTION OF THE RECONSTRUCTION, EXTENSION OR ALTERATION OF THE PRESENT SYSTEM.

IF IN THE OPINION OF THE SANITARY INSPECTOR, A SEEPAGE TEST IS REQUIRED, AN ADDITIONAL FEE OF FIFTEEN (15) DOLLARS WILL BE ASSESSED FOR THE COMPLETION OF THIS TEST BY THE SANITARY INSPECTOR.

SECTION 4. THIS ORDINANCE SHALL TAKE EFFECT FIFTEEN (15) DAYS AFTER PUBLICATION IN ACCORDANCE WITH THE STATUTES OF THE STATE OF CONNECTICUT.

### **STATE BUILDING CODE AND BOARD OF APPEALS**

VOLUME IV

PAGES 84-85

SEPTEMBER 22, 1970

BE IT ENACTED AND ORDAINED

a) THAT THE STATE BUILDING CODE, IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF CHAPTER 354 OF THE GENERAL STATUTES OF THE STATE OF CONNECTICUT, REVISION OF 1958, AS AMENDED BE ADOPTED AS THE BUILDING CODE OF THE TOWN OF STERLING.

b) THAT THE BOARD OF SELECTMEN APPOINTS A BOARD OF APPEALS IN ACCORDANCE WITH THE PROVISIONS OF SAID CHAPTER CONSISTING OF FIVE (5) MEMBERS.

**WATERSHED PROJECT**

VOLUME IV

PAGES 96-97

FEBRUARY 10, 1971

THE TOWN OF STERLING VOTED TO ADOPT AND ENDORSE THE MOOSUP WATERSHED WORK PLAN FOR THE PURPOSE OF INITIATING A SOIL CONSERVATION AND FLOOD PREVENTION PROJECT FOR THE MOOSUP RIVER WATERSHED.

IT WAS ALSO VOTED TO AUTHORIZE THE FIRST SELECTMAN TO ENTER INTO A WATERSHED WORK PLAN AGREEMENT WITH THE STATE OF CONNECTICUT COMMISSIONER OF AGRICULTURE AND NATURAL RESOURCES, AS WELL AS THE UNITED STATES DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE.

IT WAS ALSO VOTED TO AUTHORIZE THE FIRST SELECTMAN TO SEEK AND OBTAIN WHATEVER OTHER ASSISTANCE AND ADVICE HE MAY NEED IN CONNECTION WITH SAID PLAN.

**PLANNING COMMISSION ORDINANCE**

VOLUME 14

PAGES 102-103

JUNE 10, 1971

BE IT MOVED THAT IN ACCORDANCE WITH CHAPTER 126 OF THE GENERAL STATUTES OF THE STATE OF CONNECTICUT, 1968 REVISION, AS AMENDED, THAT A PLANNING COMMISSION BE CREATED IN AND FOR THE TOWN OF STERLING.

THAT A COMMISSION SHALL CONSIST OF FIVE (5) MEMBERS WHO SHALL BE ELECTORS OF THE STATE OF SUCH TOWN, HOLDING NO SALARIED MUNICIPAL OFFICE.

THAT THE BOARD OF SELECTMEN SHALL APPOINT THE DULY QUALIFIED MEMBERS OF SAID COMMISSION WITHIN (60) DAYS OF THE PASSAGE OF THIS ORDINANCE, AND OF THOSE APPOINTED, TWO (2) SHALL SERVE FOR TWO (2) YEARS, TWO (2) SHALL SERVE THREE (3) YEARS AND ONE (1) SHALL SERVE FIVE (5) YEARS. AT THE EXPIRATION OF THE TERM OF ANY MEMBER OR MEMBERS OF SAID COMMISSION, THE BOARD OF SELECTMEN SHALL APPOINT FOR THE SAME TERMS AS THAT EXPIRING A MEMBER OR MEMBERS, AS THE CASE MAY BE, OF SAID COMMISSION TO FILL THE VACANCY, OR VACANCIES CAUSED THEREBY.

THAT OTHER VACANCIES SHALL BE FILLED BY THE COMMISSION FOR THE UNEXPIRED PORTION OF THE TERM, AND VACANCIES BEING DUE TO ILLNESS, DEATH OR OTHER EXTENUATING CIRCUMSTANCES.

THAT THE CHIEF EXECUTIVE OFFICER OF THE TOWN OF STERLING AND THE TOWN ENGINEER SHALL BE EX-OFFICIAL MEMBERS OF THE COMMISSION WITHOUT VOTING PRIVILEGES.

THAT THE COMMISSION SHALL ELECT A CHAIRMAN AND A SECRETARY FROM ITS MEMBERS, SHALL ADOPT RULES FOR THE TRANSACTION OF BUSINESS AND SHALL KEEP RECORDS OF ITS ACTIVITIES.

THE COMMISSION IS AUTHORIZED TO PROMULGATE REGULATIONS IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 126 OF THE CONNECTICUT GENERAL STATUTES, REVISION 1958, AS AMENDED.

THAT THE SUBJECT TO AND CONFORMITY WITH THE PROVISIONS OF CHAPTER 126 OF THE CONNECTICUT GENERAL STATUTES, 1958 REVISION AS AMENDED SAID COMMISSION SHALL HAVE THE AUTHORITY GRANTED AND DELEGATED TO SAID COMMISSION BY SAID CHAPTER 126 AS AMENDED AND ALL OF ITS ACTIONS AND PROCEEDINGS, AND ALL APPEALS THEREFROM, SHALL BE SUBJECT TO AND IN ACCORDANCE WITH THE PROVISIONS OF SAID CHAPTER 126, AS AMENDED.

THIS ORDINANCE SHALL TAKE EFFECT FIFTEEN (15) DAYS AFTER ITS PASSAGE.

**OCTOBER ELECTOR’S ENROLLMENT SESSION**

VOLUME 14

PAGE 117

OCTOBER 11, 1971

IT WAS VOTED TO AUTHORIZE THE BOARD OF ADMISSION OF ELECTORS TO SHORTEN THE OCTOBER MANDATORY SESSION FROM ELEVEN (11) HOURS TO FOUR (4) HOURS TO BE HELD FROM 2:00 PM TO 6:00 PM.

**SEWER AUTHORITY ORDINANCE**

VOLUME IV

PAGE 126

JANUARY 25, 1972

THERE IS HEREBY CREATED A STERLING SEWER AUTHORITY WHICH AUTHORITY SHALL CONSIST OF FIVE MEMBERS WHO SHALL BE APPOINTED BY THE BOARD OF SELECTMEN AND SHALL SERVE WITHOUT PAY. THE SELECTMEN SHALL INITIALLY APPOINT TWO OF THE MEMBERS FOR A PERIOD OF ONE YEAR, TWO OF THE MEMBERS FOR A PERIOD OF TWO YEARS AND ONE OF THE MEMBERS FOR A PERIOD OF THREE YEARS. AS EACH TERM EXPIRES, THE BOARD OF SELECTMEN SHALL APPOINT A MEMBER TO SERVE FOR A TERM OF YEARS EQUAL TO THE EXPIRED TERM. A MEMBER MAY BE REMOVED DURING HIS TERM OF OFFICE BY THE UNANIMOUS VOTE OF THE BOARD OF SELECTMEN.

THIS ORDINANCE SHALL TAKE EFFECT FIFTEEN (15) DAYS AFTER PUBLICATION IN ACCORDANCE WITH PUBLIC STATUTES.

**AN ORDINANCE INSTITUTING FLOOD PLAIN MANAGEMENT FOR DESIGNATED FLOOD-PRONE AREAS  
IN THE TOWN OF STERLING**

WHEREAS, THE TOWN OF STERLING IS PARTICIPATING IN THE NATIONAL FLOOD INSURANCE PROGRAM, A PROGRAM WHICH HAS AUTHORIZED THE TOWN OF STERLING TO ADOPT AND ADMINISTER FLOOD PLAIN MANAGEMENT REGULATIONS FOR THE FLOOD-PRONE AREAS WITHIN ITS JURISDICTION, AND

WHEREAS, THE FEDERAL INSURANCE ADMINISTRATOR HAS DESIGNATED AREAS OF SPECIAL FLOOD HAZARDS (A ZONES) BY THE PUBLICATION OF THE STERLING FLOOD HAZARD BOUNDARY MAP (FHB), WHICH IS ON FILE IN THE OFFICE OF THE TOWN CLERK, AND MAY UPDATE AND REVISE SUCH MAP, AND

WHEREAS, THE NATIONAL FLOOD INSURANCE PROGRAM REGULATIONS HAVE BEEN UPDATED AND REVISED, AND

WHEREAS, THIS ORDINANCE CONFORMS TO THE ELIGIBILITY REQUIREMENTS OF THE PROGRAM'S FINAL REGULATIONS AS PUBLISHED IN THE FEDERAL REGISTER, VOL. 31, NO. 207, OCTOBER 26, 1976.

NOT, THEREFORE, BE IT ENACTED BY THE STERLING TOWN MEETING THAT THE FOLLOWING REGULATIONS ARE ADOPTED AND SHALL BE ADMINISTERED:

THE TOWN OF STERLING SHALL WITHIN THE FLOOD-PRONE AREAS:

1. REQUIRE PERMITS FOR ALL PROPOSED DEVELOPMENT, AND BUILDING PERMITS FOR ALL PROPOSED CONSTRUCTION INCLUDING THE PLACEMENT OF MOBILE HOMES, WITHIN ZONE A ON THE STERLING FHBM: AND
2. PRIOR TO ISSUANCE OF A BUILDING PERMIT, REQUIRE THE TOWN BUILDING INSPECTOR TO REVIEW PROPOSED DEVELOPMENT TO ASSURE THAT ALL NECESSARY PERMITS HAVE BEEN RECEIVED FROM THOSE GOVERNMENTAL AGENCIES FROM WHICH APPROVAL IS REQUIRED BY FEDERAL OR STATE LAW, INCLUDING SECTION 404 OF THE FEDERAL WATER POLLUTION CONTROL ACT, AMENDMENTS OF 1972: AND
3. REQUIRE THE TOWN BUILDING INSPECTOR TO REVIEW ALL BUILDING PERMIT APPLICATIONS AND MOBILE HOME PERMIT APPLICATIONS (IF ANY) TO DETERMINE IF PROPOSED BUILDING SITE IS IN A FLOOD-PRONE AREA. ALL NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS (INCLUDING THE PLACEMENT OF PREFABRICATED BUILDINGS AND MOBILE HOMES) SHALL (i) BE DESIGNED (OR MODIFIED) AND ADEQUATELY ANCHORED TO PREVENT FLOTATION, COLLAPSE, OR LATERAL MOVEMENT OF THE STRUCTURE, (ii) BE CONSTRUCTED WITH MATERIALS AND UTILITY EQUIPMENT RESISTANT TO FLOOD DAMAGE, AND (iii) BE CONSTRUCTED BY METHODS AND PRACTICES THAT MINIMIZE FLOOD DAMAGE: AND
4. REVIEW DEVELOPMENT PROPOSALS TO DETERMINE WHETHER SUCH PROPOSALS WILL BE REASONABLY SAFE FROM FLOODING. IF A DEVELOPMENT PROPOSAL IS IN A DESIGNATED FLOOD-

PRONE AREA, I.E. WITHIN ZONE A ON THE STERLING FLOOD HAZARD BOUNDARY MAP, AND SUCH PROPOSAL SHALL BE REVIEWED TO ASSURE THAT (i) ALL SUCH PROPOSALS ARE CONSISTENT WITH THE NEED TO MINIMIZE FLOOD DAMAGE WITHIN THE FLOOD-PRONE AREA, AND (ii) ALL PUBLIC UTILITIES AND ALL FACILITIES SUCH AS SEWER, GAS, ELECTRICAL AND WATER SYSTEMS ARE LOCATED AND CONSTRUCTED TO MINIMIZE OR REDUCE EXPOSURE TO FLOOD HAZARDS, AND (iii) ADEQUATE DRAINAGE IS PROVIDED TO ELIMINATE FLOOD DAMAGE: AND

5. ALL DEVELOPMENT PROPOSALS GREATER THAN FIFTY (50) LOTS OR FIVE (5) ACRES, WHICHEVER IS THE LESSER, AND WHICH ARE SITUATED WITHIN ZONE A ON THE STERLING FLOOD HAZARD BOUNDARY MAP, SHALL INCLUDE WITHIN SUCH BUILDING PERMIT APPLICATIONS BASE FLOOD ELEVATION DATA: AND

6. REQUIRE WITHIN FLOOD-PRONE AREAS (i) ALL NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS OF RESIDENTIAL STRUCTURES TO HAVE THE LOWEST FLOOR (INCLUDING THE BASEMENT) ELEVATED TO OR ABOVE THE BASE FLOOD LEVEL AND (ii) ALL NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS OF NONRESIDENTIAL STRUCTURES HAVE THE LOWEST FLOOR (INCLUDING BASEMENT) ELEVATED OR FLOOD PROOFED TO OR ABOVE THE BASE FLOOD LEVEL AND (iii) PILING OR COLUMNS RATHER THAN FILL, FOR THE ELEVATION OF STRUCTURES WITHIN FLOOD PLAIN AND TO MINIMIZE THE POTENTIAL FOR NEGATIVE IMPACTS TO SENSITIVE ECOLOGICAL AREA: AND

7. IN THE ABSENCE OF BASE FLOOD ELEVATION DATA WHICH MAY BE FURNISHED BY THE FEDERAL INSURANCE ADMINISTRATION, THE TOWN SHALL WITH THE ASSISTANCE OF THE APPLICANT OBTAIN, REVIEW AND REASONABLE UTILIZE ANY BASE FLOOD ELEVATION DATA FROM A FEDERAL STATE OR OTHER SOURCE, UNTIL SUCH DATA HAS BEEN PROVIDED BY THE ADMINISTRATOR, AS CRITERIA FOR REQUIRING THE PROVISIONS OF THE PRECEDING PARAGRAPH; AND

8. REQUIRE WRITTEN ASSURANCE FROM THE NORTHEAST DEPARTMENT OF HEALTH AND/OR SEWER AUTHORITY (UNTIL SUCH TIME AS THIS PROVISION HAS BEEN ADOPTED BY SUCH AGENCIES) THAT NOW OR REPLACED WATER SUPPLY SYSTEMS AND/OR SANITARY SEWAGE SYSTEMS TO BE DESIGNED TO MINIMIZE OR ELIMINATE INFILTRATION OF FLOOD WATERS INTO THE SYSTEM AND DISCHARGES FROM THE SYSTEM INTO FLOOD WATERS, AND REQUIRE ON-SITE WASTE DISPOSAL SYSTEMS TO BE LOCATED TO AVOID IMPAIRMENT TO THEM OR CONTAMINATION FROM THEM DURING FLOODING; AND

9. FOR THE PURPOSE OF THE DETERMINATION OF APPLICABLE FLOOD INSURANCE RISK PREMIUM RATES WITHIN ZONE A ON THE STERLING FHBM REQUIRE THE TOWN BUILDING INSPECTOR TO (i) OBTAIN THE ELEVATION (IN RELATION TO MEAN SEA LEVEL) OF ALL NEW OR SUBSTANTIALLY IMPROVED STRUCTURES, AND WHETHER OR NOT SUCH STRUCTURES CONTAIN A BASEMENT, AND (ii) OBTAIN IF THE STRUCTURE HAS BEEN FLOOD PROOFED, THE ELEVATION (IN RELATION TO MEAN SEA LEVEL) TO WHICH THE STRUCTURE WAS FLOOD PROOFED, AND (iii) MAINTAIN A RECORD OF ALL SUCH INFORMATION; AND

10. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, REQUIRE THE TOWN BUILDING INSPECTOR TO REQUIRE ALL MOBILE HOMES PLACED WITHIN ZONE A OF THE FHBM BE ANCHORED TO RESIST

FLOTATION, COLLAPSE, OR LATERAL MOVEMENT BY PROVIDING OVER-THE-TOP AND FRAME TIES TO GROUND ANCHORS. SPECIFIC REQUIREMENTS SHALL BE THAT (i) OVER-THE-TOP TIES BE PROVIDED AT EACH OF THE FOUR CORNERS OF THE MOBILE HOME, WITH TWO ADDITIONAL TIES PER SIDE AT INTERMEDIATE LOCATIONS AND MOBILE HOMES LESS THAT 50 FEET LONG REQUIRING ONE ADDITIONAL TIE PER SIDE; (ii) FRAME TIES BE PROVIDED AT EACH CORNER OF THE HOME WITH FIVE ADDITIONAL TIES PER SIDE AT INTERMEDIATE POINTS AND MOBILE HOMES LESS THAN 50 FEET LONG REQUIRING FOUR ADDITIONAL TIES PER SIDE; (iii) ALL COMPONENTS OF THE ANCHORING SYSTEM BE CAPABLE OF CARRYING A FORCE OF 4,800 POUNDS, AND (iv) ANY ADDITIONS TO THE MOBILE HOME BE SIMILARLY ANCHORED; AND

11. REQUIRE THAT AN EVACUATION PLAN INDICATING ALTERNATE VEHICULAR ACCESS AND ESCAPE ROUTES BE FILED WITH APPROPRIATE DISASTER PREPAREDNESS AUTHORITIES FOR MOBILE HOME PARKS AND MOBILE HOME SUBDIVISIONS LOCATED WITHIN ZONE A OF THE STERLING FHBM; AND

12. NOTIFY, IN RIVERAIN SITUATIONS, ADJACENT COMMUNITIES AND THE CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION - DIVISION OF WATER AND RELATED RESOURCES, PRIOR TO ANY ALTERATION OR RELOCATION OF A WATERCOURSE, AND SUBMIT COPIES OF SUCH NOTIFICATIONS TO THE FEDERAL INSURANCE ADMINISTRATOR; AND

13. ASSURE THAT THE FLOOD CARRYING CAPACITY WITHIN AN ALTERED OR RELOCATED PORTION OF ANY WATERCOURSE IS MAINTAINED.

SHOULD ANY SECTION OR PROVISION OF THIS ORDINANCE BE DECLARED INVALID OR UNCONSTITUTIONAL BY THE COURTS, THE REMAINDER OF THE ORDINANCE SHALL CONTINUE TO BE APPLIED AND SHALL NOT BE CONSIDERED VALID AS A WHOLE.

THIS ORDINANCE SHALL TAKE EFFECT FIFTEEN (15) DAYS AFTER PASSAGE. DATED AT STERLING, CONNECTICUT THIS 25TH DAY OF MAY 1977.

**AN ORDINANCE RELATING TO THE OPERATION OF SANITARY LANDFILLS IN THE TOWN OF STERLING**

VOLUME V

PAGES 25-26

SEPTEMBER 12, 1977

SECTION 1. THE PURPOSE OF THIS ORDINANCE IS TO INSURE THE PROTECTION OF HEALTH, PEACE AND WELFARE OF THE RESIDENTS OF THE TOWN OF STERLING BY ESTABLISHING CERTAIN MINIMUM REQUIREMENTS FOR LANDFILLS OR OTHER FACILITIES FOR THE DISPOSAL OF SOLID WASTES OPERATED IN THE TOWN OF STERLING.

SECTION 2. APPLICATION FOR A PERMIT TO ESTABLISH AND OPERATE A SANITARY LANDFILL OR OTHER FACILITY FOR THE DISPOSAL OF SOLID WASTES MUST BE FILED WITH THE SELECTMEN OF THE TOWN OF STERLING. THE APPLICATION SHALL BE A WRITTEN REQUEST FOR THE PERMIT AND SHALL BE ACCOMPANIED BY A PLOT PLAN OF A SCALE NO LARGER THAN 1"=100' WHICH PLOT PLAN SHALL SHOW

NAMES OF ABUTTING LAND OWNERS, DIMENSIONS OF THE TOTAL TRACT, AND DIMENSIONS OF THE LANDFILL SITE WITHIN THE TRACT AND THE LOCATION OF THE SITE WITHIN THE TRACT.

SECTION 3. AFTER PASSAGE OF THIS ORDINANCE, NO PERSON, FIRM OR CORPORATION SHALL MAINTAIN OR ESTABLISH A SANITARY LANDFILL OR ANY OTHER FACILITY FOR THE DISPOSAL OF SOLID WASTES WITHOUT FIRST OBTAINING A PERMIT AS DESCRIBED IN SECTION 2. SUCH PERMIT SHALL BE ISSUED BY THE SELECTMEN IF THE PLOT PLAN AND APPLICATION SHOW TO THE SATISFACTION OF THE SELECTMEN THAT THE PLAN AND APPLICATION SHOW THE REQUIREMENTS OF SECTION 5 HAVE BEEN MET.

SECTION 4. THE SITE AREA SHALL BE DEFINED AS THE TOTAL AREA NOT TO EXCEED 5 ACRES ACTIVE AT ONE TIME, WITHIN WHICH THE ACTUAL LANDFILL AND ALL RELATED TREATMENT SHALL TAKE PLACE.

SECTION 5. THE APPLICATION AND PLOT PLAN MUST SHOW THAT THE LANDFILL WILL MEET THE FOLLOWING MINIMUM REQUIREMENTS:

A. TRACT AREA AND SITE DISTANCES.

1. THE MINIMUM TRACT AREA SHALL BE A HUNDRED (100) ACRES IN ONE PARCEL, NOT DIVIDED BY ANY TOWN OR STATE APPROVED ROADS.
2. FRONT, SIDE AND REAR LINES OF THE SITE SHALL BE A MINIMUM OF 750 FEET FROM BOUNDARIES WITH ABUTTING LANDOWNERS.
3. 3. MINIMUM DISTANCE OF THE SITE FROM STATE AND TOWN ROADS SHALL BE 750 FEET.

B. ENTRANCES

1. 1. ENTRANCES SHALL NOT BE PLACED WITHIN 750 FEET OF ANY PRESENTLY EXISTING RESIDENCE.
2. 2. ENTRANCES SHALL BE SO DESIGNED AS TO CREATE MINIMAL TRAFFIC IMPACT ON THE AREA SURROUNDING THE SITE.
3. THE ENTRANCE FROM THE HIGHWAY TO THE SITE SHALL BE PAVED OR OILED AND MAINTAINED IN A PAVED OR OILED CONDITION FOR A DISTANCE OF AT LEAST 750 FEET FROM THE ABUTTING TOWN OR STATE HIGHWAY.

C. BUFFER PLANTINGS

1. ALL EDGES OF THE SITE SHALL BE PLANTED AND MAINTAINED WITH SHRUBS, TREES AND OTHER LANDSCAPE MATERIALS OF SUFFICIENT DENSITY TO COMPLETELY OBSCURE THE FACILITY FROM VIEW FROM ALL SURROUNDING RESIDENCES AND PUBLIC WAYS AT ALL TIMES OF THE YEAR.

D. HOURS

1. THE LANDFILL SHALL NOT BE OPERATED PRIOR TO 7:30 AM NOR LATER THAN 6:00 PM AND SHALL NOT BE OPERATED ON SUNDAYS. OPERATION FOR THIS PURPOSE SHALL INCLUDE ALL MECHANICAL OPERATIONS AT THE SITE IN ADDITION TO THE DUMPING OF SOLID WASTE.

E. COVER MATERIALS

1. COVER MATERIALS SHALL BE STOCKPILED SO THAT THERE IS ALWAYS SUFFICIENT COVER MATERIAL ON HAND FOR TWO WEEKS OF OPERATIONS WITHOUT THE NECESSITY OF BRINGING ADDITIONAL COVER TO THE SITE

SECTION 6. THE LANDFILL SITE MAY NOT BE OPERATED UNTIL ALL REQUIREMENTS OF THIS ORDINANCE HAVE BEEN MET AND THE PERMIT MAY BE REVOKED AT ANY TIME BY THE SELECTMEN UPON TEN (10) DAYS NOTICE AFTER FINDING BY THEM THAT THIS ORDINANCE IS NOT COMPLIED WITH IN ANY MANNER, PROVIDED HOWEVER, THAT THE LANDFILL OPERATOR SHALL BE ENTITLED TO A HEARING BEFORE THE SELECTMEN IF WITHIN THE SAID TEN (10) DAY PERIOD THE OPERATOR NOTIFIES THE SELECTMEN IN WRITING OF HIS REQUEST TO SUCH HEARING. SUCH HEARING SHALL BE HELD WITHIN TEN (10) DAYS OF THE WRITTEN REQUEST AND THE SELECTMEN SHALL MAKE A DECISION WITHIN TEN (10) DAYS OF SAID HEARING.

SECTION 7. ANY VIOLATION OF THIS ORDINANCE SHALL BE PUNISHABLE BY A FINE NOT TO EXCEED \$100.00 PER INCIDENT. EACH DAY THAT SUCH VIOLATION CONTINUES SHALL BE A SEPARATE OFFENSE.

SECTION 8. SHOULD ANY SECTION OR PROVISION OF THIS ORDINANCE BE DECLARED BY THE COURTS TO BE UNCONSTITUTIONAL OR INVALID, SUCH DECISION SHALL NOT AFFECT THE VALIDITY OF THIS ORDINANCE AS A WHOLE, OR ANY PART THEREOF OTHER THAN THE PART SO DECLARED TO BE UNCONSTITUTIONAL OR INVALID.

THIS ORDINANCE TO TAKE EFFECT FIFTEEN (15) DAYS AFTER PASSAGE

**AMENDMENT TO MOBILE PARK AND TRAILER ORDINANCE**

VOLUME V

PAGE 143

SEPTEMBER 10, 1981

BE IT RESOLVED THAT THE TOWN OF STERLING MOBILE PARKS AND TRAILER ORDINANCE BE AMENDED REGARDING THE FIRST PARAGRAPH OF SECTION 9 TO INCLUDE THE FOLLOWING:

IN SAID DESIGNATED AREAS NO TRAILER, TENT, MOBILE HOME OR CAMPING VEHICLE SHALL BE PARKED OR OCCUPIED WITHIN TWENTY-FIVE (25) FEET FROM NEIGHBORING PROPERTY LINES. IN SAID DESIGNATED AREAS NO DISPOSAL SYSTEMS SHALL BE LOCATED WITHIN TWENTY-FIVE (25) FEET FROM NEIGHBORING PROPERTY LINES.

ANY SUMMER RECREATIONAL CAMP SITES LAWFULLY EXISTING AT THE EFFECTIVE DATE OF THIS AMENDMENT MAY BE CONTINUED, PROVIDED A SITE PLAN SHOWING THE PRESENT STATUS OF CAMP SITES IS FILED WITH THE SELECTMEN'S OFFICE WITHIN 60 DAYS OF THE EFFECTIVE DATE OF THIS AMENDMENT.

**ORDINANCE REGULATING THE SIZE OF BUILDING LOTS IN THE TOWN OF STERLING**

SECTION 1. THE PURPOSE OF THIS ORDINANCE IS TO PROVIDE FOR THE MAINTENANCE OF SAFE AND SANITARY HOUSING; TO SECURE SAFETY FROM FIRE, PANIC AND OTHER DANGERS; TO PROVIDE ADEQUATE LIGHT AND AIR; TO AVOID UNDUE CONCENTRATION OF POPULATION; TO PREVENT THE OVER CROWDING OF LAND; TO FACILITATE ADEQUATE PROVISION FOR TRANSPORTATION, WATER AND SEWERAGE AND TO PROMOTE HEALTH AND GENERAL WELFARE.

SECTION 2. ALL BUILDING LOTS MUST CONTAIN A MINIMUM LOT AREA OF 80,000 SQUARE FEET PER SINGLE FAMILY DWELLING UNIT.

SECTION 3. NO BUILDING PERMIT SHALL BE ISSUED UNTIL THE BUILDING LOT CONFORMS TO SECTION 2.

SECTION 4. THIS ORDINANCE SHALL NOT APPLY TO ANY BUILDING LOT IN EXISTENCE AT THE EFFECTIVE DATE OF THIS ORDINANCE.

SECTION 5. THE SELECTMEN OF THE TOWN OF STERLING ARE HEREBY AUTHORIZED TO BRING ANY CIVIL ACTION IN THE APPROPRIATE COURT IN THE STATE OF CONNECTICUT TO ENFORCE THIS ORDINANCE.

SECTION 6. ANY PERSON AGGRIEVED IN GRANTING OR REFUSAL TO GRANT ANY BUILDING PERMIT HEREUNDER MAY APPEAL TO THE SUPERIOR COURT OF THE STATE OF CONNECTICUT IN THE SAME MANNER AS IS PROVIDED FOR APPEALS IN CIVIL CASES.

THIS ORDINANCE SHALL TAKE EFFECT FIFTEEN (15) DAYS AFTER ITS PASSAGE.

**AN ORDINANCE PROHIBITING THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON PROPERTY OWNED AND/OR MAINTAINED BY THE TOWN OF STERLING OR ON ROADS OWNED AND/OR MAINTAINED BY THE TOWN OF STERLING OR WITHIN THE RIGHTS OF WAY OF SAID ROADS OR ON PRIVATELY OR PUBLICLY OWNED PROPERTY WITHIN THE BOUNDARIES OF THE TOWN OF STERLING WHERE THE OWNER OF SAID PROPERTY HAS SPECIFICALLY POSTED SUCH PROPERTY WITH A SIGN STATING THAT THE CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED THE REGULATION FOR THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON PROPERTY IS HEREBY DEEMED NECESSARY TO ELIMINATE LITTERING, BOISTEROUS AND TUMULTUOUS BEHAVIOR AND LOITERING WHICH WILL**

**INSURE THAT SAFETY, ORDER AND WELFARE OF THE RESIDENTS OF THE TOWN OF STERLING, THEIR FREE ACCESS AND MOVEMENT ON THE SIDEWALKS AND STREETS AND THE ENJOYMENT AND USE OF PUBLIC PROPERTY**

VOLUME 5

PAGE 145

SEPTEMBER 1981

SECTION 1. FOR THE PURPOSE OF THIS ORDINANCE, "STREET" SHALL MEAN ANY STATE HIGHWAY, TOWN HIGHWAY, OR ANY OTHER HIGHWAY OR ROAD OPEN TO THE GENERAL PUBLIC EVEN THOUGH SAID HIGHWAY MAY NOT BE FORMALLY ACCEPTED BY THE TOWN OF STERLING AS A TOWN ROAD.

SECTION 2. NO PERSON SHALL AT ANY TIME CONSUME ALCOHOLIC BEVERAGES UPON ANY STREET LOCATED WITHIN THE CONFINES OF THE TOWN OF STERLING NOR UPON ANY PREMISES OVER WHICH THE GENERAL PUBLIC HAS A RIGHT OF WAY, INCLUDING SIDEWALKS, WITHIN TWENTY (20 FEET OF THE BOUNDS OF ANY SAID STREET.

SECTION 3. NO PERSON SHALL, WITHOUT WRITTEN PERMISSION FROM THE TOWN OF STERLING, CONSUME ALCOHOLIC BEVERAGES UPON ANY PREMISES OWNED OR MAINTAINED BY THE TOWN OF STERLING FOR THE USE OF THE GENERAL PUBLIC INCLUDING BUT NOT LIMITED TO PARKS, PLAYGROUNDS, PUBLIC BUILDINGS AND PARKING AREAS.

SECTION 4. NO PERSON OTHER THAN THE OWNER, THE OCCUPANT OR HIS GUEST SHALL CONSUME ALCOHOLIC BEVERAGES UPON ANY PRIVATELY OWNED PREMISES WHEREUPON THE OWNER HAS CAUSED A SIGN TO BE POSTED AS PROVIDED IN SECTION 5 OF THIS ORDINANCE.

SECTION 5. ANY PERSON WISHING TO PROHIBIT THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON PROPERTY OWNED BY HIM IN ACCORDANCE WITH SECTION 3 OF THIS ORDINANCE MAY POST UPON SAID PREMISES A SIGN PLAINLY VISIBLE CONTAINING A WARNING "CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED BY AUTHORITY OF STERLING TOWN ORDINANCE".

SECTION 6. THIS ORDINANCE SHALL NOT AFFECT THE CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN OR UPON ANY PREMISES LICENSED BY THE STATE OF CONNECTICUT BY AUTHORITY OF THE STATE LIQUOR CONTROL COMMISSION.

SECTION 7. A VIOLATION OF THIS ORDINANCE SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN TWENTY-FIVE DOLLARS (\$25.00).

SECTION 8. THIS ORDINANCE SHALL BECOME EFFECTIVE FIFTEEN DAYS AFTER PUBLICATION IN ACCORDANCE WITH THE CONNECTICUT GENERAL STATUTES.

**SEWER ORDINANCE**  
NOVEMBER 4, 1982

ARTICLE I  
INTRODUCTION

THIS ORDINANCE ESTABLISHES THE PROCEDURES FOR MAKING CONNECTIONS TO PUBLIC SEWER IN THE TOWN OF STERLING SANITARY SEWER SYSTEM. IT ALSO ESTABLISHES SPECIFIC LIMITS FOR POLLUTANT DISCHARGES WHICH BY THEIR NATURE OR BY THE 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.

THIS ORDINANCE IS INTENDED TO:

- a. INFORM THE PUBLIC AS TO THE TECHNICAL AND ADMINISTRATIVE PROCEDURES TO BE FOLLOWED IN OBTAINING CONNECTION TO THE TOWN OF PLAINFIELD'S SANITARY SEWER SYSTEM;
- b. PREVENT THE INTRODUCTION OF POLLUTANTS INTO THE SANITARY SEWER SYSTEM WHICH WILL INTERFERE WITH THE COLLECTION AND/OR TREATMENT SYSTEM;
- c. 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.

THIS ORDINANCE SHALL APPLY TO THE PERSONS OF THE TOWN OF STERLING AND TO PERSONS OUTSIDE THE TOWN OF STERLING WHO ARE USERS OF THE PUBLIC SEWERS. EXCEPT AS OTHERWISE PROVIDED HEREIN, THE STERLING WATER POLLUTION CONTROL AUTHORITY (W.P.C.A.) SHALL OTHERWISE IMPLEMENT, AND ENFORCE THE PROVISIONS OF THIS ORDINANCE.

ARTICLE II  
DEFINITIONS

UNLESS THE CONTEXT SPECIFICALLY INDICATES OTHERWISE, THE MEANING OF THE TERMS USED IN ORDINANCE SHALL BE AS FOLLOWS:

SECTION 1. "BOD" (DENOTING BIOCHEMICAL OXYGEN DEMANDS) SHALL MEAN THE QUANTITY OF OXYGEN UTILIZED IN THE BIOCHEMICAL OXIDATION OF ORGANIC MATTER UNDER STANDARD LABORATORY PROCEDURE IN FIVE (5) DAYS AT TWENTY (20) DEGREE C, EXPRESSED IN MILLIGRAMS PER LITER.

SECTION 2. "BUILDING DRAIN" SHALL MEAN THAT PART OF THE LOWEST HORIZONTAL PIPING OF A DRAINAGE SYSTEM WHICH RECEIVES THE DISCHARGE FROM SOIL WASTE AND OTHER DRAINAGE PIPES INSIDE THE WALLS OF A BUILDING AND CONVEYS IT TO THE BUILDING SEWER, BEGINNING FIVE (5) FEET (1.5 METERS) OUTSIDE THE INNER FACE OF THE BUILDING WALL.

SECTION 3. "BUILDING SEWER" SHALL MEAN THE EXTENSION FROM THE BUILDING TO THE PUBLIC SEWER OR OTHER PLACE OF DISPOSAL.

SECTION 4. "COMBINED SEWER" SHALL MEAN THE SEWER RECEIVING BOTH SURFACE RUNOFF AND SEWAGE.

SECTION 5. "COMMISSIONER" SHALL MEAN THE COMMISSIONER OF ENVIRONMENTAL PROTECTION FOR THE STATE OF CONNECTICUT.

SECTION 6. "COOLING WATER" SHALL MEAN 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.

SECTION 7. "DOMESTIC SEWAGE" SHALL MEAN SEWAGE THAT CONSISTS OF WATER AND HUMAN EXCRETIONS OR OTHER WATERBORNE WASTES INCIDENTAL TO THE OCCUPANCY OF A RESIDENTIAL BUILDING OR NON-RESIDENTIAL BUILDING BUT NO WASTE WATER FROM WATER SOFTENING EQUIPMENT, COMMERCIAL LAUNDRY WASTE WATER, AND BLOWDOWN FROM HEATING AND COOLING EQUIPMENT.

SECTION 8. "FLOATABLE OIL" SHALL MEAN OIL, FAT, OR GREASE IN A PHYSICAL STATE SUCH THAT IT WILL SEPARATE BY THE GRAVITY FROM SEWAGE BY TREATMENT IN AN APPROVED PRETREATMENT FACILITY.

SECTION 9. "GARBAGE" SHALL MEAN SOLID WASTES FROM THE DOMESTIC AND COMMERCIAL PREPARATION, COOKING, AND DISPENSING OF FOOD, AND FROM THE HANDLING, STORAGE AND SALE OF PRODUCE.

SECTION 10. "HOLDING TANK WASTE" SHALL MEAN ANY WASTE FROM HOLDING TANKS SUCH AS VESSELS, CHEMICAL TOILETS, CAMPERS, TRAILERS AND SEPTAGE HAULING TRUCKS.

SECTION 11. "INDUSTRIAL WASTE" SHALL MEAN THE LIQUID WASTES FROM INDUSTRIAL MANUFACTURING PROCESSES, TRADE, OR BUSINESS AS DISTINCT FROM SANITARY SEWAGE.

SECTION 12. "NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT" SHALL MEAN A PERMIT ISSUED PURSUANT TO SECTION 402 OF THE CLEAN WATER ACT (33 USC 1342).

SECTION 13. "NATURAL OUTLET" SHALL MEAN ANY OUTLET IN A WATERCOURSE, POND, DITCH, LAKE OR OTHER BODY OF SURFACE OR GROUNDWATER.

SECTION 14. "PERSON" SHALL MEAN ANY INDIVIDUAL, FIRM, COMPANY, ASSOCIATION, SOCIETY, CORPORATION, OR GROUP.

SECTION 15. "pH" SHALL MEAN THE LOGARITHM OF THE RECIPROCAL THE CONCENTRATION OF HYDROGEN IONS IN MOLES PER LITER OF SOLUTION.

SECTION 16. "PROPERLY SHREDDED GARBAGE" SHALL MEAN 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 ONE-HALF (½) INCH (1.27 CENTIMETERS) IN ANY DIMENSION.

### ARTICLE III USE OF PUBLIC SEWERS REQUIRED

SECTION 1. IT SHALL BE UNLAWFUL FOR ANY PERSON TO PLACE, DEPOSIT OR PERMIT TO BE DEPOSITED IN ANY UNSANITARY MANNER ON PUBLIC OR PRIVATE PROPERTY WITHIN THE TOWN OF STERLING OR IN ANY AREA UNDER THE JURISDICTION OF SAID TOWN ANY HUMAN EXCREMENT, GARBAGE OR OTHER OBJECTIONABLE WASTE.

SECTION 2. IT SHALL BE UNLAWFUL TO DISCHARGE TO ANY NATURAL OUTLET WITHIN THE TOWN OF STERLING OR IN ANY AREA UNDER THE JURISDICTION OF SAID TOWN, ANY SEWAGE OR OTHER POLLUTED WATERS, EXCEPT WHERE SUITABLE TREATMENT HAS BEEN PROVIDED IN ACCORDANCE WITH SUBSEQUENT PROVISIONS OF THIS ORDINANCE.

SECTION 3. THE OWNER OF ALL HOUSES, BUILDINGS OR PROPERTIES USED FOR HUMAN OCCUPANCY, EMPLOYMENT, RECREATION OR OTHER PURPOSES, SITUATED WITHIN THE TOWN AND ABUTTING ON ANY STREET, ALLEY, OR RIGHT-OF-WAY IN WHICH THERE IS NOW LOCATED OR MAY IN THE FUTURE BE LOCATED A PUBLIC SANITARY OR COMBINED SEWER OF THE TOWN, IS HEREBY REQUIRED AT HIS EXPENSE TO INSTALL SUITABLE TOILET FACILITIES THEREIN, AND TO CONNECT SUCH FACILITIES DIRECTLY WITH THE PROPER PUBLIC SEWER IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE, WITHIN NINETY (90) DAYS AFTER DATE OF OFFICIAL NOTICE TO DO SO, PROVIDED THAT SAID PUBLIC SEWER IS WITHIN ONE HUNDRED (100) FEET (305 METERS) OF THE PROPERTY LINE.

SECTION 4. AT SUCH TIME AS A PRIVATE SEWER BECOMES AVAILABLE TO A PROPERTY SERVED BY A PRIVATE SEWAGE DISPOSAL SYSTEM, A DIRECT CONNECTION SHALL BE MADE TO THE PUBLIC SEWER IN COMPLIANCE WITH THIS ORDINANCE, ANY SEPTIC TANKS, CESSPOOLS, AND SIMILAR PRIVATE SEWAGE DISPOSAL FACILITIES SHALL BE ABANDONED FOR USE AS A SEWER SYSTEM.

SECTION 5. NO STATEMENT CONTAINED IN THIS ARTICLE SHALL BE CONSTRUED TO INTERFERE WITH ANY ADDITIONAL REQUIREMENTS THAT MAY BE IMPOSED BY THE DIRECTOR OF HEALTH.

SECTION 6. WHEN A PUBLIC SEWER BECOMES AVAILABLE, THE BUILDING SEWER SHALL BE CONNECTED TO SAID SEWER WITHIN NINETY (90) DAYS AND AFTER OFFICIAL NOTICE, AND THE PRIVATE SEWAGE DISPOSAL SYSTEM SHALL BE CLEANED OF SLUDGE AND FILLED WITH CLEAN BANK-RUN GRAVEL OR DIRT, UNLESS IT IS TO BE USED AS A DRY WELL.

ARTICLE IV  
BUILDING SEWERS AND CONNECTIONS

SECTION 1. NO AUTHORIZED PERSON SHALL UNCOVER, MAKE ANY CONNECTIONS WITH OR OPENING INTO, USE, ALTER, OR DISTURB ANY PUBLIC SEWER OR APPURTENANCE THEREOF WITHOUT FIRST OBTAINING A WRITTEN PERMIT FROM THE (SUPERINTENDENT).

SECTION 2. THERE SHALL BE TWO (2) CLASSES OF BUILDING SEWER PERMITS: (A) FOR RESIDENTIAL AND COMMERCIAL SERVICE, AND (B) FOR SERVICE TO ESTABLISHMENTS PRODUCING INDUSTRIAL WASTES. IN EITHER CASE, THE OWNER OR HIS AGENT SHALL MAKE APPLICATION ON A SPECIAL FORM FURNISHED BY THE TOWN. THE PERMIT APPLICATION SHALL BE SUPPLEMENTED BY ANY PLANS, SPECIFICATIONS OR OTHER INFORMATION CONSIDERED PERTINENT IN THE JUDGEMENT OF THE (SUPERINTENDENT). A PERMIT AND INSPECTION FEE OF TEN (10) DOLLARS FOR A RESIDENTIAL OR COMMERCIAL BUILDING SEWER PERMIT AND TWENTY-FIVE (25) DOLLARS PLUS ENGINEERING AND CONSULTATION FEES IF NECESSARY, FOR AN INDUSTRIAL BUILDING SEWER PERMIT SHALL BE PAID TO THE TOWN AT THE TIME OF THE FILING OF THE APPLICATION. ANY PERSON PROPOSING A NEW DISCHARGE INTO THE PUBLIC SEWER SYSTEM OR A SUBSTANTIAL CHANGE IN THE VOLUME OR CHARACTER OF POLLUTANTS THAT ARE BEING DISCHARGED INTO THE PUBLIC SEWER SYSTEM SHALL NOTIFY THE SUPERINTENDENT AT LEAST FOURTH-FIVE (45) DAYS PRIOR TO THE PROPOSED CHANGE OR CONNECTION.

SECTION 3. ALL COSTS AND EXPENSES INCIDENT TO THE INSTALLATION AND CONNECTION OF THE BUILDING SEWER SHALL BE BORNE BY THE OWNER. THE OWNER SHALL INDEMNIFY THE TOWN FROM ANY LOSS OR DAMAGE THAT MAY DIRECTLY OR INDIRECTLY BE OCCASIONED BY THE INSTALLATION OF THE BUILDING SEWER.

SECTION 4. A SEPARATE AND INDEPENDENT BUILDING SEWER SHALL BE PROVIDED FOR EVERY BUILDING; EXCEPT WHERE ONE BUILDING STANDS AT THE REAR OF ANOTHER ON AN INTERIOR LOT AND NO PRIVATE SEWER IS AVAILABLE OR CAN BE CONSTRUCTED TO THE REAR BUILDING THROUGH THE ADJOINING ALLEY, COURT, YARD OR DRIVEWAY, THE BUILDING SEWER FROM THE FRONT BUILDING MAY BE EXTENDED TO THE REAR BUILDING AND THE WHOLE CONSIDERED AS ONE BUILDING SEWER. A BUILDING SEWER CAN BE PROVIDED FOR MORE THAN ONE BUILDING IF APPROVED BY THE SUPERINTENDENT. PROPER EASEMENTS MUST BE PROVIDED BY THE OWNER OR OWNERS.

SECTION 5. OLD BUILDING SEWERS MAY BE USED IN CONNECTION WITH NEW BUILDING ONLY WHEN THEY ARE FOUND ON EXAMINATION AND TEST APPROVED BY THE STERLING SWPCA, TO MEET ALL REQUIREMENTS OF THIS ORDINANCE. ALL COSTS INCURRED BY TESTS TO BE BORNE BY OWNER.

SECTION 6. THE SIZE, SLOPE, ALIGNMENT, MATERIALS OF CONSTRUCTION OF A BUILDING SEWER AND THE METHODS TO BE USED IN EXCAVATION PLACING OF THE PIPE, JOINTING, TESTING AND BACKFILLING THE TRENCH, SHALL ALL CONFORM TO THE REQUIREMENTS OF THE BUILDING AND PLUMBING CODE OR OTHER APPLICABLE RULES AND REGULATIONS OF THE TOWN. IN THE ABSENCE OF CODE PROVISIONS OR IN AMPLIFICATION THEREOF, THE MATERIALS AND PROCEDURES SET FORTH IN APPROPRIATE SPECIFICATIONS OF THE AMERICAN STANDARD FOR TESTING MATERIALS (A.S.T.M.) AND WATER POLLUTION CONTROL FEDERATION (W.P.C.F.) MANUAL OF PRACTICE NO. 9 SHALL APPLY.

SECTION 7. WHENEVER POSSIBLE, THE BUILDING SEWER SHALL BE BROUGHT TO THE BUILDING AT AN ELEVATION BELOW THE BASEMENT DOOR. 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 DRAINS SHALL BE LIFTED BY AN APPROVED MEANS AND DISCHARGE TO THE BUILDING SEWER, IF SO DIRECTLY OR INDIRECTLY TO PUBLIC SANITARY SEWER.

SECTION 8. NO PERSON SHALL MAKE CONNECTION OF ROOF DOWN SPOUTS, 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 PUBLIC SANITARY SEWER.

SECTION 9. NO BUILDING SEWER MAY BE LOCATED WITHIN TWENTY-FIVE (25) FEET OF A PRIVATE WELL, NOR WITHIN ONE HUNDRED (100) FEET TO A PUBLIC WELL

SECTION 10. BUILDING SEWERS SHALL NOT BE LOCATED WITHIN TWENTY-FIVE (25) TO SEVENTY-FIVE (75) FEET DISTANCE FROM A PRIVATE WELL EXCEPT AS APPROVED BY THE LOCAL DIRECTOR OF HEALTH.

SECTION 11. BUILDING SEWERS WHICH MUST BE LOCATED WITHIN TWENTY-FIVE (25) TO SEVENTY-FIVE (75) FEET FROM A PRIVATE WELL SHALL BE EITHER CAST IRON PIPE WITH LEADED JOINTS, ASBESTOS CEMENT PIPE WITH STANDARD O-RING GASKETS, OR CLAY PIPE WITH TYPE III JOINTS. IN ANY CASE, THE PIPE SHALL BE TESTED TO ASSURE A LEAKAGE NOT TO EXCEED FIFTY (50) GALLONS, PER MILE, PER INCH DIAMETER PER DAY, TESTED A MINIMUM HYDRAULIC HEAD OF AT LEAST TWO (2) FEET. BUILDING SEWERS WHICH MUST BE LOCATED WITHIN TWENTY-FIVE (25) TO SEVENTY-FIVE (75) FEET FROM A PRIVATE WELL SHALL BE INSTALLED IN STRICT ACCORDANCE WITH THE LATEST STATE PLUMBING CODE.

SECTION 12. THE CONNECTION OF BUILDING SEWER INTO THE PUBLIC SEWER SHALL CONFORM TO THE REQUIREMENTS OF THE BUILDING PLUMBING CODE OR OTHER APPLICABLE RULES AND REGULATIONS OF THE TOWN, OR THE PROCEDURES SET FORTH IN APPROPRIATE SPECIFICATIONS OF THE A.S.T.M. AND THE W.P.C.F. MANUAL OF PRACTICE NO. 9. ALL SUCH CONNECTIONS SHALL BE MADE

GAS TIGHT AND WATER TIGHT. ANY DEVIATION FROM THE DESCRIBED PROCEDURES AND MATERIALS MUST BE SO LOCATED AS TO AFFORD FACILITIES FOR HYDRAULIC AND PNEUMATIC TESTING OF THE ENTIRE SYSTEM.

SECTION 13. BUILDING SEWERS SHALL BE INSTALLED WITHOUT NINETY (90) DEGREE AND SHORT BODY BENDS AND SHALL BE INSTALLED WITH TEES OR BENDS SO LOCATED AS TO AFFORD FACILITIES FOR HYDRAULIC OR PNEUMATIC TESTING OF THE ENTIRE SEWER. WHERE CONDITIONS REQUIRE THAT BUILDING SEWERS MUST BE INSTALLED WITH NINETY (90) DEGREE BENDS OR TEES, THESE BENDS OR TEES MUST BE SO LOCATED AS TO AFFORD FACILITIES FOR HYDRAULIC AND PNEUMATIC TESTING OF THE ENTIRE SYSTEM.

SECTION 14. THE APPLICANT FOR THE BUILDING SEWER PERMIT SHALL NOTIFY THE STERLING W.P.C.A. WHEN THE BUILDING SEWER IS READY FOR INSPECTION AND CONNECTION FOR THE PUBLIC SEWER. THE CONNECTION SHALL BE MADE UNDER THE SUPERVISION OF THE STERLING W.P.C.A. OR ITS REPRESENTATIVE.

SECTION 15. ALL EXCAVATIONS FOR BUILDING SEWER INSTALLATION SHALL BE ADEQUATELY GUARDED WITH BARRICADES AND LIGHTS SO AS TO PROTECT THE PUBLIC FROM HAZARD. STREETS, SIDEWALKS, PARKWAYS AND OTHER PUBLIC PROPERTY DISTURBED IN THE COURSE OF WORK SHALL BE RESTORED IN A MANNER SATISFACTORY TO THE TOWN.

#### ARTICLE V USE OF PUBLIC SEWERS

SECTION 1. NO PERSON SHALL DISCHARGE OR CAUSE TO BE DISCHARGED ANY UNPOLLUTED WATERS SUCH AS STORM WATER, SURFACE WATER, GROUNDWATER, ROOF RUNOFF, SUBSURFACE DRAINAGE, IN CONTAMINATED COOLING WATER OR UNPOLLUTED INDUSTRIAL PROCESS WATERS TO ANY SANITARY SEWER.

SECTION 2. STORM WATER AND ALL OTHER UNPOLLUTED DRAINAGE SHALL BE DISCHARGED TO SUCH SEWERS AS ARE SPECIFICALLY DESIGNATED AS COMBINED SEWERS OR STORM SEWERS OR TO A NATURAL OUTLET APPROVED BY THE STERLING W.P.C.A. INDUSTRIAL COOLING WATER OR UNPOLLUTED PROCESS WATERS MAY BE DISCHARGED, ON APPROVAL OF THE STERLING W.P.C.A. TO STORM WATER COMBINED SEWER OR NATURAL OUTLET.

SECTION 3. NO PERSONS SHALL DISCHARGE ANY OF THE FOLLOWING DESCRIBED WATERS OR WASTES TO ANY PUBLIC SEWERS:

(a) ANY GASOLINE, BENZENE, NAPHTHA, FUEL OIL, OR FLAMMABLE OR EXPLOSIVE LIQUID, SOLID, OR GAS.

(b) ANY WATERS OR WASTES CONTAINING TOXIC OR POISONOUS SOLIDS, LIQUIDS, OR GASES IN SUFFICIENT QUANTITY, EITHER SINGLY OR BY INTERACTION WITH OTHER WASTES, TO INJURE OR

INTERFERE WITH ANY SEWAGE TREATMENT PROCESS, CONSTITUTE A HAZARD TO HUMANS OR ANIMALS, CREATE A PUBLIC NUISANCE, OR CREATE ANY HAZARD IN THE RECEIVING WATERS OF THE SEWAGE TREATMENT PLANT.

(c) ANY WATERS OR WASTES HAVING pH LOWER THAN FIVE AND FIVE TENTHS (5.5) OR HAVING ANY OTHER CORROSIVE PROPERTY CAPABLE OF CAUSING DAMAGE OR HAZARD TO STRUCTURES, EQUIPMENT AND PERSONNEL OF THE SEWAGE WORKS.

(d) SOLID OR VISCOUS SUBSTANCES IN QUANTITIES OR OF SUCH SIZE CAPABLE OF CAUSING OBSTRUCTION THE FLOW IN SEWERS OR OTHER INTERFERENCE WITH THE PROPER OPERATION OF THE SEWAGE WORKS SUCH AS BUT NOT LIMITED TO ASHES, CINDERS, SAND, MUD, STRAW, SHAVINGS, METAL, GLASS, RAGS, FEATHERS, TAR, PLASTICS, WOOD, UNDERGROUND GARBAGE, WHOLE BLOOD, PAUNCH MANURE, HAIR AND FLUSHING, ENTRAILS, AND PAPER DISHES, CUPS, MILK CONTAINERS, ETC. EITHER WHOLE OR GROUND BY GARBAGE GRINDERS.

SECTION 4. NO PERSON SHALL DISCHARGE OR CAUSE TO BE DISCHARGED THE FOLLOWING DESCRIBED SUBSTANCES, MATERIALS, WATERS OR WASTES, IF IT APPEARS LIKELY IN THE OPINION OF THE STERLING W.P.C.A. THAT SUCH WASTES CAN HARM EITHER THE SEWERS, SEWAGE TREATMENT PROCESS OR EQUIPMENT, HAVE ADVERSE EFFECT ON THE RECEIVING STREAM, OR CAN OTHERWISE ENDANGER LIFE, LIMB, PUBLIC PROPERTY, OR CONSTITUTE A NUISANCE. IN FORMING ITS OPINION AS TO THE ACCEPTABILITY OF THESE WASTES. THE STERLING W.P.C.A. WILL GIVE CONSIDERATION TO SUCH FACTORS AS THE QUANTITIES OF THE SUBJECT WASTES IN RELATION TO FLOWS AND VELOCITIES IN THE SEWERS, MATERIALS OF CONSTRUCTION OF THE SEWERS, NATURE OF THE SEWAGE TREATMENT PROCESS, CAPACITY OF THE SEWAGE TREATMENT PLANT, DEGREE OF TREATABILITY OF WASTE IN THE SEWAGE TREATMENT PLANT, AND OTHER PERTINENT FACTORS. THE SUBSTANCES PROHIBITED ARE:

(a) ANY LIQUID OR VAPOR HAVING A TEMPERATURE HIGHER THAN ONE HUNDRED FIFTY (150) DEGREES FAHRENHEIT OR SIXTY-FIVE (65) DEGREES CELSIUS.

(b) ANY WATER OR WASTE CONTAINING FATS, WAX, GREASE, OR OILS WHETHER EMULSIFIED OR NOT, IN EXCESS OF ONE HUNDRED (100) MG/L OR CONTAINING SUBSTANCES WHICH MAY SOLIDIFY OR BECOME VISCOUS AT TEMPERATURES BETWEEN THIRTY-TWO (32) AND ONE HUNDRED FIFTY (150) DEGREES F OR ZERO (0) TO SIXTY-FIVE (65) DEGREES.

(c) ANY GARBAGE THAT HAS NOT BEEN PROPERLY SHREDDED. THE INSTALLATION AND OPERATION OF ANY GARBAGE GRINDER EQUIPPED WITH A MOTOR OF THREE/FOURTHS (3/4) HORSEPOWER (0.76 HP METRIC) OR GREATER SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE STERLING S.W.P.C.A.

(d) ANY WATERS OR WASTES CONTAINING STRONG ACID IRON PICKLING WASTES, OR CONCENTRATED PLATING SOLUTION WHETHER NEUTRALIZED OR NOT.

(e) ANY WATERS OR WASTES CONTAINING IRON, CHROMIUM, COPPER, ZINC, AND SIMILAR OBJECTIONABLE OR TOXIC SUBSTANCES; OR WASTES EXERTING AN EXCESSIVE CHLORINE REQUIREMENT, TO SUCH A DEGREE THAT ANY SUCH MATERIAL RECEIVED IN THE COMPOSITE SEWAGE AT THE SEWAGE TREATMENT WORKS EXCEEDS THE LIMITS ESTABLISHED BY THE STERLING W.P.C.A. FOR SUCH MATERIALS.

(f) ANY WATERS CONTAINING PHENOLS OR OTHER TASTE OR ODOR-PRODUCING SUBSTANCES IN SUCH CONCENTRATIONS EXCEEDING LIMITS WHICH MAY BE ESTABLISHED BY THE STERLING W.P.C.A. AS NECESSARY, AFTER TREATMENT OF THE COMPOSITE SEWAGE, TO MEET THE REQUIREMENTS OF THE STATE, FEDERAL OR OTHER PUBLIC AGENCIES OF JURISDICTION OF SUCH DISCHARGE TO THE RECEIVING WATERS.

(g) ANY RADIOACTIVE WASTES OR ISOTOPES OF SUCH HALF-LIFE OR CONCENTRATION AS MAY EXCEED LIMITS ESTABLISHED BY THE STERLING W.P.C.A. IN COMPLIANCE WITH ALL APPLICABLE STATE AND FEDERAL REGULATIONS.

(h) ANY WATERS OF WASTE HAVING A pH LOWER THAN FIVE AND FIVE TENTHS (5.5).

(i) MATERIALS WHICH EXERT OR CAUSE:

1. UNUSUAL CONCENTRATIONS OF INERT SUSPENDED SOLIDS SUCH AS, BUT NOT LIMITED TO, FULLERS, EARTH, LIME SLURRIES, AND LIME RESIDUES, OR DISSOLVED SOLIDS (SUCH AS BUT NOT LIMITED TO, SODIUM, CHLORIDE AND SODIUM SULFATE).
2. EXCESSIVE DISCOLORATION (SUCH AS, BUT NOT LIMITED TO DYE WASTES AND VEGETABLE TANNING SOLUTIONS).
3. UNUSUAL BOD, CHEMICAL OXYGEN DEMAND OR CHLORINE REQUIREMENTS IN SUCH QUANTITIES AS TO CONSTITUTE A SIGNIFICANT LOAD ON THE SEWAGE TREATMENT WORKS.
4. UNUSUAL VOLUME OF FLOW OR CONCENTRATION OF WASTES CONSTITUTING SLUGS AS DEFINED HEREIN.

(j) SEWAGE WITH A CONCENTRATION OF POLLUTANTS IN EXCESS OF THE FOLLOWING LIMITS:

POLLUTANT	CONCENTRATION PARTS/MILLION (MG/L)
ARSENIC AS AS	0.05
BARIUM AS Ba	5.0
BORON AS B	5.0
CYANIDE AS CN (AMENDABLE)	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
NICKEL	1.0

NOTE: ALL METALS ARE TO BE MEASURED AS TOTAL METALS.

(k) WATERS OR WASTES CONTAINING SUBSTANCES WHICH ARE NOT AMENABLE TO TREATMENT OR REDUCTION BY THE SEWAGE TREATMENT OR REDUCTION BY THE SEWAGE TREATMENT PROCESS EMPLOYED, OR ARE AMENABLE TO TREATMENT ONLY TO SUCH A DEGREE THAT THE SEWAGE TREATMENT PLANT EFFLUENT CANNOT MEET THE REQUIREMENTS OF OTHER AGENCIES HAVING JURISDICTION OVER DISCHARGE TO THE RECEIVING WATERS.

SECTION 5. 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 SECTION 4 OF THIS ARTICLE, AND WHICH IN THE JUDGEMENT OF THE STERLING W.P.C.A. MAY HAVE A DELETERIOUS EFFECT UPON THE SEWAGE WORKS, PROCESS, EQUIPMENT, OR RECEIVING WATERS, OR WHICH OTHERWISE CREATE A HAZARD TO LIVE OR CONSTITUTE A PUBLIC NUISANCE, THE STERLING W.P.C.A. MAY:

- (a) REJECT THE WASTES;
- (b) REQUIRE PRETREATMENT TO AN ACCEPTABLE CONDITION FOR DISCHARGE TO THE PUBLIC SEWERS;
- (c) REQUIRE ADDITIONAL PAYMENT TO COVER THE ADDED COST OF HANDLING AND TREATING THE WASTES UNDER THE PROVISIONS OF SECTION 13 OF THIS ARTICLE: AND/OR
- (d) REQUIRE CONTROL OVER THE QUANTITIES AND RATES OF DISCHARGE. IF THE STERLING W.P.C.A. PERMITS THE PRETREATMENT OR EQUALIZATION OF WASTE FLOWS, THE DESIGN AND INSTALLATION OF THE PLANTS AND EQUIPMENT SHALL BE SUBJECT TO REVIEW AND APPROVAL OF THE STERLING W.P.C.A. AND SUBJECT TO THE REQUIREMENTS OF ALL APPLICABLE CODES, ORDINANCES AND LAWS.

SECTION 6. IN ACCORDANCE WITH SECTION 24-431 OF THE CONNECTICUT GENERAL STATUTES AS AMENDED, A PERMIT FROM THE COMMISSIONER OF ENVIRONMENTAL PROTECTION IS REQUIRED PRIOR TO THE INITIATION OF A DISCHARGE OF ANY OF THE FOLLOWING WASTE WATERS 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.

A POTENTIAL DISCHARGER MUST SUBMIT A PERMIT APPLICATION TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION NOT LATER THAN NINETY (90) DAYS PRIOR TO THE ANTICIPATED DATE OF INITIATION OF THE PROPOSED DISCHARGE.

SECTION 7. EACH USER SHALL PROVIDE PROTECTION FROM ACCIDENTAL DISCHARGE OF PROHIBITED MATERIALS OR OTHER SUBSTANCES REGULATED BY THIS ORDINANCE. FACILITIES TO PREVENT ACCIDENTAL DISCHARGE OF PROHIBITED MATERIAL SHALL BE PROVIDED AND MAINTAINED AT THE OWNER OR USER'S EXPENSE.

THE COMMISSIONER MAY REQUIRE THAT PLANS SHOWING FACILITIES AND OPERATING PROCEDURES BE SUBMITTED FOR REVIEW AND APPROVAL PRIOR TO CONSTRUCTION OF THE FACILITIES. WITHIN FIVE (5) DAYS FOLLOWING AN ACCIDENTAL DISCHARGE, THE USER SHALL SUBMIT TO THE SUPERINTENDENT AND THE COMMISSIONER, 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 W.P.C.A. 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 ORDINANCE OR OTHER APPLICABLE LAW.

A NOTICE SHALL BE PERMANENTLY POSTED ON THE USERS' BULLETIN BOARD OR OTHER PROMINENT PLACE ADVISING EMPLOYEES WHOM TO CALL IN THE EVENT OF A DANGEROUS DISCHARGE. EMPLOYERS SHALL INSURE THAT ALL EMPLOYEES ARE ADVISED OF THE EMERGENCY NOTIFICATION PROCEDURE.

SECTION 9 (*sic*). WHERE PRELIMINARY TREATMENT OF FLOW-EQUALIZING STUDIES ARE PROVIDED FOR ANY WATERS OR WASTES THEY SHALL BE MAINTAINED CONTINUOUSLY IN SATISFACTORY AND EFFECTIVE OPERATION THE OWNER AT HIS EXPENSE.

SECTION 10. WHEN REQUIRED BY THE STERLING W.P.C.A. THE OWNER OF ANY PROPERTY SERVICED BY A BUILDING SEWER CARRYING INDUSTRIAL WASTES SHALL INSTALL SUITABLE CONTROL MANHOLE TOGETHER WITH SUCH NECESSARY METERS, AND OTHER APPURTENANCES IN THE BUILDING SEWER TO FACILITIES OBSERVATION, SAMPLING AND MEASUREMENT OF THE WATERS. SUCH 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.

SECTION 11. ALL MEASUREMENTS, TESTS AND ANALYSIS OF THE CHARACTERISTICS OF WATERS AND WASTES TO WHICH REFERENCE IS MADE IN THIS ORDINANCE SHALL BE DETERMINED IN ACCORDANCE WITH THE LATEST EDITION OF "STANDARD METHODS FOR THE EXAMINATION OF WATER AND WASTEWATER", PUBLISHED BY THE AMERICAN PUBLIC HEALTH ASSOCIATION, AND SHALL BE DETERMINED AT THE CONTROL MANHOLE PROVIDED, OR UPON SUITABLE SAMPLES TAKEN AT SAID CONTROL MANHOLE. IN THE EVENT THAT NO SPECIAL MANHOLE HAS BEEN REQUIRED, THE CONTROL MANHOLE SHALL BE CONSIDERED TO BE THE NEAREST DOWNSTREAM MANHOLE IN THE PUBLIC SEWER TO THE POINT AT WHICH THE BUILDING SEWER IS CONNECTED. SAMPLING SHALL BE CARRIED OUT BY CUSTOMARILY ACCEPTED METHODS TO REFLECT THE EFFECT OF CONSTITUENTS UPON THE SEWAGE WORKS AND TO DETERMINE THE EXISTENCE OF HAZARDS OF LIFE, LIMB AND PROPERTY. (THE PARTICULAR ANALYSES INVOLVED WILL DETERMINE WHETHER A TWENTY-FOUR (24) HOUR COMPOSITE OF ALL OUT FALLS ON A PREMISE IS APPROPRIATE OR WHETHER A GRAB SAMPLE OF SAMPLES SHOULD BE TAKEN. NORMALLY, BUT NOT ALWAYS BOD AND SUSPENDED SOLIDS AND AN ANALYSES ARE OBTAINED FROM TWENTY-FOUR(24) HOUR COMPOSITES OF ALL OUT FALLS WHEREAS pHs ARE DETERMINED FROM PERIODIC GRAB SAMPLES.)

SECTION 12. ALL INDUSTRIES DISCHARGING INTO A PUBLIC SEWER SHALL PERFORM SUCH MONITORING OF THEIR DISCHARGE AS REQUIRED BY THE COMMISSION IN ANY STATE DISCHARGE PERMIT ISSUED PURSUANT TO SECTION 25-54i OF THE CONNECTICUT GENERAL STATUTES, AS AMENDED, INCLUDING BUT NOT LIMITED TO, INSTALLATION USE, AND MAINTENANCE OF MONITORING EQUIPMENT, KEEPING RECORDS AND REPORTING THE RESULTS TO THE COMMISSIONER. SUCH RECORDS SHALL BE MADE AVAILABLE UPON REQUEST OF THE COMMISSIONER OR THE SUPERINTENDENT.

SECTION 13. NO STATEMENT CONTAINED IN THIS ARTICLE SHALL BE CONSTRUED AS PREVENTING ANY SPECIAL AGREEMENT OR ARRANGEMENT BETWEEN THE TOWN AND ANY INDUSTRIAL CONCERN WHEREBY AN INDUSTRIAL WASTE OR UNUSUAL STRENGTH OR CHARACTER MAY BE ACCEPTED BY THE TOWN FOR TREATMENT, SUBJECT TO PAYMENT THEREOF, BY THE INDUSTRIAL CONCERN.

#### ARTICLE VI PROTECTION FROM DAMAGE

SECTION 1. NO UNAUTHORIZED PERSON SHALL MALICIOUSLY, WILLFULLY OR NEGLIGENTLY BREAK, DAMAGE, DESTROY, UNCOVER, DEFACE OR TAMPER WITH ANY ARCHITECTURE, APPURTENANCE, OR EQUIPMENT WHICH IS A PART OF THE SEWAGE WORKS. ANY PERSON VIOLATING THIS PROVISION SHALL BE SUBJECT TO IMMEDIATE ARREST UNDER CHARGE OF DISORDERLY CONDUCT.

#### ARTICLE VII POWERS AND AUTHORITY OF INSPECTORS

SECTION 1. THE STERLING W.P.C.A. AND OTHER DULY AUTHORIZED EMPLOYEES OF THE TOWN 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 THIS ORDINANCE. THE STERLING W.P.C.A. OR ITS REPRESENTATIVES SHALL HAVE NO AUTHORITY TO INQUIRE INTO ANY PROCESSES INCLUDING METALLURGICAL, CHEMICAL, OIL, REFINING, CERAMIC, PAPER, OR OTHER INDUSTRIES BEYOND THE POINT HAVING A DIRECT BEARING ON THE KIND AND SOURCE OF DISCHARGE TO THE SEWERS OR WATERWAYS OF FACILITIES FOR WASTE TREATMENT.

SECTION 2. WHILE PERFORMING THE NECESSARY WORK ON PRIVATE PROPERTIES REFERRED TO IN ARTICLE VII, SECTION 1 ABOVE, THE STERLING W.P.C.A. OR DULY AUTHORIZED EMPLOYEES OF THE TOWN SHALL OBSERVE ALL SAFETY RULES APPLICABLE TO THE PREMISES ESTABLISHED BY THE COMPANY AND THE COMPANY SHALL BE HELD HARMLESS FOR INJURY OR DEATH TO THE TOWN EMPLOYEES AND THE TOWN SHALL INDEMNIFY THE COMPANY AGAINST LOSS OR DAMAGE TO ITS PROPERTY BY TOWN EMPLOYEES AGAINST LIABILITY CLAIMS AND DEMANDS FOR PERSONAL INJURY OR PROPERTY DAMAGE ASSERTED AGAINST THE COMPANY BY NEGLIGENCE OR FAILURE OF THE COMPANY TO MAINTAIN SAFE CONDITIONS AS REQUIRED IN ARTICLE V, SECTION 10.

SECTION 3. THE STERLING W.P.C.A. AND OTHER DULY AUTHORIZED EMPLOYEES OF THE TOWN BEARING PROPER CREDENTIALS AND IDENTIFICATION SHALL BE PERMITTED TO ENTER ALL 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 NEGOTIATED EASEMENT PERTAINING TO THE PRIVATE PROPERTY INVOLVED.

#### ARTICLE VIII PENALTIES

SECTION 1. ANY PERSON FOUND TO BE VIOLATING ANY PROVISIONS OF THIS ORDINANCE EXCEPT ARTICLE VII SHALL BE SERVED BY THE TOWN WITH WRITTEN NOTICE STATING THE NATURE OF THE VIOLATION AND PROVIDING A REASONABLE TIME LIMIT FOR THE SATISFACTORY CORRECTION THEREOF. THE OFFENDER SHALL, WITHIN THE PERIOD OF TIME STATED IN SUCH NOTICE, PERMANENTLY CEASE ALL VIOLATIONS.

SECTION 2. ANY PERSON WHO SHALL CONTINUE ANY VIOLATION BEYOND THE TIME LIMIT PROVIDED FOR IN ARTICLE VIII, SECTION A, SHALL BE FINED IN THE AMOUNT NOT EXCEEDING TWENTY-FIVE (25) DOLLARS FOR EACH VIOLATION. EACH DAY IN WHICH ANY SUCH VIOLATION SHALL CONTINUE SHALL BE DEEMED A SEPARATE OFFENSE.

SECTION 3. ANY PERSON VIOLATING ANY OF THE PROVISION OF THIS ORDINANCE SHALL BECOME LIABLE TO THE TOWN FOR ANY EXPENSE, LOSS OR DAMAGE OCCASIONED THE TOWN BY REASONS OF SUCH VIOLATION.

#### ARTICLE IX

VALIDITY

SECTION 1. ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH ARE REPEALED.

SECTION 2. THE INVALIDITY OF ANY SECTION, CLAUSE, SENTENCE OR PROVISION OF THIS ORDINANCE SHALL NOT AFFECT THE VALIDITY OF ANY OTHER PART OF THIS ORDINANCE WHICH CAN BE GIVEN EFFECT WITHOUT SUCH INVALID PART OR PARTS.

SECTION X  
ORDINANCE IN FORCE

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, RECORDING AND PUBLICATION AS APPROVED BY LAW. PASSED AND ADOPTED BY THE TOWN MEETING OF THE TOWN OF STERLING, STATE OF CONNECTICUT ON THE 19TH DAY OF OCTOBER, BY THE FOLLOWING VOTE:

AYES - 8 NAMELY TO ACCEPT THE ORDINANCE  
NAYS - 1 NAMELY TO REJECT THE ORDINANCE.  
APPROVED THIS 19TH DAY OF OCTOBER 1982.

ROBERT P. JORDAN, FIRST SELECTMAN  
ROSE MARIE LAMBERT, TOWN CLERK

PUBLISHED IN THE NORWICH BULLETIN, NOVEMBER 4, 1982

ATTEST: ROSE MARIE LAMBERT  
TOWN CLERK

**FLOOD DAMAGE PREVENTION ORDINANCE**

SECTION 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT PURPOSE AND OBJECTIVES:

1.1 STATUTORY AUTHORIZATION

THE LEGISLATURE OF THE STATE OF CONNECTICUT HAS IN TITLE 7 DELEGATED THE RESPONSIBILITY TO LOCAL GOVERNMENTAL UNITS TO ADOPT REGULATIONS DESIGNED TO PROMOTE THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE OF ITS CITIZENRY. THEREFORE, THE SPECIAL TOWN MEETING OF STERLING, CONNECTICUT DOES ORDAIN AS FOLLOWS:

1.2 FINDINGS OF FACT

(1) THE FLOOD HAZARD AREAS OF STERLING ARE SUBJECT TO PERIODIC, INUNDATION WHICH RESULTS IN LOSS OF LIFE AND PROPERTY, HEALTH AND SAFETY HAZARDS, DISRUPTION OF COMMERCE AND GOVERNMENTAL SERVICES, EXTRAORDINARY PUBLIC EXPENDITURES FOR FLOOD PROTECTION AND RELIEF, AND IMPAIRMENT OF THE TAX BASE, ALL OF WHICH ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE.

(2) THESE FLOOD LOSSES ARE CAUSED BY THE CUMULATIVE EFFECT OF OBSTRUCTIONS IN AREAS OF SPECIAL FLOOD HAZARDS WHICH INCREASE FLOOD HEIGHTS AND VELOCITIES, AND WHEN INADEQUATELY ANCHORED, DAMAGE USES IN OTHER AREAS. USES THAT ARE INADEQUATELY FLOOD PROOFED, ELEVATED OR OTHERWISE PROTECTED FROM FLOOD DAMAGE ALSO CONTRIBUTE TO THE FLOOD LOSS.

### 1.3. STATEMENT OF PURPOSE

IT IS THE PURPOSE OF THIS ORDINANCE TO PROMOTE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE, AND TO MINIMIZE PUBLIC AND PRIVATE LOSSES DUE TO FLOOD CONDITIONS IN SPECIFIC AREAS BY PROVISIONS DESIGNED:

1. TO PROTECT HUMAN LIFE AND HEALTH;
2. TO MINIMIZE EXPENDITURE OF PUBLIC MONEY FOR COSTLY FLOOD CONTROL PROJECTS;
3. TO MINIMIZE THE NEED FOR RESCUE AND RELIEF EFFORTS ASSOCIATED WITH FLOODING AND GENERALLY UNDERTAKEN AT THE EXPENSE OF THE GENERAL PUBLIC;
4. TO MINIMIZE PROLONGED BUSINESS INTERRUPTIONS;
5. TO MINIMIZE DAMAGE TO PUBLIC FACILITY AND UTILITIES SUCH AS WATER AND GAS MAINS, ELECTRIC, TELEPHONE AND SEWER LINES, STREETS AND BRIDGES LOCATED IN AREAS OF SPECIAL FLOOD HAZARD;
6. TO HELP MAINTAIN A STABLE TAX BASE BY PROVIDING FOR THE SECOND USE AND DEVELOPMENT OF AREAS OF SPECIAL FLOOD HAZARD SO AS TO MINIMIZE FUTURE FLOOD BLIGHT AREAS;
7. TO INSURE THAT POTENTIAL BUYERS ARE NOTIFIED THAT PROPERTY IS IN AN AREA OF SPECIAL FLOOD HAZARD; AND
8. TO ENSURE THAT THOSE WHO OCCUPY THE AREAS OF SPECIAL FLOOD HAZARD ASSUME RESPONSIBILITY FOR THEIR ACTIONS.

### 1.4 METHODS OF REDUCING FLOOD LOSSES

IN ORDER TO ACCOMPLISH ITS PURPOSES, THIS ORDINANCE INCLUDES METHODS AND PROVISIONS FOR:

1. RESTRICTING OR PROHIBITING USES WHICH ARE DANGEROUS TO HEALTH, SAFETY AND PROPERTY DUE TO WATER OR EROSION HAZARDS, WHICH RESULT IN DAMAGING INCREASES IN EROSION OR IN FLOOD HEIGHTS OR VELOCITIES;
2. REQUIRING THAT USES VULNERABLE TO FLOOD, INCLUDING FACILITIES WHICH SERVE SUCH USES, BE PROTECTED AGAINST FLOOD DAMAGE AT THE TIME OF INITIAL CONSTRUCTION.
3. CONTROLLING THE ALTERATION OF NATURAL FLOOD PLAINS, STREAM CHANNELS, AND NATURAL PROTECTIVE BARRIERS, WHICH HELP ACCOMMODATE OR CHANNEL FLOOD WATERS;
4. CONTROLLING FILLING, GRADING, DREDGING, AND OTHER DEVELOPMENT WHICH MAY INCREASE FLOOD DAMAGE; AND
5. PREVENTING OR REGULATING THE CONSTRUCTION OF FLOOD BARRIERS WHICH WILL UNNATURALLY DIVERT FLOOD WATERS OR WHICH MAY INCREASE FLOOD WATERS OR WHICH MAY INCREASE FLOOD HAZARDS IN OTHER AREAS.

## SECTION 2.0 DEFINITIONS

UNLESS SPECIFICALLY DEFINED BELOW, WORDS OR PHRASES USED IN THIS ORDINANCE SHALL BE INTERPRETED SO AS TO GIVE THEM THE MEANING THEY HAVE IN COMMON USAGE AND TO GIVE THIS ORDINANCE ITS MOST REASONABLE APPLICATION.

“APPEAL” MEANS A REQUEST FOR A REVIEW OF THE BUILDING INSPECTOR’S INTERPRETATION OF ANY PROVISION OF THIS ORDINANCE OR A REQUEST FOR A VARIANCE.

“AREA OF SHALLOW FLOODING” MEANS A DESIGNATED AO OR VO ZONE ON THE FLOOD INSURANCE RATE PAM (FIRM). THE BASE FLOOD DEPTHS RANGE FROM ONE TO THREE FEET; A CLEARLY DEFINED CHANNEL DOES NOT EXIST; THE PATH OF FLOODING IS UNPREDICTABLE AND INDETERMINATE; AND VELOCITY FLOW MAY BE EVIDENT.

“AREA OF SPECIAL FLOOD HAZARD” MEANS THE LAND IN THE FLOOD PLAIN WITHIN A COMMUNITY SUBJECT TO ONE PERCENT CHANCE OF BEING EQUALED OR EXCEEDED IN ANY GIVEN YEAR.

“BASE FLOOD” MEANS THE FLOOD HAVING A ONE PERCENT CHANCE OF BEING EQUALED OR EXCEEDED IN ANY GIVEN YEAR.

“DEVELOPMENT” MEANS 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 LOCATED WITHIN THE AREA OF SPECIAL FLOOD HAZARD.

“EXISTING MOBILE HOME PARK OR MOBILE HOME SUBDIVISION” MEANS A PARCEL (OR CONTIGUOUS PARCELS) OR LAND DIVIDED INTO TWO OR MORE MOBILE HOME LOTS FOR RENT OR SALE FOR WHICH THE CONSTRUCTION OF FACILITIES FOR SERVICING THE LOT ON WHICH THE MOBILE HOME IS TO BE AFFIXED (INCLUDING, AT A MINIMUM, THE INSTALLATION OF UTILITIES, EITHER FINAL SITE GRADING OR THE POURING OF CONCRETE PADS, AND THE CONSTRUCTION OF STREETS) IS COMPLETED BEFORE THE EFFECTIVE DATE OF THIS ORDINANCE.

“FLOOD” OR “FLOODING” MEANS A GENERAL AND TEMPORARY CONDITION OF PARTIAL OR COMPLETE INUNDATION OF NORMALLY DRY LAND AREAS FROM:

1. THE OVERFLOW OF INLAND OR TIDAL WATERS AND/OR
2. THE UNUSUAL AND RAPID ACCUMULATION OR RUNOFF OF SURFACE WATERS FROM ANY SOURCE.

“FLOOD INSURANCE RATE MAP” (FIRM) MEANS THE OFFICIAL MAP ON WHICH THE FEDERAL INSURANCE ADMINISTRATION HAS DELINEATED BOTH THE AREAS OF SPECIAL FLOOD HAZARDS AND THE RISK PREMIUM ZONES APPLICABLE TO THE COMMUNITY.

“FLOOD INSURANCE STUDY” MEANS THE OFFICIAL REPORT PROVIDED BY THE FEDERAL INSURANCE ADMINISTRATION THAT INCLUDES FLOOD PROFILES, THE FLOOD BOUNDARY-FLOODWAY MAP, THE WATER SURFACE ELEVATION OF THE BASE FLOOD.

“FLOODWAY” MEANS THE CHANNEL OF A RIVER OR OTHER WATERCOURSE AND THE ADJACENT LAND AREAS THAT MUST BE RESERVED IN ORDER TO DISCHARGE THE BASE FLOOD WITHOUT CUMULATIVELY INCREASING THE WATER SURFACE ELEVATION MORE THAN TWO (2) FEET.

“HABITABLE FLOOR” MEANS ANY FLOOR USABLE FOR LIVING PURPOSES, WHICH INCLUDES WORKING, SLEEPING, EATING, COOKING OR RECREATION, OR A COMBINATION THEREOF. A FLOOR USED ONLY FOR STORAGE PURPOSES IS NOT A “HABITABLE FLOOR.”

“MOBILE HOME” MEANS A STRUCTURE THAT IS TRANSPORTABLE IN ONE OR MORE SECTIONS, BUILT ON A PERMANENT CHASSIS, AND DESIGNED TO BE USED WITH OR WITHOUT A PERMANENT FOUNDATION WHEN CONNECTED TO THE REQUIRED UTILITIES. IT DOES NOT INCLUDE RECREATIONAL VEHICLES OR TRAVEL TRAILERS.

“NEW CONSTRUCTION” MEANS A STRUCTURE FOR WHICH THE “START OF CONSTRUCTION” COMMENCED ON OR AFTER THE EFFECTIVE DATE OF THIS ORDINANCE.

“NEW MOBILE HOME PARK OR MOBILE HOME SUBDIVISION” MEANS A PARCEL (OR CONTIGUOUS PARCELS) OF LAND DIVIDED INTO TWO OR MORE MOBILE HOME LOTS FOR RENT OR SALE FOR WHICH THE CONSTRUCTION OF FACILITIES FOR SERVICING THE LOT (INCLUDING, AT A MINIMUM, THE INSTALLATION OF UTILITIES, EITHER FINAL SITE GRADING OR POURING OF CONCRETE PADS AND THE CONSTRUCTION OF STREETS) IS COMPLETED ON OR AFTER THE EFFECTIVE DATE OF THIS ORDINANCE.

“START CONSTRUCTION” MEANS THE FIRST PLACEMENT OF PERMANENT CONSTRUCTION OF A STRUCTURE (OTHER THAN MOBILE HOME) ON A SITE, SUCH AS THE POURING OF SLABS OR FOOTINGS OR ANY WORK BEYOND THE STAGE OF EXCAVATION. 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 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 NOT AS PART OF THE MAIN STRUCTURE. FOR A STRUCTURE) OTHER THAN A MOBILE HOME) WITHOUT A BASEMENT OR Poured FOOTINGS, THE START OF CONSTRUCTION INCLUDES THE FIRST PERMANENT FRAMING OR ASSEMBLY OF THE STRUCTURE OR ANY PART THEREOF ON ITS PILING OR FOUNDATION. FOR MOBILE HOMES NOT WITHIN A MOBILE HOME PARK OR MOBILE HOME SUBDIVISION “START OF CONSTRUCTION MEANS THE AFFIXING OF THE MOBILE HOME PARKS OR MOBILE HOME SUBDIVISION, “START OF CONSTRUCTION IS THE DATE ON WHICH THE CONSTRUCTION OF FACILITIES FOR SERVICING THE SITE ON WHICH THE MOBILE HOME IS TO BE AFFIXED (INCLUDING, AT A MINIMUM, THE CONSTRUCTION OF STREETS, EITHER FINAL SITE GRADING OR THE POURING OF CONCRETE PADS, AND INSTALLATION OF UTILITIES) IS COMPLETED.

“STRUCTURE” MEANS A WALLED AND ROOFED BUILDING OR MOBILE HOME THAT IS PRINCIPALLY ABOVE GROUND.

“SUBSTANTIAL IMPROVEMENT” MEANS ANY REPAIR, RECONSTRUCTION OR IMPROVEMENT OF A STRUCTURE, THE COST OF WHICH EQUALS OR EXCEEDS FIFTY (50) PERCENT OF THE MARKET VALUE OF THE STRUCTURE EITHER:

1. BEFORE THE IMPROVEMENT OR REPAIR IS STARTED, OR
2. IF THE STRUCTURE HAS BEEN DAMAGED AND IS BEING RESTORED, BEFORE THE DAMAGE OCCURRED. 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

“VARIANCE” MEANS A GRANT OF RELIEF FROM THE REQUIREMENTS OF THIS ORDINANCE WHICH PERMITS CONSTRUCTION IN A MANNER THAT WOULD OTHERWISE BE PROHIBITED BY THIS ORDINANCE.

## SECTION 3.0 GENERAL PROVISIONS

### 3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

THIS ORDINANCE SHALL APPLY TO ALL AREAS OF SPECIAL FLOOD HAZARDS WITHIN THE JURISDICTION OF STERLING, CONNECTICUT.

### 3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARDS

THE AREAS OF SPECIAL FLOOD HAZARD IDENTIFIED BY THE FEDERAL INSURANCE ADMINISTRATION IN A SCIENTIFIC AND ENGINEERING REPORT ENTITLED "THE FLOOD INSURANCE STUDY FOR THE TOWN OF STERLING" DATED DECEMBER 2, 1980, AMENDED WITH ACCOMPANYING FLOOD INSURANCE RATE MAPS IS HEREBY ADOPTED BY REFERENCE AND DECLARED TO BE A PART OF THIS ORDINANCE. THE FLOOD INSURANCE STUDY IS ON FILE AT THE TOWN HALL, 1114 PLAINFIELD PIKE, ONECO, CONNECTICUT.

### 3.3 COMPLIANCE

NO STRUCTURE OR LAND SHALL HEREAFTER BE CONSTRUCTED, LOCATED, EXTENDED, CONVERTED OR ALTERED WITHOUT FULL COMPLIANCE WITH THE TERMS OF THIS ORDINANCE AND OTHER APPLICABLE REGULATIONS.

### 3.4 ABROGATION AND GREATER RESTRICTIONS

THIS ORDINANCE IS NOT INTENDED TO REPEAL, ABROGATE OR IMPAIR ANY EXISTING EASEMENTS, COVENANTS OR DEED RESTRICTIONS. HOWEVER, WHERE THIS ORDINANCE AND ANOTHER ORDINANCE, EASEMENT, COVENANT, OR DEED RESTRICTION CONFLICT OR OVERLAP, WHICHEVER IMPOSES THE MORE STRINGENT RESTRICTIONS SHALL PREVAIL.

### 3.5 INTERPRETATION

IN THE INTERPRETATION AND APPLICATION OF THIS ORDINANCE, ALL PROVISIONS SHALL BE:

1. CONSIDERED AS MINIMUM REQUIREMENTS;
2. LIBERALLY CONSTRUED IN FAVOR OF THE GOVERNING BODY; AND
3. DEEMED NEITHER TO LIMIT NOR REPEAL ANY OTHER POWERS GRANTED UNDER STATE STATUTES.

### 3.6 WARNING AND DISCLAIMER OF LIABILITY

THE DEGREE OF FLOOD PROTECTION REQUIRED BY THIS ORDINANCE IS CONSIDERED REASONABLE FOR REGULATORY PURPOSES AND IS BASED ON SCIENTIFIC AND ENGINEERING CONSIDERATIONS. LARGER FLOODS CAN AND WILL OCCUR ON RARE OCCASIONS. FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS ORDINANCE DOES NOT IMPLY THAT LAND OUTSIDE THE AREAS WILL BE FREE FROM FLOODING OR FLOOD DAMAGES. THIS ORDINANCE SHALL NOT CREATE LIABILITY ON THE PART OF STERLING, ANY OFFICER OR EMPLOYEE THEREOF, OR THE FEDERAL INSURANCE

ADMINISTRATION, FOR ANY FLOOD DAMAGES THAT RESULT RELIANCE ON THIS ORDINANCE OR ANY ADMINISTRATIVE DECISION LAWFULLY MADE THEREUNDER.

## SECTION 4.0 ADMINISTRATION

### 4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A DEVELOPMENT PERMIT SHALL BE OBTAINED BEFORE CONSTRUCTION OR DEVELOPMENT BEGINS WITHIN ANY AREA OF SPECIAL FLOOD HAZARD ESTABLISHED IN SECTION 3.2. APPLICATION FOR A DEVELOPMENT PERMIT SHALL BE MADE ON FORMS FURNISHED BY THE SELECTMEN AND MAY INCLUDE, BUT NOT BE LIMITED, TO: PLANS IN DUPLICATE DRAWN TO SCALE SHOWING THE NATURE, LOCATION, DIMENSIONS, AND ELEVATIONS OF THE AREA IN QUESTION; EXISTING OR PROPOSED

STRUCTURES, FILL, STORAGE OR MATERIALS, DRAINAGE FACILITIES; AND THE LOCATION OF THE FOREGOING.

SPECIFICALLY, THE FOLLOWING INFORMATION IS REQUIRED:

1. ELEVATION IN RELATION TO MEAN SEA LEVEL, OF THE LOWEST FLOOR (INCLUDING BASEMENT) OF ALL STRUCTURES;
2. ELEVATION IN RELATION TO MEAN SEA LEVEL TO WHICH ANY STRUCTURE HAS BEEN FLOOD-PROOFED;
3. CERTIFICATION BY A REGISTERED PROFESSIONAL ENGINEER OR ARCHITECT THAT THE FLOOD-PROOFING METHODS FOR ANY NONRESIDENTIAL STRUCTURE MEETS THE FLOOD PROOFING CRITERIA IN SECTION 5.2-2; AND
4. DESCRIPTION OF THE EXTENT TO WHICH ANY WATERCOURSE WILL BE ALTERED OR RELOCATED AS A RESULT OF PROPOSED DEVELOPMENT.

#### 4.2 DESIGNATION OF BUILDING INSPECTOR

THE BUILDING INSPECTOR IS HEREBY APPOINTED TO ADMINISTER AND IMPLEMENT THIS ORDINANCE BY GRANTING OR DENYING DEVELOPMENT PERMIT APPLICATIONS IN ACCORDANCE WITH ITS PROVISIONS.

#### 4.3 DUTIES AND RESPONSIBILITIES OF THE BUILDING INSPECTOR SHALL INCLUDE BUT NOT BE LIMITED TO:

##### 4.3.1 PERMIT REVIEW

1. REVIEW ALL DEVELOPMENT PERMITS TO DETERMINE THAT THE PERMIT REQUIREMENTS OF HIS ORDINANCE HAVE BEEN SATISFIED.
2. REVIEW ALL DEVELOPMENT PERMITS TO DETERMINE ALL NECESSARY PERMITS HAVE BEEN OBTAINED FROM THOSE FEDERAL, STATE OR LOCAL GOVERNMENTAL AGENCIES FROM WHICH PRIOR APPROVAL IS REQUIRED.
3. REVIEW ALL DEVELOPMENT PERMITS TO DETERMINE IF THE PROPOSED DEVELOPMENT ADVERSELY AFFECTS THE FLOOD CARRYING CAPACITY OF THE AREA OF SPECIAL FLOOD HAZARD FOR PURPOSES OF THIS ORDINANCE, "ADVERSELY AFFECTS" MEANS THAT THE CUMULATIVE EFFECTS OF PROPOSED DEVELOPMENT WHEN COMBINED WITH ALL OTHER EXISTING AND ANTICIPATED DEVELOPMENT INCREASES THE WATER SURFACE ELEVATION OF THE BASE FLOOD MORE THAN ONE FOOT AT ANY POINT.

##### 4.3-2 USE OF OTHER BASE FLOOD DATA

WHEN BASE FLOOD ELEVATION DATA HAS NOT BEEN PROVIDED IN ACCORDANCE WITH SECTION 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, THE BUILDING INSPECTOR

SHALL OBTAIN, REVIEW AND REASONABLE UTILIZE ANY BASE FLOOD ELEVATION DATA AVAILABLE FROM A FEDERAL, STATE OR OTHER SOURCE, IN ORDER TO ADMINISTER SECTIONS 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, AND 5.2-2 SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION

#### 4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED:

1. OBTAIN AND RECORD THE ACTUAL ELEVATION (IN RELATION TO MEAN SEA LEVEL) OF THE LOWEST HABITABLE FLOOR (INCLUDING BASEMENT) OF ALL NEW OR SUBSTANTIALLY IMPROVED STRUCTURES.
2. FOR ALL NEW OR SUBSTANTIALLY IMPROVED FLOOD PROOFED STRUCTURES.
  - i. VERIFY AND RECORD THE ACTUAL ELEVATION (IN RELATION TO MEAN SEA LEVEL), AND
  - ii. MAINTAIN THE FLOOD PROOFING CERTIFICATIONS REQUIRED IN SECTION 4.1(3).
3. MAINTAIN FOR PUBLIC INSPECTION ALL RECORDS PERTAINING TO THE PROVISIONS OF THIS ORDINANCE.

#### 4.3-4 ALTERATION OF WATERCOURSES

1. NOTIFY ADJACENT COMMUNITIES AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION PRIOR TO ANY ALTERATION OR RELOCATION OF A WATER COURSE, AND SUBMIT EVIDENCE OF SUCH NOTIFICATION TO THE FEDERAL INSURANCE ADMINISTRATION,
2. REQUIRE THAT MAINTENANCE IS PROVIDED WITHIN THE ALTERED OR RELOCATED PORTION OF SAID WATERCOURSES SO THAT THE FLOOD CARRYING CAPACITY IS NOT DIMINISHED.

#### 4.3-5 INTERPRETATION OF FIRM BOUNDARIES.

MAKE INTERPRETATIONS WHERE NEEDED, AS TO THE EXACT LOCATION OF THE BOUNDARIES IF THE AREAS OF SPECIAL FLOOD HAZARDS (FOR EXAMPLE, WHERE THERE APPEARS TO BE A CONFLICT BETWEEN A MAPPED BOUNDARY AND ACTUAL FIELD CONDITIONS). THE PERSON CONTESTING THE LOCATION OF THE BOUNDARY SHALL BE GIVEN REASONABLE OPPORTUNITY TO APPEAL THE INTERPRETATION AS PROVIDED IN SECTION 4.4.

#### 4.4 VARIANCE PROCEDURE

##### 4.4-1 APPEAL BOARD

1. THE BOARD OF SELECTMEN SHALL HEAR AND DECIDE APPEALS AND REQUESTS FOR VARIANCES FROM THE REQUIREMENTS OF THIS ORDINANCE.

2. THE BOARD OF SELECTMEN SHALL HEAR AND DECIDE APPEALS WHEN IT IS ALLEGED THERE IS AN ERROR IN ANY REQUIREMENT, DECISION, OR DETERMINATION MADE BY THE BUILDING INSPECTOR IN THE ENFORCEMENT OR ADMINISTRATION OF THIS ORDINANCE.

3. THOSE AGGRIEVED BY THE DECISION OF THE BOARD OF SELECTMEN OR ANY TAXPAYER, MAY APPEAL SUCH DECISION TO THE SUPERIOR COURT FOR THE JUDICIAL DISTRICT OF WINDHAM, AS PROVIDED IN SEC. 22A-43 OF THE C.G.S.

4. IN PASSING UPON SUCH APPLICATION, THE BOARD OF SELECTMEN SHALL CONSIDER ALL TECHNICAL EVALUATION, ALL RELEVANT FACTORS, STANDARDS SPECIFIED IN OTHER SECTIONS OF THIS ORDINANCE, AND

i. THE DANGER THAT MATERIALS MAY BE SWEEPED ONTO OTHER LANDS TO THE INJURY OF OTHERS;

ii. THE DANGER OF LIFE AND PROPERTY DUE TO FLOODING OR EROSION DAMAGE;

iii. THE SUSCEPTIBILITY OF THE PROPOSED FACILITY AND ITS CONTENTS TO FLOOD DAMAGE AND THE EFFECT OF SUCH DAMAGE ON THE INDIVIDUAL OWNER;

iv. THE IMPORTANCE OF THE SERVICES PROVIDED BY THE PROPOSED FACILITY TO THE COMMUNITY;

v. THE NECESSITY TO THE FACILITY OF A WATERFRONT LOCATION, WHERE APPLICABLE;

vi. THE AVAILABILITY OF ALTERNATIVE LOCATIONS, FOR THE PROPOSED USE WHICH ARE NOT SUBJECT TO FLOODING OR EROSION DAMAGE;

vii. THE RELATIONSHIP OF THE PROPOSED USE TO THE COMPREHENSIVE PLAN AND FLOOD PLAIN MANAGEMENT PROGRAM FOR THAT AREA;

viii. THE RELATIONSHIP OF THE PROPOSED USE TO THE COMPREHENSIVE PLAN AND FLOOD PLAIN MANAGEMENT PROGRAM FOR THAT AREA;

ix. THE SAFETY OF ACCESS TO THE PROPERTY IN TIMES OF FLOOD FOR ORDINARY AND EMERGENCY VEHICLES;

x. THE EXPECTED HEIGHTS, VELOCITY, DURATION, RATE OF AND SEDIMENT TRANSPORT OF THE FLOOD WATERS AND THE EFFECT OF WAVE ACTION, IF APPLICABLE, EXPECTED AT THE SITE; AND

xi. THE COST 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 STREET & BRIDGES.

#### 4.4.2 CONDITIONS FOR VARIANCES

1. VARIANCES MAY BE ISSUED FOR THE RECONSTRUCTION, REHABILITATION OR RESTORATION OF STRUCTURES LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES OR THE STATE INVENTORY OF HISTORIC PLACES, WITHOUT REGARD TO THE PROCEDURES SET FORTH IN THE REMAINDER OF THIS SECTION.

2. VARIANCES SHALL NOT BE ISSUED WITHIN ANY DESIGNATED FLOODWAY IF ANY INCREASE IN FLOOD LEVELS DURING THE BASE FLOOD DISCHARGE WOULD RESULT.

4 (*sic*). VARIANCES SHALL ONLY BE ISSUED UPON:

i. A SHOWING OF GOOD AND SUFFICIENT CAUSE;

ii. A DETERMINATION THAT FAILURE TO GRANT THE VARIANCE WOULD RESULT IN EXCEPTIONAL HARDSHIP TO THE APPLICANT; AND

iii. A DETERMINATION THAT THE GRANTING OF A VARIANCE WILL NOT RESULT IN INCREASED FLOOD HEIGHTS, ADDITIONAL THREATS TO PUBLIC SAFETY, EXTRAORDINARY PUBLIC EXPENSE, CREATE NUISANCES, CAUSE FRAUD ON OR VICTIMIZATION OF THE PUBLIC AS IDENTIFIED IN SECTION 4.4-1(4), OR CONFLICT WITH EXISTING LOCAL LAWS OR ORDINANCE

5. ANY APPLICANT TO WHOM A VARIANCE IS GRANTED SHALL BE GIVEN WRITTEN NOTICE THAT THE STRUCTURE WILL BE PERMITTED TO BE BUILT WITH A LOWEST FLOOR ELEVATION BELOW THE BASE FLOOD ELEVATION AND THAT THE COST OF FLOOD INSURANCE WILL BE COMMENSURATE WITH THE INCREASED RISK RESULTING FROM THE REDUCED LOWEST FLOOR ELEVATION.

#### 4.4-3

1. NO VARIANCE GRANTED UNDER THE PROVISIONS OF THIS ORDINANCE, SHALL BE EFFECTIVE UNTIL A NOTICE THEREOF, CERTIFIED BY THE BOARD OF SELECTMEN, CONTAINING A DESCRIPTION OF THE PREMISES TO WHICH IT RELATES AND SPECIFYING THE NATURE OF SUCH VARIANCE AND SECTION OF THIS ORDINANCE WHICH IS VARIED IN ITS APPLICATION, STATING THE NAME OF THE OWNER OF RECORD OF SUCH PREMISES, HAS BEEN RECORDED IN THE LAND RECORDS OF THE TOWN OF STERLING.

### SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

#### 5.1 GENERAL STANDARDS

IN ALL AREAS OF SPECIAL FLOOD HAZARDS THE FOLLOWING STANDARDS ARE REQUIRED:

#### 5.1.1 ANCHORING

ALL NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS SHALL BE ANCHORED TO PREVENT FLOTATION, COLLAPSE OR LATERAL MOVEMENT OF THE STRUCTURE.

#### 5.1.2 CONSTRUCTION MATERIALS AND METHODS

1. ALL NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS SHALL BE CONSTRUCTED WITH MATERIALS AND UTILITY EQUIPMENT RESISTANT TO FLOOD DAMAGE.

#### 5.1.3 UTILITIES

1. ALL NEW REPLACEMENT WATER SUPPLY SYSTEMS SHALL BE DESIGNED THE TO MINIMIZE OR ELIMINATE INFILTRATION OF FLOOD WATERS INTO THE SYSTEM.

2. NEW AND REPLACEMENT SANITARY SEWAGE OR SEPTIC SYSTEMS SHALL BE DESIGNED TO MINIMIZE OR ELIMINATE INFILTRATION OF FLOOD WATERS INTO THE SYSTEM AND DISCHARGE FROM THE SYSTEMS INTO FLOOD WATERS; AND

3. ON-SITE WASTE DISPOSAL SYSTEMS SHALL BE LOCATED TO AVOID IMPAIRMENT TO THEM OR CONTAMINATION FROM THEM DURING FLOODING.

#### 5.1-4 SUBDIVISION PROPOSAL

1. ALL SUBDIVISION PROPOSALS SHALL BE CONSISTENT WITH THE NEED TO MINIMIZE FLOOD DAMAGE; AND

2. ALL SUBDIVISION PROPOSALS SHALL HAVE PUBLIC UTILITIES AND FACILITIES SUCH AS SEPTIC, GAS, ELECTRICAL, AND WATER SYSTEMS LOCATED AND CONSTRUCTED SO AS TO MINIMIZE FLOOD DAMAGE;

3. ALL SUBDIVISION PROPOSALS SHALL HAVE ADEQUATE DRAINAGE TO REDUCE EXPOSURE TO FLOOD DAMAGE; AND

4. BASE FLOOD ELEVATION DATA SHALL BE PROVIDED FOR SUBDIVISION PROPOSALS AND OTHER PROPOSED DEVELOPMENT WHICH CONTAIN AT LEAST 50 LOTS OR 5 ACRES (WHICHEVER IS LESS).

#### 5.2 SPECIFIC STANDARDS

IN ALL AREAS OF SPECIAL FLOOD HAZARDS WHERE BASE FLOOD ELEVATION DATA HAS BEEN PROVIDED AS SET FORTH IN SECTION 3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD OR SECTION 4.3-2 USE OF OTHER BASE FLOOD DATA, THE FOLLOWING PROVISIONS ARE REQUIRED:

##### 5.2-1 RESIDENTIAL CONSTRUCTION

NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENT OF ANY RESIDENTIAL STRUCTURE SHALL HAVE THE LOWEST FLOOR, INCLUDING BASEMENT, ELEVATED TO OR ABOVE BASE FLOOD ELEVATION.

#### 5.2-2 NONRESIDENTIAL CONSTRUCTION

NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENT OF ANY COMMERCIAL, INDUSTRIAL OR OTHER NONRESIDENTIAL STRUCTURE SHALL EITHER HAVE THE LOWEST FLOOR, INCLUDING BASEMENT, ELEVATED TO THE LEVEL OF THE BASE FLOOD ELEVATION; OR TOGETHER WITH ATTENDANT UTILITY AND SANITARY FACILITIES, SHALL:

1. BE FLOOD PROOFED SO THAT BELOW THE BASE FLOOD LEVEL THE STRUCTURE IS WATERTIGHT WITH WALLS SUBSTANTIALLY IMPERMEABLE TO THE PASSAGE OF WATER.
2. HAVE STRUCTURAL COMPONENTS CAPABLE OF RESISTING HYDROSTATIC AND HYDRODYNAMIC LOADS AND EFFECTS OF BUOYANCY; AND
3. BE CERTIFIED BY A REGISTERED PROFESSIONAL ENGINEER OR ARCHITECT THAT THE STANDARDS OF THIS SUB-SECTION ARE SATISFIED. SUCH CERTIFICATIONS SHALL BE PROVIDED TO THE OFFICIAL AS SET FORTH IN SECTION 4.2-2(2)

#### 5.3 FLOODWAYS

LOCATED WITHIN AREAS OF SPECIAL FLOOD WAY ESTABLISHED IN SECTION 3.2 ARE AREAS DESIGNATED AS FLOODWAYS. SINCE THE FLOODWAY IS AN EXTREMELY HAZARDOUS AREA DUE TO THE VELOCITY OF FLOOD WATERS WHICH CARRY DEBRIS, POTENTIAL PROJECTILES, AND EROSION POTENTIAL, THE FOLLOWING

1. ENCROACHMENT INCLUDING FILL, NEW CONSTRUCTION SUBSTANTIAL IMPROVEMENTS AND OTHER DEVELOPMENTS IS PROHIBITED, UNLESS CERTIFICATION BY A REGISTERED PROFESSIONAL ENGINEER OR ARCHITECT IS PROVIDED DEMONSTRATING THAT ENCROACHMENTS SHALL NOT RESULT IN ANY INCREASE IN FLOOD LEVELS DURING THE OCCUPANCE OF THE BASE FLOOD DISCHARGE.
2. IF SECTION 5.3 (1) IS SATISFIED, ALL NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS SHALL COMPLY WITH ALL APPLICABLE FLOOD HAZARD REDUCTION PROVISIONS OF SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.
3. THE PLACEMENT OF ANY MOBILE HOMES, AS TEMPORARY LIVING FACILITIES OR ON SITE CONSTRUCTION OFFICES, FACILITIES OR QUARTERS IS PROHIBITED IN ANY FLOODWAY.

#### 6.1 REPEAL OF PRIOR INCONSISTENT ORDINANCE

THE ORDINANCE ADOPTED MAY 25, 1977, ENTITLED "AN INSTITUTING FLOOD PLAIN MANAGEMENT FOR DESIGNATED FLOOD-PRONE AREAS TOWN OF STERLING, CONNECTICUT" IS HEREBY REPEALED.

#### 6.2 EFFECTIVE DATE

THIS ORDINANCE SHALL TAKE EFFECT 15 DAYS AFTER NOTICE OF ITS PASSAGE SHALL HAVE BEEN PUBLISHED.

RETURN OF NOTICE

I HEREBY CERTIFY THAT ON JANUARY 18, 1985, I LEFT A DUPLICATE OF THE FOREGOING AND ATTACHED WARNING AND NOTICE OF SPECIAL TOWN MEETING OF THE TOWN OF STERLING WITH CATHERINE S. NURMI, ITS TOWN CLERK.

I FURTHER CERTIFY THAT I HAVE CAUSED A COPY OF SAID WARNING AND NOTICE TO BE PUBLISHED IN THE NORWICH BULLETIN A NEWSPAPER HAVING A CIRCULATION IN SAID TOWN OF STERLING.

I FURTHER CERTIFY THAT ON JANUARY 23, 1985, I SET UPON THE SIGNPOST WITHIN THE LIMITS OF SAID TOWN AND AT ALL OTHER PLACES DESIGNATED BY THE TOWN, A WRITTEN COPY OF SAID WARNING AND NOTICE, SIGNED BY THE BOARD OF SELECTMEN.

I FURTHER CERTIFY THAT ALL OF THE ABOVE ACTS WERE DONE BY ME AT LEAST FIVE (5) DAYS BEFORE THE HOLDING OF SAID MEETING ON JANUARY 30, 1985.

DATED AT STERLING, CONNECTICUT THIS 23RD DAY OF JANUARY 1985.

ROBERT P. JORDAN, FIRST SELECTMAN

I HEREBY CERTIFY THAT THE FOREGOING NOTICE AND RETURN OF NOTICE ARE DULY RECORDED IN THE RECORDS.

CATHERINE S. NURMI, TOWN CLERK

**ORDINANCE TO BECOME MEMBER OF THE NORTHEASTERN CONNECTICUT REGIONAL COUNCIL OF GOVERNMENTS**

WHEREAS THE JOINT COMMITTEE OF THE NORTHEASTERN CONNECTICUT REGIONAL PLANNING AGENCY AND THE NORTHEASTERN CONNECTICUT TOWN ADMINISTRATORS' ASSOCIATION HAS FOUND THAT A STRENGTHENED REGIONAL PLANNING ORGANIZATION IS NEEDED TO ASSIST THE TEN TOWNS IN THE NORTHEASTERN CONNECTICUT PLANNING REGION IN DEALING EFFECTIVELY WITH REGIONAL ISSUES; AND

WHEREAS THE JOINT COMMITTEE OF THE NORTHEASTERN CONNECTICUT REGIONAL PLANNING COUNCIL OF GOVERNMENTS WILL PROVIDE THE MOST EFFECTIVE ORGANIZATION FOR ADDRESSING PRESSING REGIONAL ISSUES RESULTING FROM INCREASED AND DEVELOPMENT FUNCTIONING AS AN ADVOCATE OF ITS MEMBER TOWNS ON MATTERS RELATING TO THE STATE AND FEDERAL GOVERNMENTS COORDINATING THE DELIVERY OF SHARED SERVICES TO ITS MEMBER; AND

WHEREAS THE NORTHEASTERN CONNECTICUT REGIONAL PLANNING AGENCY AND THE NORTHEASTERN CONNECTICUT TOWN ADMINISTRATORS' ASSOCIATION HAVE RECOMMENDED THAT A REGIONAL COUNCIL OF GOVERNMENTS BE FORMED AND THAT REGIONAL PLANNING SHOULD BE GIVEN EQUAL IMPORTANCE WITH THE IMPLEMENTATION BY ASSURING THAT EQUAL STATUS IS GIVEN TO THE COUNCIL'S REGIONAL PLANNING COMMISSION IN THE PREPARATION OF THE COUNCIL OF GOVERNMENT'S ANNUAL WORK PROGRAM AND BUDGET;

THEREFORE, BE IT ORDAINED THAT' THE TOWN OF STERLING DOES HEREBY ADOPT SECTIONS 4-12b OF THE CONNECTICUT GENERAL STATUTES BY NOT LESS THAN SIXTY PERCENT (60%) OF ALL MUNICIPALITIES WITHIN THE NORTHEASTERN CONNECTICUT PLANNING REGION AS DEFINED BY THE SECRETARY OF THE OFFICE OF POLICY AND MANAGEMENT OR HIS DESIGNEE THAT A REGIONAL COUNCIL OF GOVERNMENTS HAS BEEN DULY ESTABLISHED.

WHEN THE REGIONAL COUNCIL OF GOVERNMENTS IS DULY ESTABLISHED AND THE TRANSITION PERIOD CALLED FOR IN SECTION 4-124-1c OF THE CONNECTICUT GENERAL STATUTES AS AMENDED HAS BEEN COMPLETED, THEN THE TOWN DOES HEREBY RESCIND THE ORDINANCE AND ANY AMENDMENTS THERETO THAT CREATED THE TOWN'S PARTICIPATION IN THE NORTHEASTERN CONNECTICUT REGIONAL PLANNING AGENCY.

THIS ORDINANCE TAKES EFFECT 15 DAYS AFTER PUBLICATION. THIS ORDINANCE WAS ADOPTED AT A SPECIAL TOWN MEETING HELD ON MARCH 31, 1987.

#### **ORDINANCE TO ESTABLISH AN INLAND WETLAND COMMISSION**

(A) THERE SHALL BE AN INLAND WETLANDS COMMISSION ESTABLISHED IN ACCORDANCE WITH SECTIONS 22a-36 THROUGH 22a-45 OF THE GENERAL STATUTES OF THE STATE OF CONNECTICUT, COMMONLY KNOWN AS THE INLAND WETLANDS AND WATER COURSE ACT.

(B) FUNCTIONS AND DUTIES  
SAID COMMISSION SHALL HAVE ALL THE POWERS AND RESPONSIBILITIES AUTHORIZED UNDER SAID GENERAL STATUTES.

(C) COMPOSITION  
THE COMMISSION SHALL BE COMPOSED OF SEVEN (7) MEMBERS AND TWO (2) ALTERNATES, TO BE APPOINTED BY THE BOARD OF SELECTMEN.

(D) VACANCIES  
ANY VACANCY IN THE MEMBERSHIP OF SAID BOARD WHICH MAY OCCUR THROUGH DEATH, RESIGNATION OR OTHERWISE, MAY BE FILLED FOR THE UNEXPIRED TERM OF SUCH MEMBER BY APPOINTMENT BY THE BOARD OF SELECTMEN.

(E) TERMS OF OFFICE

1) THE INITIAL TERMS OF OFFICE OF THE MEMBERS OF THE BOARD SHALL BE AS FOLLOWS:  
A. THE FIRST THREE (3) PERSONS SHALL SERVE FOR A PERIOD OF THREE (3) YEARS.  
B. THE SECOND TWO (2) AND ONE (1) ALTERNATE PERSON NAMED SHALL FOR A PERIOD OF TWO (2) YEARS.  
C. THE THIRD TWO (2) AND ONE (1) ALTERNATE PERSONS NAMED SHALL SERVE FOR A PERIOD OF ONE (1) YEAR.  
THEREAFTER, NEW APPOINTMENTS SHALL BE FOR THREE YEARS, UNLESS FILLING A VACANCY AS SPECIFIED ABOVE.

THE PROVISIONS OF THIS ORDINANCE SHALL BECOME EFFECTIVE TEN (10) DAYS AFTER ADOPTION AND PUBLICATION IN ACCORDANCE WITH LAW. THIS ORDINANCE WAS ADOPTED AT A SPECIAL TOWN MEETING HELD ON FEBRUARY 3, 1988, AND PUBLISHED FEBRUARY 9, 1988.

### **AMENDMENT TO ORDINANCE CREATING A PLANNING COMMISSION**

THE JUNE 10, 1971 ORDINANCE CREATING A PLANNING COMMISSION IS HEREBY AMENDED BY SUBSTITUTING THE FOLLOWING PARAGRAPH FOR THE SECOND PARAGRAPH OF SAID ORDINANCE.

THE PLANNING COMMISSION SHALL CONSIST OF FIVE (5) REGULAR MEMBERS AND THREE (3) ALTERNATE MEMBERS EACH OF WHOM SHALL BE ELECTORS OF THE TOWN OF STERLING HOLDING NO SALARIED MUNICIPAL OFFICE. ALTERNATE MEMBERS MAY VOTE AT ANY MEETING OF THE COMMISSION ONLY IF SITTING FOR AN ABSENT REGULAR MEMBER.

INITIAL APPOINTMENTS OF ALTERNATE MEMBERS SHALL BE ONE FOR THREE (3) YEARS, ONE FOR TWO (2) YEARS AND ONE FOR ONE (1) YEAR. UPON THE EXPIRATION OF EACH OF THESE TERMS, NEW APPOINTMENTS SHALL BE FOR THREE (3) YEARS. ANY VACANCIES SHALL BE FILLED IN THE SAME MANNER AS VACANCIES AMONG THE REGULAR MEMBERS.

THIS AMENDMENT WAS ADOPTED AT A SPECIAL TOWN MEETING HELD ON FEBRUARY 3, 1988 AND PUBLISHED ON FEBRUARY 10, 1988

### **SURPLUS PROPERTY ORDINANCE**

BE IT ORDAINED, THAT THE BOARD OF SELECTMEN OF THE TOWN, AS THE SAME MAY FROM TIME TO TIME BE CONSTITUTED, IS AUTHORIZED TO DISPOSE OF TOWN OWNED PROPERTY, OF WHATEVER DESCRIPTION, WHICH IS NOT NEEDED FOR TOWN PURPOSES, UPON SUCH TERMS AS IT MAY DEEM EXPEDIENT OR IN THE BEST INTEREST OF THE TOWN, PROVIDED HOWEVER, THAT THE BOARD OF FINANCE SHALL BE CONSULTED PRIOR TO THE DISPOSAL OF ANY ITEM HAVING A VALUE IN EXCESS OF \$1,000.00 (ONE THOUSAND DOLLARS).

THE PREFERRED METHOD OF DISPOSAL OF PROPERTY HAVING A VALUE IN EXCESS OF \$1,000.00 (ONE THOUSAND DOLLARS) SHALL BE BY SEALED BID.

THIS ORDINANCE SHALL BECOME EFFECTIVE 15 (FIFTEEN) DAYS AFTER PUBLICATION. PUBLISHED APRIL 9, 1988.

**AN ORDINANCE ADOPTING THE PROVISIONS OF SEC. 7-163a OF THE GENERAL STATUTES CONCERNING MUNICIPAL LIABILITY FOR ICE AND SNOW ON PUBLIC SIDEWALKS**

BE IT ORDAINED BY THE BOARD OF SELECTMEN OF THE TOWN OF STERLING AS FOLLOWS:

SECTION 1. THE PROVISIONS OF CGS 7-136a ARE HEREBY ADOPTED, AND ARE SET FORTH IN SECTIONS 2 AND 3 HEREOF.

SECTION 2. NOTWITHSTANDING THE PROVISIONS OF SECTION 13a-149 OF THE GENERAL STATUTES OR ANY OTHER GENERAL STATUTE OR SPECIAL ACT, THE TOWN OF STERLING 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 STERLING IS THE OWNER OR PERSON IN POSSESSION AND CONTROL OF LAND ABUTTING SUCH SIDEWALK, OTHER THAN LAND USED AS A HIGHWAY OR STREET, PROVIDED THE TOWN OF STERLING SHALL BE LIABLE FOR ITS AFFIRMATIVE ACTS WITH RESPECT TO SUCH SIDEWALK.

SECTION 3.

(A) 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 MUNICIPALITY HAD PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE ADOPTED PURSUANT TO THE PROVISIONS OF CGS 7-163a AND SHALL BE LIABLE TO PERSONS INJURED IN PERSON OR PROPERTY WHERE A BREACH OF SAID DUTY IS THE PROXIMATE CAUSE OF SAID INJURY.

(B) NO ACTION TO RECOVER DAMAGES FOR INJURY TO THE PERSON OR TO THE PROPERTY CAUSED BY THE PRESENCE OF ICE AND 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.

THIS ORDINANCE SHALL BECOME EFFECTIVE 15 (FIFTEEN) DAYS AFTER PUBLICATION. PUBLISHED APRIL 9, 1988.

**STERLING ROAD ORDINANCE**

SECTION 1. DEFINITIONS:

APPLICANT - THE TERM "APPLICANT" REFERS TO THE PERSONS PROPOSING A NEW STREET OR WORK ON AN EXISTING STREET.

BOARD - THE BOARD OF SELECTMEN FROM THE TOWN OF STERLING, CT OR THEIR AUTHORIZED REPRESENTATIVE.

COMMISSION - THE PLANNING COMMISSION OF THE TOWN OF STERLING, CT.

DRIVEWAY - ACCESS ONTO OR AN EGRESS FROM A STREET.

PERSON - INCLUDES CORPORATIONS, PARTNERSHIPS, FIRMS, ASSOCIATIONS OR ANY OTHER ENTITY.

ROAD STANDARDS - SHALL MEAN THE STANDARDS AND SPECIFICATIONS SET FORTH IN THE PUBLIC IMPROVEMENT SPECIFICATIONS PREPARED BY THE NORTHEASTERN CONNECTICUT COUNCIL OF GOVERNMENTS.

ROAD WORK - ANY WORK WITHIN THE TOWN'S RIGHT OF WAY.

STREET - ANY TOWN OWNED WAY CONSTRUCTED FOR AND DEDICATED TO MOVEMENT OF VEHICLES AND PEDESTRIANS. THE WORK SHALL NO INCLUDE PRIVATE DRIVEWAYS AND RIGHT-OF-WAY.

SECTION 2 - PURPOSE:

IT IS THE DECLARED PURPOSE OF THIS ORDINANCE TO REGULATE ROAD WORK ON EXISTING AND PROPOSED STREETS TO ASSURE SAFETY AND STRUCTURAL ADEQUACY.

SECTION 3 - PROCEDURE

1. APPLICATION SHALL BE MADE TO THE BOARD ON A FORM PROVIDED BY THE BOARD. A PLAN AND FEE OF TWENTY-FIVE DOLLARS (\$25.00) SHALL ACCOMPANY THE APPLICATION. THE BOARD MAY REQUIRE ADDITIONAL INFORMATION FROM THE APPLICANT OR CHANGES IN THE PLAN.

2. THE BOARD WILL CATEGORIZE THE PROPOSED WORK AND TAKE THE APPROPRIATE ACTION.

2.1 NEW STREET-SHALL BE REFERRED TO THE COMMISSION FOR CONFORMATION WITH THE TOWNS SUBDIVISION REGULATIONS REQUIREMENTS FOR NEW STREETS.

2.2 UPGRADE EXISTING STREET - SHALL BE REFERRED TO THE COMMISSION FOR CONFORMANCE WITH THE TOWNS SUBDIVISION REGULATIONS REQUIREMENTS FOR UPGRADING EXISTING STREETS.

2.3 MINOR ROAD WORK

2.3-1 PROJECTS OF UP TO TWO HUNDRED FEET (200') WILL BE EVALUATED BY THE BOARD. THE BOARD MAY REFER THE APPLICATION TO THE COMMISSION OR DECIDE UPON THE APPLICATION ALONE.

2.3-2 PROJECTS OF TWO HUNDRED FEET (200') OR MORE SHALL BE REFERRED TO THE COMMISSION FOR REVIEW AND COMMENTS. THE BOARD WILL DECIDE UPON THE APPLICATION AFTER RECEIPT OF THE COMMISSION COMMENTS.

#### SECTION 4. CONSTRUCTION PERMITS:

CONSTRUCTION PERMITS WILL BE ISSUED BY THE BOARD ONLY AFTER APPROVAL OF THE APPLICATION. PROOF OF LIABILITY INSURANCE, POSTING OF A CASH SECURITY, AND AN INSPECTION FEE. THE PROOF OF LIABILITY INSURANCE AND THE CASH SECURITY MUST BE OF A TYPE AND IN A FORM APPROVED BY THE TOWN COUNSEL. THE AMOUNT OF THE CASH SECURITY SHALL BE EQUAL TO THE VALUE OF THE PROPOSED WORK. THE INSPECTION FEE WILL BE BASED UPON THE TOWN'S COST OF INSPECTION SERVICES. NO WORK WILL START UNTIL THE ISSUANCE OF THE CONSTRUCTION PERMIT. THE CONSTRUCTION PERMIT SHALL BE VALID FOR ONE (1) YEAR FROM THE DATE OF ISSUE FOR WORK IN EXISTING STREETS AND FIVE (5) YEARS FOR NEW STREETS AND UPGRADING EXISTING STREETS.

#### SECTION 5. INSPECTION

INSPECTION BY THE BOARD SHALL BE SCHEDULED TWO (2) FULL WORKING DAYS IN ADVANCE OF STARTING WORK ACTIVITIES. THE BOARD WILL DETERMINE WHICH WORK ACTIVITIES WILL NEED INSPECTION BEFORE ISSUANCE OF THE CONSTRUCTION PERMIT. A FINAL INSPECTION AND ACCEPTANCE OF THE COMPLETED WORK BY THE BOARD IS REQUIRED BEFORE THE BOARD WILL RETURN THE CASH SECURITY.

#### SECTION 6. TOWN ACCEPTANCE

AFTER APPROVAL OF THE APPLICATION FOR A NEW ROAD BY THE BOARD AND THE COMMISSION, THE PROPOSED ROAD MAY BE PRESENTED TO A TOWN MEETING FOR ACCEPTANCE INTO THE TOWN ROAD SYSTEM, SUBJECT TO FINAL COMPLETION OF ALL WORK AND ACCEPTANCE BY THE BOARD. FINAL ACCEPTANCE OF ALL ROADS BY THE BOARD SHALL BE RECORDED IN THE MINUTE BOOK OF THE TOWN CLERK AS PROOF OF ACCEPTANCE.

#### SECTION 7. STANDARDS

7.1 APPLICATIONS REFERRED TO THE COMMISSION SHALL CONFORM TO THE REQUIREMENTS OF THE TOWN'S SUBDIVISION REGULATIONS, THE ROAD STANDARDS AND THE ROAD ORDINANCE.

7.2 APPLICATIONS NOT REFERRED TO THE COMMISSION SHALL CONFORM TO THE REQUIREMENTS OF THE ROAD STANDARDS AND THE ROAD ORDINANCE.

7.3 SAFETY PRECAUTIONS SHALL BE THE RESPONSIBILITY OF THE APPLICANT. WARNING SIGNS, FLAG MEN, WARNING LIGHTS, BARRICADES, BRACES, COVERS AND OTHER APPROPRIATE MEASURES SHALL BE TAKEN BY THE APPLICANT DURING ANY ROAD WORK.

7.4 PAVEMENT CUTS AND TRENCHES SHALL HAVE SQUARE CUT EDGES. ONLY SUITABLE MATERIAL, APPROVED BY THE BOARD, WILL BE USED FOR BACKFILL MATERIAL. THE BACKFILL SHALL BE COMPACTED IN SIX (6) INCH LAYERS UP TO EIGHTEEN (18) INCHES BELOW THE TOP OF THE FINISHED SURFACE. A COMPACTED TWELVE (12) INCH LAYER OF GRAVEL SUB-BASE SHALL BE PLACE ON THE FILL. A COMPACTED FOUR (4) INCH PROCESSED GAVEL BASE SHALL BE PLACED ON THE SUB-BASE. A THREE (3) INCH THICK COMPACTED BITUMINOUS CONCRETE LAYER SHALL BE PLACED ON THE BASE. LAYER THICKNESS SHALL BE BASED UPON AFTER-COMPACTION MEASUREMENT. ALL MATERIALS SHALL CONFORM TO THE STANDARDS OF CONNECTICUT DEPARTMENT OF TRANSPORTATION FORM 813. PAVEMENT PATCHES SHALL SMOOTHLY BLEND WITH THE EXISTING PAVEMENT.

#### SECTION 8. VIOLATION

ANY PERSON VIOLATING ANY PROVISION OF THIS ORDINANCE SHALL BE FINED NOT MORE THAN ONE HUNDRED (\$100.00) FOR EACH OFFENSE. EACH DAY OF ANY SUCH VIOLATION SHALL CONSTITUTE A SEPARATE OFFENSE AND BE SUBJECTED TO SEPARATE PUNISHMENT.

THIS ORDINANCE SHALL BECOME EFFECTIVE FIFTEEN DAYS AFTER PUBLICATION. PUBLISHED APRIL 27, 1988.

### **STERLING DRIVEWAY ORDINANCE**

#### SECTION 1. DEFINITIONS

APPLICANT - THE TERM "APPLICANT" REFERS TO THE PERSONS PROPOSING A DRIVEWAY.

BOARD - THE BOARD OF SELECTMEN FOR THE TOWN OF STERLING, CONNECTICUT OR THEIR AUTHORIZED REPRESENTATIVE.

COMMISSION - THE PLANNING COMMISSION OF THE TOWN OF STERLING, CONNECTICUT OR THEIR AUTHORIZED REPRESENTATIVE.

DRIVEWAY - AN ACCESS ONTO OR AN EGRESS FROM A STREET.

ROAD STANDARDS - SHALL MEAN THE STANDARDS AND SPECIFICATIONS SET FORTH IN THE PUBLIC IMPROVEMENT SPECIFICATIONS PREPARED BY THE NORTHEASTERN CONNECTICUT COUNCIL OF GOVERNMENTS.

STORM WATER - SURFACE RUNOFF, THE DIRECT RESULT OF PRECIPITATION.

STREET - ANY TOWN MAINTAINED, PAVED HIGHWAY. THE WORK SHALL NOT INCLUDE PRIVATE DRIVEWAYS AND RIGHTS-OF-WAY.

TOWN - THE TOWN OF STERLING, CONNECTICUT.

SECTION 2. PURPOSE

IT IS THE DECLARED PURPOSE OF THIS ORDINANCE TO REGULATE DRIVEWAYS FOR THE PURPOSE OF PROVIDING SAFE AND STRUCTURALLY ADEQUATE ACCESS ONTO THE STREETS.

SECTION 3. PERMIT

NO DRIVEWAY SHALL BE CONSTRUCTED WITHIN THE TOWN OF STERLING WITHOUT A WRITTEN PERMIT ISSUED BY THE BOARD. NO BUILDING PERMIT SHALL BE ISSUED FOR NEW CONSTRUCTION WITHIN THE TOWN OF STERLING UNLESS THE APPLICANT CAN SHOW THAT EITHER:

- a. THERE IS AN EXISTING DRIVEWAY OR,
- b. A DRIVEWAY PERMIT HAS BEEN ISSUED PURSUANT TO THIS ORDINANCE, OR
- c. THE PROPOSED NEW CONSTRUCTION WILL NOT REQUIRE A DRIVEWAY.

SECTION 4. PROCEDURE

1. APPLICATION SHALL BE MADE TO THE BOARD ON A FORM PROVIDED BY THE BOARD. A PLAN AND FEE OF TWENTY-FIVE DOLLARS (\$25.00) MUST ACCOMPANY THE APPLICATION. THE BOARD MAY REQUIRE ADDITIONAL INFORMATION FROM THE APPLICANT OR CHANGES IN THE PLAN. DRIVEWAYS ONTO STATE OWNED ROADS ARE NOT REQUIRED TO HAVE A PERMIT FROM THE TOWN. IF THE DRIVEWAY CANNOT BE CONSTRUCTED TO MEET THE REQUIRED STANDARDS THE APPLICATION WILL BE DENIED. THE APPLICANT WILL BE ISSUED A DRIVEWAY CONSTRUCTION PERMIT ONLY IF ALL THE REQUIRED STANDARDS ARE MET. THE PERMIT SHALL BE VALID FOR ONE YEAR FROM THE DATE OF BOARD ISSUANCE.

2. CONSTRUCTION MAY START ONLY AFTER ISSUANCE OF THE DRIVEWAY CONSTRUCTION PERMIT. THE BOARD MUST BE NOTIFIED TWO (2) WORKING DAYS IN ADVANCE OF STARTING WORK ACTIVITIES. THE BOARD WILL DETERMINE WHICH WORK ACTIVITIES WILL NEED INSPECTION BEFORE ISSUANCE OF THE CONSTRUCTION PERMIT.

3. FINAL APPROVAL OF THE DRIVEWAY WILL BE ISSUED BY THE BOARD WHEN ALL WORK IS COMPLETED IN ACCORDANCE WITH THE STANDARDS AS VERIFIED BY THE INSPECTIONS. NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNTIL THE BOARD ISSUES ITS FINAL APPROVAL OF THE DRIVEWAY.

SECTION 5. STANDARDS

1. DRIVEWAYS SHALL INTERSECT STREETS AT AN ANGLE OF APPROXIMATELY NINETY (90) DEGREES AND SHALL BE LOCATED AND DESIGNED WITH SATISFACTORY SIGHTLINES ALONG THE SUBJECT STATE OR TOWN ROAD. DRIVEWAYS MUST COMPLY WITH THE MINIMUM STATE RECOMMENDED SIGHT DISTANCES FOR ESTABLISHED SPEED LIMIT WHEN ENTERING A STATE HIGHWAY AND SHALL HAVE A

MINIMUM SIGHT DISTANCE OF TWO HUNDRED AND SEVENTY-FIVE (275) FEET WHEN ENTERING A TOWN ROAD.

2. ALL DRIVEWAYS SHALL HAVE A MINIMUM USABLE WIDTH OF 12 FEET AND SHALL BE CONSTRUCTED SO AS TO ALLOW PASSAGE OF EMERGENCY VEHICLES. RECOMMENDED MINIMUM SPECIFICATIONS ARE AS FOLLOWS:

- a. SLOPE: LESS THAN 12 PERCENT
- b. LOAD CAPACITY: 44,000 POUNDS
- c. HEIGHT CLEARANCE: 12 FEET
- d. RADIUS OF CENTERLINE: NOT LESS THAN 40 FEET
- e. SIDE SLOPES OF CUTS OR FILLS: NOT STEEPER THAN 3:1

3. WHERE A DRIVEWAY IS PROPOSED ACROSS THE EXISTING DRAINAGE DITCH OR CULVERT OR ACROSS A TOWN EASEMENT FOR DRAINAGE IT SHALL BE THE RESPONSIBILITY OF THE APPLICANT TO INSTALL AND ALL SUBSEQUENT OWNERS TO MAINTAIN ADEQUATE PROVISIONS FOR STORM WATER DRAINAGE, ACCORDING TO ROAD STANDARDS FOR WATER DRAINAGE, ACCORDING TO ROAD STANDARDS FOR DRAINAGE FACILITIES.

4. A PAVED APRON SHALL BE INSTALLED BY THE APPLICANT, TO CONSIST OF 3 INCH THICK BITUMINOUS CONCRETE, ON THE FIRST TWENTY FEET FROM THE EDGE OF THE TOWN MAINTAINED PAVEMENT, HAVING A MINIMUM WIDTH OF 12 FEET AT THE DRIVEWAY END AND TWICE THE DRIVEWAY WIDTH AT THE HIGHWAY END, PLACED SO AS TO PROVIDE A RADIUS OF NOT LESS THAN ONE-HALF THE DRIVEWAY WIDTH ON EACH SIDE.

#### SECTION 5. VIOLATION

ANY PERSON VIOLATING THE PROVISION OF THIS ORDINANCE SHALL BE FINED NOT MORE THAN ONE HUNDRED DOLLARS (\$100.00) FOR EACH SUCH OFFENSE. EACH DAY OF ANY SUCH VIOLATION SHALL CONSTITUTE A SEPARATE OFFENSE AND BE SUBJECTED TO SEPARATE PUNISHMENT.

THIS ORDINANCE SHALL BECOME EFFECTIVE FIFTEEN (15) DAYS AFTER PUBLICATION. PUBLISHED APRIL 27, 1988.

### **AN ORDINANCE ESTABLISHING INDIVIDUAL COST BASED FEES FOR MUNICIPAL LAND USE APPLICATIONS**

BE IT ORDAINED THAT:

SECTION 1. AUTHORIZATION AND PURPOSES.

1.1 TO ESTABLISH A SCHEDULE OF FEES, PURSUANT TO SECTIONS 8-1c AND 22-42a(E) OF THE CONNECTICUT GENERAL STATUTES WHICH REQUIRES NEW DEVELOPMENT TO FUND THE ACTUAL

MUNICIPAL ADMINISTRATIVE COSTS OF REVIEWING, EVALUATING, PROCESSING AND MONITORING LAND USE APPLICATIONS, AND ENSURES THAT FEES DO NOT CAUSE NEW DEVELOPMENT TO SUBSIDIZE MUNICIPAL EXPENSES NOT DIRECTLY ATTRIBUTABLE TO REVIEWING, EVALUATING AND PROCESSING LAND USE APPLICATIONS.

1.2 TO ESTABLISH A SCHEDULE OF FEES FOR LAND USE APPLICATIONS WHICH DOCUMENT DIRECT AND INDIRECT MUNICIPAL EXPENSES IN REVIEWING LAND USE APPLICATIONS AND WHICH CALCULATES FEES SEPARATELY AND INDIVIDUALLY FOR EACH LAND USE APPLICATION.

1.3 TO ESTABLISH A REASONABLE AND EQUITABLE SCHEDULE OF FEES FOR REVIEWING, EVALUATING AND PROCESSING APPLICATIONS TO THE PLANNING COMMISSION, AND THE INLAND WETLANDS AGENCY.

1.4 TO ENSURE THAT THE SYSTEM OF FEES DOES NOT FUND MUNICIPAL EXPENSES FOR NEGOTIATING WITH LAND USE APPLICANTS FOR AGREEMENTS, CONVEYANCES, CONDITIONS, MODIFICATIONS OR ANY OTHER CONCESSIONS DESIRED BY THE MUNICIPALITY IN THE REVIEW PROCESS.

1.5 TO ESTABLISH FLAT FEE FOR MINOR LAND USE APPLICATIONS, SO THAT THE FEE SYSTEM IS NOT UNDULY BURDENSOME IN ADMINISTRATION.

1.6 TO IMPROVE THE SERVICES PROVIDED LAND USE APPLICANTS BY RECOUPING MUNICIPAL EXPENSES FOR REVIEWING, EVALUATING AND PROCESSING LAND USE APPLICATIONS.

1.7 TO ENCOURAGE LAND USE APPLICANTS TO BECOME FAMILIAR WITH AND REVIEW MUNICIPAL DEVELOPMENT REGULATIONS, TO SUBMIT LAND USE APPLICATIONS WHICH COMPLY WITH MUNICIPAL REGULATIONS, AND TO SUBMIT PLANS AND PROPOSALS WITH FEWER ERRORS AND OMISSIONS.

## SECTION 2: DEFINITIONS

2.1 LAND USE APPLICATION - ANY APPLICATION TO THE PLANNING COMMISSION, THE INLAND WETLANDS AGENCY, INCLUDING BUT NOT LIMITED TO AN APPLICATION FOR ANY OF THE FOLLOWING: PERMIT TO CONDUCT REGULATED ACTIVITIES IN WETLANDS PURSUANT TO SECTION 22a-42 OF THE CONNECTICUT GENERAL STATUTES, APPLICATION TO DESIGNATE OR REDESIGNATE.

2.2 REVIEW, EVALUATION AND PROCESSING - REVIEW, EVALUATION AND PROCESSING IS TO INCLUDE ALL FUNCTIONS PERFORMED IN DIRECT CONNECTION WITH A LAND USE APPLICATION BY THE PLANNING DEPARTMENT, ENGINEERING DEPARTMENT, BUILDING INSPECTOR, DEPARTMENT OF PUBLIC WORKS, FIRE DEPARTMENT, POLICE DEPARTMENT, TOWN SANITARIAN OR HEALTH DEPARTMENT, STAFF OF THE CONSERVATION COMMISSION, ANY CONSULTANT HIRED BY THE MUNICIPALITY, AND ANY OTHER MUNICIPAL OR NORTHEASTERN CONNECTICUT COUNCIL OF GOVERNMENTS STAFF WHO REVIEW, EVALUATE OR PROCESS LAND USE APPLICATIONS WHICH IS DIRECTLY ATTRIBUTABLE TO THE LAND USE APPLICATION.

2.3 APPLICANT - ANY PERSON OR ENTITY WHO SUBMITS A LAND USE APPLICATION, OR HIS OR HER AGENT OR SUCCESSOR IN INTEREST.

2.4 DEVELOPMENT NEGOTIATIONS - DISCUSSIONS OR NEGOTIATIONS BETWEEN MUNICIPAL OR NORTHEASTERN CONNECTICUT COUNCIL OF GOVERNMENTS STAFF AND APPLICANTS IN WHICH THE STAFF AND APPLICANT DISCUSS OR NEGOTIATE AGREEMENTS, CONVEYANCES, CONDITIONS, OR MODIFICATIONS IN THE REVIEW PROCESS.

2.5 STAFF - STAFF INCLUDES MUNICIPAL AND NORTHEASTERN CONNECTICUT COUNCIL OF GOVERNMENT EMPLOYEES DIRECTLY INVOLVED IN THE REVIEW, EVALUATION OR PROCESSING OF LAND USE APPLICATIONS.

2.6 HOUR - AN HOUR INCLUDES ANY PORTIONS OF AN HOUR, COMPUTED IN ONE-TENTHS OF AN HOUR SEGMENTS.

### SECTION 3: FEES CHARGED FOR LAND USE APPLICATIONS

3.1 AN APPLICANT SHALL INCLUDE THE FEES LISTED IN "SCHEDULE A," ATTACHED HERETO. ANY APPLICATION, WHICH DOES NOT INCLUDE THE FEES AS LISTED IN "SCHEDULE A," SHALL BE DETERMINED TO BE INCOMPLETE AND DENIED BY THE COMMISSION.

3.2 AN APPLICANT SHALL BE REQUIRED TO PAY ANY ADDITIONAL COSTS ASSOCIATED WITH THE REVIEW OF THEIR LAND USE APPLICATION WHICH EXCEED THE FEES LISTED IN "SCHEDULE A:." IN THE ADVENT OF ADDITIONAL COSTS THE LAND USE APPLICANT SHALL PAY ACTUAL MUNICIPAL EXPENSES FOR THE REVIEW, EVALUATION AND PROCESSING OF THE LAND USE APPLICATION, WHICH ARE DIRECTLY ATTRIBUTABLE TO THE LAND USE APPLICATION.

3.3 UNPAID BILLS SHALL BE DRAWN AGAINST ANY BOND REQUIRED IN CONNECTION WITH A LAND USE APPLICATION.

### SECTION 4: APPEAL

4.1 AN APPLICANT MAY CHALLENGE ANY ASPECT OF A FEE PAYABLE UNDER THIS ORDINANCE BY SUBMITTING A WRITTEN APPEAL WITHIN THIRTY (30) DAYS OF THE DATE OF THE CHALLENGED BILLING TO THE TOWN PLANNER OR CHAIRMAN OF THE COMMISSION ON A FORM AVAILABLE AT THE TOWN HALL. THE RESPONSIBLE COMMISSION SHALL HEAR THE APPEAL WITHIN SIXTY-FIVE (65) DAYS AND MAKE A RULING WITHIN AN ADDITIONAL SIXTY-FIVE (65) DAYS.

### SECTION 5: VALIDITY

5.1 IF ANY SECTION, SUBSECTION, CLAUSE OR PHRASE OF THIS ORDINANCE IS, FOR ANY REASON FOUND TO BE INVALID BY A COURT OF COMPETENT JURISDICTION, SUCH DECISION SHALL NOT AFFECT THE VALIDITY OF THE REMAINING PORTIONS OF THIS ORDINANCE.

5.2 THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY AFTER BEING POSTED AND PUBLISHED ACCORDING TO LAW. PUBLISHED 8/18/88.

<b>SCHEDULE A</b>		<b>EFFECTIVE 5/9/08</b>
<b>PLANNING/ENGINEERING/LEGAL REVIEW &amp; INSPECTION FEES FOR SUBDIVISION APPLICATIONS</b>		
1	Application for change of Subdivision Regulations	\$750.00
2	Subdivision/Re-Subdivision: No proposed and/or required public improvements, drainage or grading on or off site.	\$1,500 Flat Fee
	a. Processing, administration, planning engineering and legal review	Plus \$300 per lot
	b. Review – Road design, drainage improvements, grading, etc.	\$200 per sheet
3	Subdivision/Re-subdivision: With proposed and/or required public improvements, drainage or grading on or off site	\$1,500 Flat fee
	a. Processing, administration, planning, engineering and legal review	Plus \$300 per lot
	b. Review – Road design, drainage improvements, grading, etc.	\$3,000 Flat fee Plus \$1,000 or \$5.00 per linear ft. whichever is greater.
4	Inspection and supervision of proposed improvements on and/or offsite Engineering/Planning review and inspection	\$500 Flat fee plus 5% of estimated construction cost as approved by the Planning Commission
5	Re-inspection of proposed improvements on and off site	\$300 per visit
6	State fee for land use application	\$30 per application or as amended by CGS

**WETLAND REGULATIONS**

**1. PERMITTED AND REGULATED USES**

PERMITTED USES AS OF RIGHT - NO CHARGE

**2. REGULATED USES**

RESIDENTIAL USES - \$60.00

PLUS: \$25.00/LOT OR \$45.00/ACRE OF WETLANDS ON PROPERTY WHICH EVER IS MORE

COMMERCIAL USES - \$60.00 PLUS FEE FROM #6A

ALL OTHER USES - \$60.00

**3. SIGNIFICANT ACTIVITIES FEE - \$175.00**

**4. MAP AMENDMENT PETITIONS - \$175.00**

5. MODIFICATION OF PREVIOUS APPROVAL - \$25.00

6. CORRECTING TYPOGRAPHICAL OR OTHER ERRORS - NO CHARGE

#6A. FOR THE PURPOSE OF CALCULATING THE PERMIT APPLICATION FEE, THE REGULATED AREA IN SCHEDULE A IS THE TOTAL AREA OF WETLANDS AND WATERCOURSES UPON WHICH A REGULATED ACTIVITY IS PROPOSED:

SQ. FT. REGULATED AREA	FEE/1,000 FT.
LESS THAN 2,500	\$18.00
2,500 - 50,000	\$12.00
MORE THAN 50,000	\$8.00

#6B

FOR THE PURPOSE OF CALCULATING THE MAP AMENDMENT PETITION FEE, THE REGULATED AREA IN SCHEDULE B IS THE TOTAL LENGTH OF WETLANDS AND WATERCOURSES BOUNDARY SUBJECT TO THE PROPOSED BOUNDARY CHANGE:

LINEAR FEET REGULATED AREA	FEE/1,000 FT
LESS THAN 500	\$20.00
500 - 1,000	\$15.00
MORE THAN 1,000	\$8.00

GENERAL CONDITIONS

1. EXEMPTION: BOARDS, COMMISSIONS, COUNCILS AND DEPARTMENTS OF THE TOWN OF STERLING ARE EXEMPT FROM ALL FEE REQUIREMENTS.
2. THE APPLICATION FEE IS NOT REFUNDABLE
3. PUBLIC IMPROVEMENTS- FOR THE PURPOSES OF THIS ORDINANCE, INCLUDES BUT IS NOT LIMITED TO THE CONSTRUCTION OF NEW ROADS, IMPROVEMENTS TO EXISTING ROADS, STORM DRAINAGE FACILITIES, WATER AND SEWER LINES, THE SETTING ASIDE OF OPEN SPACE AND RECREATION AREAS, PLANTING OF TREES OR OTHER LANDSCAPING, THE INSTALLATION OF RETAINING WALLS OR OTHER STRUCTURES AND EROSION AND SEDIMENT CONTROLS.

REVISED: MARCH 28, 2011

**AN ORDINANCE CONCERNING ROAD NAMES AND LOT NUMBERS**

WHEREAS, THE TOWN OF STERLING HAS SEVERAL STREETS UNDER ITS JURISDICTION WHICH ARE CONNECTED WITH STREETS IN OTHER TOWNS AND

WHEREAS, THE STREET NAMES ARE CONFUSING BECAUSE THE CONTINUATION OF THE STREET FROM ONE TOWN TO ANOTHER BEARS ANOTHER NAME WHICH CONFUSION HAS ADVERSE EFFECTS UPON PUBLIC SAFETY IN THAT IDENTIFICATION OF LOCATIONS BY FIRE, AMBULANCE AND POLICE SERVICES ARE UNNECESSARILY DELAYED.

NOW THEREFORE, THE TOWN OF STERLING HEREBY RENAMES THE FOLLOWING SECTIONS OF ITS PUBLIC ROADS:

1. A SECTION OF STREET PRESENTLY KNOWN AS PINE HILL ROAD #2 RUNNING SOUTHERLY FROM VALLEY VIEW ROAD TO AN INTERSECTION AT SNAKE MEADOW ROAD AND JARED HALL HILL ROAD SHALL BE VALLEY VIEW ROAD.
2. A SECTION OF STREET PRESENTLY KNOWN AS MILLER ROAD RUNNING EASTERLY FROM THE PLAINFIELD TOWN LINE TO THE INTERSECTION OF THE PROPOSED VALLEY VIEW ROAD (PRESENTLY KNOWN AS PINE HILL ROAD #2) AND MILLER ROAD SHALL BE HARRIS ROAD.
3. A SECTION OF STREET PRESENTLY KNOWN AS RIVER ROAD RUNNING EASTERLY FROM THE STERLING-PLAINFIELD TOWN LINE TO MAIN STREET SHALL BE NORTH STERLING ROAD.
4. A SECTION OF STREET PRESENTLY KNOWN AS NORTH STERLING ROAD RUNNING NORTHERLY FROM THE INTERSECTION OF SNAKE MEADOW HILL ROAD AND GIBSON HILL ROAD TO SAW MILL HILL ROAD SHALL BE GIBSON HILL ROAD.
5. A SECTION OF STREET RUNNING SOUTHERLY FROM THE STERLING-PLAINFIELD TOWN LINE TO PLAINFIELD PIKE (14A) SHALL BE STERLING HILL ROAD.
6. A STREET PRESENTLY KNOWN AS BAILEY ROAD #2 RUNNING SOUTHERLY FROM NEWPORT ROAD TO BAILEY ROAD SHALL BE WOODLAND ROAD.
7. A STREET PRESENTLY KNOWN AS BAILEY ROAD #1 SHALL BE BAILEY ROAD.
8. A SECTION OF STREET PRESENTLY KNOWN AS EKONK ROAD #1 RUNNING SOUTHERLY FROM THE PLAINFIELD-STERLING TOWN LINE TO EKONK HILL ROAD (RT 49) SHALL BE NEW ROAD.
9. A SECTION OF STREET PRESENTLY KNOWN AS EKONK ROAD #2 SHALL BE KNOWN AS EKONK ROAD.
10. A ROAD PRESENTLY KNOWN AS RT 14 RUNNING EASTERLY FROM THE PLAINFIELD-STERLING TOWN LINE TO THE RHODE ISLAND LINE SHALL BE STERLING ROAD
11. A ROAD PRESENTLY KNOWN AS RT 14A RUNNING EASTERLY FROM THE PLAINFIELD-STERLING TOWN LINE TO THE RHODE ISLAND STATE LINE SHALL BE PLAINFIELD PIKE.
12. A SECTION OF STREET PRESENTLY KNOW AS CHURCH STREET #3 RUNNING WESTERLY FROM CHURCH STREET TO PLAINFIELD PIKE (RT 14A) SHALL BE LEDGE HILL ROAD.

ALL OTHER NAMES OF TOWN ROADS AS PRESENTLY RECORDED ON MAPS AND PLANS RECORDED IN THE ASSESSOR'S OFFICE ARE HEREBY DESIGNATED AS THE OFFICIAL NAMES OF SUCH ROADS.

THE BOARD OF SELECTMEN OF THE TOWN AS THE SAME MAY BE CONSTITUTED FROM TIME TO TIME SHALL BE RESPONSIBLE FOR DESIGNATING STREET ADDRESS NUMBERS FOR ALL LOTS PRESENTLY OR HEREAFTER ESTABLISHED WITHIN THE TOWN OF STERLING. THE TOWN CLERK SHALL KEEP A RECORD OF SUCH NUMBERS AVAILABLE FOR INSPECTION AT ALL REASONABLE TIMES.

IT SHALL BE THE RESPONSIBILITY OF OWNER OF EACH LOT WHEREON IS CONSTRUCTED A DWELLING OR OTHER STRUCTURE TO DISPLAY THE LOT NUMBER IN A PLACE EASILY VISIBLE FROM THE PUBLIC ROAD GIVING ACCESS TO SAID PREMISES IN FIGURES AT LEAST THREE INCHES HIGH.

NO BUILDING PERMIT SHALL BE ISSUED FOR ANY SUCH LOT UNTIL THE LOT NUMBER HAS BEEN POSED AS REQUIRED HEREIN.

LOT NUMBERS HAVE BEEN ISSUED WITHOUT REGARD TO THE LEGAL STATUS OF THE ROAD OR STREET GIVING ACCESS TO SUCH LOT. ESTABLISHMENT OF LOT NUMBERS SHALL NOT BE CONSTRUED TO BE AN ACCEPTANCE OF THE STREET OR ROAD FOR MAINTENANCE PURPOSES BY THE TOWN OF STERLING.

THIS ORDINANCE SHALL BECOME EFFECTIVE FIFTEEN DAYS FROM THE DATE OF PUBLICATION. PUBLISHED OCTOBER 25, 1988.

### **AMENDMENT TO SEWER ORDINANCE**

#### ARTICLE XI

#### EFFECTS OF TRANSFER OF PROPERTY USE CHANGE

NOTWITHSTANDING THE EXISTENCE OF ANY INSTALLMENT METHOD OF PAYMENT OF SEWER BENEFIT ASSESSMENTS, THE UNPAID BALANCE OF ANY SUCH ASSESSMENT SHALL BE DUE AND PAYABLE IMMEDIATELY UPON THE TRANSFER OF TITLE TO SUCH PROPERTY.

IN THE EVENT OF DEMOLITION OF ANY STRUCTURE OR CHANGE OF USE OF ANY PARCEL OF LAND, THE AUTHORITY MAY REQUIRE PAYMENT IN FULL OF THE THEN BALANCE OF PRIOR BENEFIT ASSESSMENT AS PART OF THE PROCESS OF LEVYING A SUPPLEMENTARY ASSESSMENT.

THIS AMENDMENT WILL BECOME EFFECTIVE 15 DAYS AFTER NOTICE OF ITS PASSAGE HAS BEEN PUBLISHED. PUBLISHED APRIL 25, 1989.

**AN ORDINANCE CONCERNING REGISTRATION AND INSPECTION OF STRUCTURES CONTAINING  
MULTIPLE DWELLING UNITS**

SECTION 1. FOR THE PURPOSE OF THIS ORDINANCE A MULTIPLE DWELLING UNIT IS DEFINED AS A BUILDING OR STRUCTURE CONTAINING TWO (2) OR MORE RENTAL HOUSING UNITS.

SECTION 2. NO OWNER OF A MULTIPLE DWELLING UNIT SHALL RENT OR LEASE ANY UNIT WITHIN SUCH BUILDING BEFORE PROVIDING THE BUILDING INSPECTOR OR HIS DESIGNATE WITH A LIST OF ALL TENANTS RESIDING IN SUCH BUILDING, AND THEIR INDIVIDUAL UNIT OR APARTMENT NUMBERS, WHICH LIST SHALL BE UPDATED BY THE OWNER OF SAID BUILDING WITHIN THREE (3) WORKING DAYS OF THE TIME A VACANCY OCCURS.

SECTION 3. NO DWELLING UNIT, ONCE VACATED, SHALL BE RE-OCCUPIED BEFORE THE OWNER OF THE BUILDING CONTAINING SUCH DWELLING UNIT SHALL OBTAIN FROM THE BUILDING INSPECTOR OR HIS DESIGNATE A "PERMIT FOR MULTIPLE DWELLING UNIT OCCUPANCY" FOR THE PARTICULAR UNIT.

SECTION 4. THE BUILDING INSPECTOR'S OFFICE SHALL MAKE AVAILABLE NECESSARY FORMS FOR PROVIDING SUCH LIST OF TENANTS AND FOR APPLYING FOR SUCH PERMIT. THE OWNER SHALL PAY AN INSPECTION FEE OF \$15.00 PER UNIT AT THE TIME OF APPLICATION.

SECTION 5. ANY SUCH PERMIT SO OBTAINED FOR A PARTICULAR UNIT SHALL BE VALID UNTIL THE PARTICULAR UNIT IS VACATED.

SECTION 6. NO PERMIT SHALL BE ISSUED UNTIL THE BUILDING INSPECTOR OR HIS DESIGNATE HAS INSPECTED THE DWELLING UNIT AND APPROVED SUCH UNIT AND ITS APPURTENANT FACILITIES AS BEING IN CONFORMITY WITH ALL APPLICABLE STATE AND TOWN CODES.

SECTION 7. SUCH INSPECTION BY THE BUILDING INSPECTOR OR HIS DESIGNATE MUST BE COMPLETED WITHIN THREE (3) WORKING DAYS FROM THE DATE THE APPLICATION FOR A "PERMIT FOR MULTIPLE DWELLING UNIT OCCUPANCY" IS FILED OR THE PERMIT SHALL BE CONSIDERED GRANTED.

SECTION 8. ANY VIOLATION OF A PROVISION OF THIS ORDINANCE SHALL REQUIRE UPON CONVICTION, A FINE OF \$99.00 FOR EACH DAY THAT SUCH VIOLATION OCCURS.

SECTION 9. EXEMPTED FROM THE APPLICATION OF THIS ORDINANCE SHALL BE BUILDINGS LESS THAN FIVE (5) YEARS OLD, HOTELS, MOTELS, INNS, LODGING HOUSES AND ROOMING HOUSES.

SECTION 10. ANY PERSON AGGRIEVED BY THE ACTION OF THE BUILDING INSPECTOR'S OFFICE IN ENFORCING THIS ORDINANCE SHALL HAVE THE RIGHT TO APPEAL TO THE SUPERIOR COURT AS PROVIDED BY THE CONNECTICUT GENERAL STATUTES.

SECTION 11. ANY OWNER OF A MULTIPLE DWELLING UNIT, WHICH IS NOT EXEMPTED FROM THE APPLICATION OF THIS ORDINANCE, SHALL NOTIFY THE BUILDING INSPECTOR'S OFFICE WITHIN THREE

(3) DAYS OF ANY FIRE AND OBTAIN A NEW PERMIT OR PERMITS OF MULTIPLE DWELLING UNIT OCCUPANCY AS APPLICABLE, UPON PAYMENT OF A \$15.00 FEE FOR EACH RENTAL DWELLING UNIT AND NOT TO EXCEED \$50.00 PER FIRE IN SAID BUILDING.

SECTION 12. EACH SECTION, PROVISION OR REQUIREMENT OF THIS ORDINANCE SHALL BE CONSIDERED SEPARABLE, AND THE INVALIDITY OF ANY PORTION OF THIS ORDINANCE SHALL NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF ANY OTHER PORTION.

THIS ORDINANCE SHALL BECOME EFFECTIVE FIFTEEN (15) DAYS AFTER PUBLICATION IN ACCORDANCE WITH THE CONNECTICUT GENERAL STATUTES. PUBLISHED OCTOBER 10, 1989.

**AN ORDINANCE CONCERNING THE NORTHEAST CONNECTICUT REGIONAL RESOURCE RECOVERY AUTHORITY**

1. THE TOWN OF STERLING HEREBY ADOPTS THE PROVISIONS OF CHAPTER 103b OF THE CONNECTICUT GENERAL STATUTES AND DESIGNATES THE NORTHEASTERN CONNECTICUT REGIONAL RESOURCE RECOVERY AUTHORITY AS ITS MUNICIPAL RESOURCE RECOVERY AUTHORITY, WITH ALL AUTHORITIES, DUTIES AND POWERS PROVIDED FOR UNDER CONNECTICUT GENERAL STATUTES SECTIONS 7-237aa TO 7-237oo, INCLUSIVE EFFECTIVE JANUARY 2, 1990.
2. THE TOWN OF STERLING SHALL HAVE ONE (1) DELEGATE TO THE REGIONAL RESOURCE RECOVERY AUTHORITY, A REGULAR REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE. THE ALTERNATE REPRESENTATIVE MAY VOTE ONLY IN THE ABSENCE OF THE REGULAR MEMBER. REPRESENTATIVE AND ALTERNATE SHALL BE APPOINTED BY THE BOARD OF SELECTMEN, WHICH SHALL FILL ANY VACANCIES.
3. THE TOWN OF STERLING HEREBY APPROPRIATES THE SUM OF \$1,272.00 FOR ITS CONTRIBUTION TO THE EXPENSE OF OPERATION OF THE NORTHEAST CONNECTICUT REGIONAL RESOURCE RECOVERY AUTHORITY FOR THE REMAINDER OF THE FISCAL YEAR ENDING JUNE 30, 1990.

THIS ORDINANCE WILL BECOME EFFECTIVE FIFTEEN (15) DAYS AFTER PUBLICATION. PUBLISHED JANUARY 30, 1990.

**TOWN ORDINANCE FOR SOLID WASTE AND RECYCLING PROGRAM**

SECTION 1. DECLARATION OF POLICY

THE ACCUMULATION, COLLECTION, REMOVAL AND DISPOSAL OF REFUSE MUST BE CONTROLLED BY THE TOWN OF STERLING FOR THE PROTECTION OF THE PUBLIC HEALTH, SAFETY AND WELFARE. IT IS CONSEQUENTLY FOUND AND DECLARED THAT:

A. THE TOWN IS AUTHORIZED BY LAW TO REGULATE THE DISPOSITION OF REFUSE GENERATED WITHIN ITS BOUNDARIES AND TO LICENSE REFUSE COLLECTORS; AND

B. THE TOWN IS ALSO AUTHORIZED BY CONNECTICUT GENERAL STATUTES TO DESIGNATE THE ARE WHERE REFUSE GENERATED WITHIN ITS BOUNDARIES SHALL BE DISPOSED.

## SECTION 2. DEFINITIONS

1. "TOWN" MEANS THE TOWN OF STERLING, CONNECTICUT

2. "MUNICIPALITY" SHALL INCLUDE THE TOWN OF STERLING, CONNECTICUT SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

3. "BOARD" OR "SOLID WASTE BOARD" SHALL CONSIST OF THE TOWN OF STERLING BOARD OF SELECTMEN AND THE RECYCLING COORDINATOR.

4. "RECYCLING COORDINATOR" MEANS THE PERSON DESIGNATED BY THE BOARD OF SELECTMEN TO LAWFULLY OVERSEE THE SEPARATION, PICKUP, STORAGE AND MARKETING OF RECYCLABLES IN THE TOWN.

5. "RESIDENT" MEANS A PERSON WHO RESIDES OR OWNS REAL PROPERTY CONTAINING A RESIDENCE IN THE TOWN OF STERLING.

6. "COLLECTOR" MEANS ANY PERSON, FIRM, OR CORPORATION WHO COLLECTS, TRANSPORTS, OR DISPOSES OF SOLID WASTE FOR HIRE AND INCLUDES THOSE WHO COLLECT AND DISPOSE OF SOLID WASTE AS A SECONDARY ASPECT OF OTHER COMMERCIAL SERVICES, SUCH AS CONTRACTORS AND CONSTRUCTION COMPANIES.

7. "RECYCLING CENTER" MEANS ANY AREA DESIGNATED BY THE TOWN WHERE THE RECYCLABLES RECOVERED FROM THE TOWN RESIDENTS WILL BE STORED BEFORE GOING TO MARKET.

8. "SOLID WASTE FACILITY" MEANS ANY SOLID WASTE DISPOSAL AREA, VOLUME REDUCTION PLANT, OR RESOURCE RECOVERY FACILITY, DESIGNATED, OWNER OR OPERATED BY THE TOWN.

9. "RECYCLABLES" MEANS ANY ITEM DESIGNATED BY THIS ORDINANCE OR BY THE REGULATIONS ADOPTED PURSUANT TO THIS ORDINANCE TO BE SEPARATED OR DIVERTED FROM THE SOLID WASTE STREAM.

10. "SOLID WASTE" MEANS UNWANTED OR DISCARDED MATERIALS, INCLUDING SOLID, LIQUID, SEMI-SOLID, OR CONTAINED GASEOUS MATERIALS.

## SECTION 3. RESTRICTION OF USE OF SOLID WASTE FACILITY.

ONLY RESIDENTS, THEIR COLLECTORS, TOWN OPERATED COLLECTORS, AND THE TOWN, ARE PURSUANT TO THIS ORDINANCE ALLOWED TO USE THE TOWN DESIGNATED SOLID WASTE FACILITY AND ONLY FOR SOLID WASTE WHICH IS GENERATED IN THE TOWN. ALL OTHER PERSONS SHALL NOT BE ALLOWED USE OF AND ALL OTHER SOLID WASTES SHALL NOT BE DISPOSED OF AT THE TOWN DESIGNATED SOLID WASTE FACILITY WITHOUT THE WRITTEN PERMISSION OF THE BOARD.

#### SECTION 4. DISPOSAL

1. DISPOSAL OF SOLID WASTE IS RESTRICTED PURSUANT TO THIS ORDINANCE AND SOLID WASTE REGULATIONS HEREINAFTER ADOPTED BY THE BOARD.
2. NO PERSON SHALL ENGAGE IN ANY SCAVENGING, SALVAGING OR RECYCLING ACTIVITIES AT ANY SOLID WASTE FACILITY WITHOUT THE WRITTEN PERMISSION OF THE BOARD. IN ADDITION, NO PERSON SHALL SCAVENGE, SALVAGE OR RECYCLE ANOTHER'S SOLID WASTE OR MATERIALS FOR RECYCLING AFTER IS HAS BEEN PLACED FOR COLLECTION WITHOUT WRITTEN PERMISSION OF THE BOARD.

#### SECTION 5. COLLECTION AND TRANSPORT

1. NO PERSON SHALL COLLECT, HAUL, OR TRANSPORT RECYCLABLE FOR PAYMENT OR PROFIT WITHIN THE TOWN WITHOUT OBTAINING A COLLECTOR'S PERMIT. THIS PARAGRAPH SHALL NOT INCLUDE ANY RESIDENT HAULING RECYCLABLE FOR HIS OWN RESIDENCE NOR TO THE TOWN OR ITS AGENCIES.
2. APPLICATION FORMS FOR COLLECTOR'S PERMIT SHALL BE OBTAINED FROM THE RECYCLING COORDINATOR. THE FORM SHALL INCLUDE THE FOLLOWING:
  - A. NAME AND ADDRESS OF THE PERMITTEE
  - B. A LIST OF ALL VEHICLES TO BE USED FOR THE PICKUP OF RECYCLABLE, LIST TO INCLUDE THE CONNECTICUT REGISTRATION NUMBER, CAPACITY SIZE OF EACH VEHICLE, TYPE OF VEHICLE, OTHER TOWNS IN WHICH COLLECTOR OPERATES AND THE PRINCIPAL PLACE OF BUSINESS WHERE THE VEHICLES ARE GARAGED.
  - C. EVIDENCE OF INSURANCE IS REQUIRED COVERING LIABILITY AND PROPERTY DAMAGE IN AN AMOUNT ESTABLISHED BY THE REGULATIONS OF THE BOARD.

THE RECYCLING COORDINATOR SHALL REVIEW THE APPLICATION AND IF IT CONFORMS TO THE REGULATIONS, ISSUE THE PERMIT.

3. ANY PERMIT ISSUED UNDER THESE PROVISIONS MAY BE SUSPENDED, CANCELED OR REVOKED BY THE BOARD ON TEN (10) DAYS WRITTEN NOTICE, MAILED CERTIFIED RETURN RECEIPT TO THE PERMITTEE AT THE LAST BUSINESS ADDRESS ON THE APPLICATION, UPON THE FOLLOWING:
  - A. ANY PERMITTEE FAILS OR REFUSES TO COMPLY WITH THE PROVISIONS OF THIS ORDINANCE OR THE APPLICABLE RULES AND REGULATIONS OF THE BOARD.

4. ALL PERMITTEES SHALL KEEP AND MAINTAIN SUCH RECORDS AS THE BOARD, BY REGULATION, MAY REQUIRE TO COMPLY WITH THIS ORDINANCE AND STATE REGULATIONS GOVERNING SOLID WASTE.

**SECTION 6. CONTRACTUAL AUTHORITY AND RECYCLING**

THE BOARD IS AUTHORIZED TO EMPLOY AND/OR NEGOTIATE AND ENTER INTO CONTRACTORS WITH INDIVIDUALS, CORPORATIONS OR GOVERNMENTAL AGENCIES FOR THEIR SEPARATION, RECOVERY, COLLECTION, REMOVAL, STORAGE OF DISPOSITION OF SOLID WASTE AND RECYCLABLES.

**SECTION 7. FIXIANT OF BOARD'S AUTHORITY**

1. IN EXERCISING THE CONTRACTUAL OR REGULATORY AUTHORITY PROVIDED FOR HEREIN, THE BOARD SHALL EXERCISE THIS AUTHORITY IN CONFORMANCE WITH STATE AND TOWN PERMITS AND REQUIREMENTS FOR PERMITS, AND FEDERAL AND STATE STATUTES AND REGULATIONS.

**SECTION 8. SEVERABILITY**

IF ANY SECTION, SUBSECTION, PARAGRAPH OR PHRASE OF THIS ORDINANCE IS FOR ANY REASON HELD TO BE INVALID OR UNCONSTITUTIONAL BY THE DECISION OF ANY COURT OR COMPETENT JURISDICTION, SUCH DECISIONS SHALL NOT AFFECT THE VALIDITY OF THE REMAINING PORTION OF THIS ORDINANCE AS SUCH OTHER PORTIONS SHALL BE DEEMED SEPARATE, DISTINCT AND INDEPENDENT.

**SECTION 9. ITEMS DEEMED RECYCLABLE**

RECYCLABLE ITEMS SHALL INCLUDE, NEWSPAPERS, CARDBOARD, GLASS, FOOD CONTAINERS, METAL FOOD CANS, AUTOMOTIVE BATTERIES, LEAVES, ENGINE OIL, OFFICE PAPER, AND SCRAP METAL. THE BOARD SHALL BE ALLOWED BY REGULATION TO ADD TO THIS LIST.

THIS ORDINANCE WILL BECOME EFFECTIVE FIFTEEN DAYS AFTER PUBLICATION.

**ORDINANCE CONCERNING PUBLICATION OF PROPOSED BUDGETS**

BE IT ORDAINED BY THE VOTERS OF THE TOWN OF STERLING THAT PURSUANT TO SECTION 7-344 OF THE CONNECTICUT GENERAL STATUTES, THE TOWN OF STERLING SHALL NOT BE REQUIRED TO PUBLISH THE REPORT OF ITS BOARD OF FINANCE IN A NEWSPAPER BUT MAY PUBLISH IT BY PROVIDING COPIES PURSUANT TO SAID STATUTE AT LEAST FIVE DAYS BEFORE THE BUDGET MEETING FOR EACH YEAR.

THIS ORDINANCE WILL BECOME EFFECTIVE FIFTEEN DAYS AFTER PUBLICATION.

**ORDINANCE AMENDING THE FLOOD DAMAGE PREVENTION ORDINANCE**

## SECTION 1. STATUTORY AUTHORIZATION, FINDING OF FACT, PURPOSE AND OBJECTIVES.

### 1.1 STATUTORY AUTHORIZATION

THE LEGISLATURE OF THE STATE OF CONNECTICUT HAS IN SECTION 7-148(c)(7) OF THE GENERAL STATUTES DELEGATED THE RESPONSIBILITY TO LOCAL GOVERNMENTAL UNITS TO ADOPT REGULATIONS DESIGNED TO PROMOTE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF ITS CITIZENRY. THEREFORE, THE TOWN MEETING OF THE TOWN OF STERLING, CONNECTICUT DOES ORDAIN AS FOLLOWS:

### 1.2 FINDING OF FACT

1.2.1 THE FLOOD HAZARD AREAS OF THE TOWN OF STERLING ARE SUBJECT TO PERIODIC INUNDATION WHICH RESULTS IN LOSS OF LIFE AND PROPERTY HEALTH AND SAFETY HAZARDS, DISRUPTION OF COMMERCE AND GOVERNMENTAL SERVICES, EXTRAORDINARY PUBLIC EXPENDITURES FOR FLOOD PROTECTION AND RELIEF, AND IMPAIRMENT OF THE TAX BASE, ALL OF WHICH ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE.

1.2.2 THESE FLOOD LOSSES ARE CAUSED BY THE CUMULATIVE EFFECT OF OBSTRUCTIONS IN FLOODPLAINS CAUSING INCREASES IN FLOOD HEIGHTS AND VELOCITIES, AND BY THE OCCUPANCY IN FLOOD HAZARD AREA BY USES VULNERABLE TO FLOOD OR HAZARDOUS TO OTHER LANDS WHICH ARE INADEQUATELY ELEVATED, FLOOD-PROOFED, OR OTHERWISE UNPROTECTED FROM FLOOD DAMAGES.

### 1.3 STATEMENT OF PURPOSE

1.3.1 RESTRICT OR PROHIBIT USES WHICH ARE DANGEROUS TO HEALTH, SAFETY AND PROPERTY DUE TO WATER OR EROSION HAZARDS, OR WHICH RESULT IN DAMAGING INCREASES IN EROSION OR IN FLOOD HEIGHTS OR VELOCITIES;

1.3.2 REQUIRE THAT USES VULNERABLE TO FLOODS, INCLUDING FACILITIES WHICH SERVE SUCH USES, BE PROTECTED AGAINST FLOOD DAMAGE AT THE TIME OF INITIAL CONSTRUCTION.

1.3.3. CONTROL THE ALTERATION OF NATURAL FLOODPLAINS, STREAM CHANNELS AND NATURAL PROTECTIVE BARRIERS WHICH ARE INVOLVED IN THE ACCOMMODATION OF FLOOD WATERS.

1.3.4 CONTROL FILLING, FADING, DREDGING AND OTHER DEVELOPMENT WHICH MAY INCREASE EROSION OR FLOOD DAMAGE, AND:

1.3.5 PREVENT OR REGULATE THE CONSTRUCTION OF FLOOD BARRIERS WHICH MAY INCREASE FLOOD HAZARDS TO OTHER LANDS.

### 1.4 OBJECTIVES

1.4.1 TO PROTECT HUMAN LIFE AND HEALTH;

1.4.2 TO MINIMIZE EXPENDITURES OF PUBLIC MONEY FOR COSTLY FLOOD CONTROL PROJECTS;

1.4.3 TO MINIMIZE THE NEED FOR RESCUE AND RELIEF EFFORTS ASSOCIATED WITH FLOODING AND GENERALLY UNDERTAKEN AT THE EXPENSE OF THE GENERAL PUBLIC;

1.4.4 TO MINIMIZE PROLONGED BUSINESS INTERRUPTIONS;

1.4.5 TO MINIMIZE DAMAGE TO PUBLIC FACILITIES AND UTILITIES SUCH AS WATER AND GAS MAINS, ELECTRIC, TELEPHONE AND SEWER LINES, STREETS AND BRIDGES LOCATED IN FLOODPLAINS;

1.4.6 TO HELP MAINTAIN A STABLE TAX BASE BY PROVIDING FOR THE SOUND USE AND DEVELOPMENT OF FLOOD PRONE AREAS IN SUCH MANNER AS TO MINIMIZE BLIGHT AREAS, AND;

1.4.7 TO INSURE THAT POTENTIAL HOME BUYERS ARE NOTIFIED THAT PROPERTY IS IN THE FLOOD AREA.

## SECTION 2 DEFINITIONS

UNLESS SPECIFICALLY DEFINED BELOW, WORDS OR PHRASES USED IN THIS ORDINANCE SHALL BE INTERPRETED SO AS TO GIVE THEM THE MEANING THEY HAVE IN COMMON USAGE AND TO GIVE THIS ORDINANCE ITS MOST REASONABLE APPLICATION.

“ADDITION (TO AN EXISTING BUILDING)” MEANS ANY WALLED AND ROOFED EXPANSION TO THE PERIMETER OF A BUILDING IN WHICH THE ADDITION IS CONNECTED BY A COMMON LOAD-BEARING WALL OTHER THAN A FIRE WALL. ANY WALLED AND ROOFED ADDITION WHICH IS CONNECTED BY A FIRE WALL OR IS SEPARATED BY INDEPENDENT PERIMETER LOAD-BEARING WALLS IS NEW CONSTRUCTION.

“APEX” MEANS THE POINT OF HIGHEST ELEVATION ON AN ALLUVIAL FAN, WHICH ON UNDISTURBED FANS IS GENERALLY THE POINT WHERE THE MAJOR STREAM THAT FORMED THE FAN EMERGES FROM THE MOUNTAIN FRONT.

“APPEAL” MEANS A REQUEST FOR A REVIEW OF THE BUILDING INSPECTOR’S INTERPRETATION OF ANY PROVISION OF THIS ORDINANCE OR A REQUEST FOR A VARIANCE.

“AREA OF SPECIAL FLOOD HAZARD” IS THE LAND IN THE FLOODPLAIN WITHIN A COMMUNITY SUBJECT TO ONE PERCENT OR GREATER CHANCE OF FLOODING IN ANY GIVEN YEAR.

“BASE FLOOD” MEANS THE FLOOD HAVING A ONE PERCENT CHANCE OF BEING EQUALED OR EXCEEDED IN ANY GIVEN YEAR.

“BASEMENT” MEANS THAT PORTION OF A BUILDING HAVING ITS FLOOR SUBGRADE (BELOW GROUND LEVEL) ON ALL SIDES.

“BREAKAWAY WALL” MEANS A WALL THAT IS NOT PART OF THE STRUCTURAL SUPPORT OF THE BUILDING AND IS INTENDED THROUGH ITS DESIGN AND CONSTRUCTION TO COLLAPSE UNDER SPECIFIC LATERAL LOADING FORCES WITHOUT CAUSING DAMAGE TO THE ELEVATED PORTION OF THE BUILDING OR THE SUPPORTING FOUNDATION SYSTEM.

“BUILDING” MEANS ANY STRUCTURE BUILT FOR SUPPORT, SHELTER OR ENCLOSURE FOR ANY OCCUPANCY OR STORAGE.

“DEVELOPMENT” MEANS ANY MAN-MADE CHANGE TO IMPROVED OR UNIMPROVED REAL ESTATE, INCLUDING BUT NOT LIMITED TO BUILDINGS OR OTHER STRUCTURES, MINING, DREDGING, FILLING, GRADING, PAVING, EXCAVATING, DRILLING OPERATIONS OR STORAGE OF EQUIPMENT OR MATERIALS.

“ELEVATED BUILDING” MEANS A NON-BASEMENT BUILDING BUILT TO HAVE THE LOWEST FLOOR ELEVATED ABOVE THE GROUND LEVEL BY MEANS OF FILL, SOLID FOUNDATION PERIMETER WALLS, PILINGS, COLUMNS (POST AND PIERS), SHEAR WALLS OR BREAKAWAY WALLS.

“EXISTING MANUFACTURED HOME PARK OR SUBDIVISION” MEANS A MANUFACTURED HOME PARK OR SUBDIVISION FOR WHICH THE MANUFACTURED HOMES ARE TO BE AFFIXED (INCLUDING, AT A MINIMUM, THE INSTALLATION OF UTILITIES, THE CONSTRUCTION OF STREETS, AND EITHER FINAL SITE GRADING OR THE POURING OF CONCRETE PADS) IS COMPLETED BEFORE THE EFFECTIVE DATE OF THE FLOOD PLAIN MANAGEMENT REGULATIONS ADOPTED BY THE COMMUNITY.

“EXPANSION TO EXISTING MANUFACTURED HOME PARK OR SUBDIVISION” MEANS THE PREPARATION OF ADDITIONAL SITES BY THE CONSTRUCTION OF FACILITIES FOR SERVICING THE LOTS ON WHICH THE MANUFACTURED HOMES ARE TO BE AFFIXED (INCLUDING THE INSTALLATION OF UTILITIES, THE CONSTRUCTION OF STREETS, AND EITHER FINAL SITE GRADING OR THE POURING OF CONCRETE PADS).

“FLOOD” OR “FLOODING” MEANS A GENERAL AND TEMPORARY CONDITION OF PARTIAL OR COMPLETE INUNDATION OF NORMALLY DRY LAND AREAS FROM:

1. THE OVERFLOW OF INLAND WATER;
2. THE UNUSUAL AND RAPID ACCUMULATION OR RUNOFF TO SURFACE WATERS FROM ANY SOURCE.

“FLOOD BOUNDARY AND FLOODWAY MAP” MEANS ANY OFFICIAL MAP OF A COMMUNITY, ON WHICH THE FEDERAL EMERGENCY MANAGEMENT AGENCY HAS DELINEATED BOTH THE AREAS OF SPECIAL FLOOD HAZARD AND THE RISK PREMIUM ZONES APPLICABLE TO THE COMMUNITY.

“FLOOD INSURANCE RATE MAP (FIRM)” MEANS AN OFFICIAL MAP OF A COMMUNITY, ON WHICH THE FEDERAL EMERGENCY MANAGEMENT AGENCY HAS DELINEATED BOTH THE AREAS OF SPECIAL FLOOD HAZARD AND THE RISK PREMIUM ZONES APPLICABLE TO THE COMMUNITY.

“FLOODWAY” MEANS THE CHANNEL OF A RIVER OR OTHER WATERCOURSE AND THE ADJACENT LAND AREAS THAT MUST BE RESERVED IN ORDER TO DISCHARGE THE BASE FLOOD WITHOUT CUMULATIVELY INCREASING THE WATER SURFACE ELEVATION MORE THAN ONE FOOT.

“FLOOR” MEANS THE TOP SURFACE OF AN ENCLOSED AREA IN A BUILDING (INCLUDING BASEMENT), I.E., TOP OF A SLAB IN CONCRETE SLAB CONSTRUCTION OR TOP OF WOOD FLOORING IN WOOD FRAME CONSTRUCTION. THE TERM DOES NOT INCLUDE THE FLOOR OF A GARAGE USED SOLELY FOR PARKING VEHICLES.

“FUNCTIONALLY DEPENDENT FACILITY” MEANS 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.

“HIGHEST ADJACENT GRADE” MEANS THE HIGHEST NATURAL ELEVATION OF THE GROUND SURFACE, PRIOR TO CONSTRUCTION, NEXT TO THE PROPOSED WALLS OF A STRUCTURE.

“HISTORIC STRUCTURE” MEANS ANY STRUCTURE THAT IS: (a) LISTED INDIVIDUALLY IN THE NATIONAL REGISTER OF HISTORIC PLACES (A LISTING MAINTAINED BY THE DEPARTMENT OF INTERIOR) OR PRELIMINARY DETERMINED BY THE SECRETARY OF THE INTERIOR AS MEETING THE REQUIREMENTS OF INDIVIDUAL LISTING ON THE NATIONAL REGISTER; (b) CERTIFIED OR PRELIMINARILY DETERMINED BY THE SECRETARY OF THE INTERIOR AS CONTRIBUTING TO THE HISTORICAL SIGNIFICANCE OF A REGISTERED HISTORIC DISTRICT OR A DISTRICT PRELIMINARILY DETERMINED BY THE SECRETARY TO QUALIFY AS A REGISTERED HISTORIC DISTRICT; (c) INDIVIDUALLY LISTED ON A STATE INVENTORY OF HISTORIC PLACES IN STATES WITH HISTORIC PRESERVATION PROGRAMS WHICH HAVE BEEN APPROVED BY THE SECRETARY OF THE INTERIOR; OR (d) INDIVIDUALLY LISTED ON A LOCAL INVENTORY OF HISTORIC PLACES COMMUNITIES WITH HISTORIC PRESERVATION THAT HAVE BEEN CERTIFIED EITHER: (1) BY AN APPROVED STATE PROGRAM AS DETERMINED BY THE SECRETARY OF THE INTERIOR OR (2) DIRECTLY BY THE SECRETARY OF THE INTERIOR IN STATES WITHOUT APPROVED PROGRAMS.

“LOWEST FLOOR” MEANS 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.

“MANUFACTURED HOME” MEANS 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 ATTACHED TO THE REQUIRED UTILITIES. THE TERM "MANUFACTURED HOME" DOES NOT INCLUDE A "RECREATIONAL VEHICLE."

"MANUFACTURED HOME PARK OR SUBDIVISION" MEANS A PARCEL, OR CONTIGUOUS PARCELS, OF LAND DIVIDED INTO TWO (2) OR MORE MANUFACTURED HOME LOTS FOR RENT OR SALE.

"MEAN SEA LEVEL" MEANS, 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.

"NATIONAL GEODETIC VERTICAL DATUM (NGVD)" AS CORRECTED IN 1929 IS A VERTICAL CONTROL USED AS A REFERENCE FOR ESTABLISHING VARYING ELEVATIONS WITHIN THE FLOODPLAIN.

"NEW CONSTRUCTION" MEANS, FOR THE PURPOSES OF DETERMINING INSURANCE RATES, STRUCTURES FOR WHICH THE "START OF CONSTRUCTION" COMMENCED ON OR AFTER THE EFFECTIVE DATE OF THE INITIAL FIRM AND INCLUDES ANY SUBSEQUENT IMPROVEMENTS TO SUCH STRUCTURES. FOR FLOOD PLAIN MANAGEMENT PURPOSES "NEW CONSTRUCTION" MEANS STRUCTURES FOR WHICH THE "START OF CONSTRUCTION" COMMENCED ON OR AFTER THE EFFECTIVE DATE OF A FLOOD PLAIN MANAGEMENT REGULATION ADOPTED BY A COMMUNITY AND INCLUDES ANY SUBSEQUENT IMPROVEMENTS TO SUCH STRUCTURES.

"NEW MANUFACTURED HOME PARK OR SUBDIVISION" MEANS A MANUFACTURED HOME PARK OR SUBDIVISION FOR WHICH THE CONSTRUCTION OF FACILITIES FOR SERVICING THE LOTS ON WHICH THE MANUFACTURED HOMES ARE TO BE AFFIXED (INCLUDING AT A MINIMUM, THE INSTALLATION OF UTILITIES, THE CONSTRUCTION OF STREETS, AND EITHER FINAL SITE GRADING OR THE POURING OF CONCRETE PADS) IS COMPLETED ON OR AFTER THE EFFECTIVE DATE OF FLOODPLAIN MANAGEMENT REGULATIONS ADOPTED BY A COMMUNITY.

"RECREATIONAL VEHICLE" MEANS A VEHICLE WHICH IS: (a) BUILT ON A SINGLE CHASSIS; (b) 400 SQUARE FEET OR LESS WHEN MEASURED AT THE LARGEST HORIZONTAL PROJECTIONS; (c) DESIGNED TO BE SELF-PROPELLED OR PERMANENTLY TOWABLE BY A LIGHT DUTY TRUCK; AND (d) DESIGNED PRIMARILY NOT FOR USE AS A PERMANENT DWELLING BUT AS A TEMPORARY LIVING QUARTERS FOR RECREATIONAL, CAMPING, TRAVEL OR SEASONAL USE.

"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 THE ACTUAL START OF CONSTRUCTION, REPAIR, RECONSTRUCTION, REHABILITATION ADDITION 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 STATE OF EXCAVATION OR PLACEMENT OF A MANUFACTURED HOME) ON A FOUNDATION. FOR A SUBSTANTIAL IMPROVEMENT, THE ACTUAL START OF

CONSTRUCTION MEANS THE FIRST ALTERATION OF ANY WALL, CEILING, FLOOR OR OTHER STRUCTURAL PART OF A BUILDING, WHETHER OR NOT THAT ALTERATIVE AFFECTS THE EXTERNAL DIMENSIONS OF THE BUILDING. PERMANENT CONSTRUCTION DOES NOT INCLUDE LAND PREPARATION, SUCH AS CLEARING, GRADING AND FILLING; OR 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 NOT PART OF THE MAIN STRUCTURE.

“STRUCTURE” MEANS A WALLED AND ROOFED BUILDING THAT IS PRINCIPALLY ABOVE GROUND, A HOME, A GAS OR LIQUID STORAGE TANK, OR OTHER MAN-MADE FACILITIES OR INFRASTRUCTURES.

“SUBSTANTIAL DAMAGE” MEANS 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” MEANS ANY RECONSTRUCTION, REHABILITATION ADDITION, OR OTHER IMPROVEMENT OF A STRUCTURE, THE COST OF WHICH EQUALS OR EXCEEDS 50% OF THE MARKET VALUE (AS DETERMINED BY THE COST APPROACH TO VALUE) OF THE STRUCTURE BEFORE THE “START OF CONSTRUCTION” OF THE IMPROVEMENT. THIS TERM INCLUDES STRUCTURES WHICH HAVE INCURRED “SUBSTANTIAL DAMAGE,” REGARDLESS OF THE ACTUAL REPAIR WORK PERFORMED. THE TERM DOES NOT, HOWEVER, INCLUDE EITHER (1) ANY PROJECT FOR IMPROVEMENT OF A STRUCTURE TO CORRECT EXISTING VIOLATIONS OF STATE OR LOCAL HEALTH, SANITARY, OR SAFETY CODE SPECIFICATIONS WHICH HAVE BEEN IDENTIFIED BY THE LOCAL CODE ENFORCEMENT OFFICIALS AND WHICH ARE THE MINIMUM NECESSARY TO ASSURE SAFE LIVING CONDITIONS, OR (2) ANY ALTERATION OF A “HISTORIC STRUCTURE” PROVIDED THAT THE ALTERATION WILL NOT PRECLUDE THE STRUCTURE’S CONTINUED DESIGNATION AS A “HISTORIC STRUCTURE”.

“VARIANCE” IS A GRANT OF RELIEF FROM THE REQUIREMENTS OF THIS ORDINANCE WHICH PERMITS CONSTRUCTION IN A MANNER OTHERWISE PROHIBITED BY THIS ORDINANCE WHERE SPECIFIC ENFORCEMENT WOULD RESULT IN UNNECESSARY HARDSHIP.

“WATER SURFACE ELEVATION” MEANS 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 FLOOD PLAINS OF COASTAL OR RIVERINE AREAS.

### SECTION 3. GENERAL PROVISIONS

#### 3.1 LAND TO WHICH THIS ORDINANCE APPLIES

THIS ORDINANCE SHALL APPLY TO ALL AREAS OF SPECIAL FLOOD HAZARD WITHIN THE JURISDICTION OF THE TOWN OF STERLING

#### 3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

THE AREAS OF SPECIAL FLOOD HAZARD IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY IN IT SCIENTIFIC AND ENGINEERING REPORT ENTITLED "THE FLOOD INSURANCE STUDY FOR THE TOWN OF STERLING, WINDHAM COUNTY, CONNECTICUT", DATED SEPTEMBER 4, 1984, WITH ACCOMPANYING FLOOD INSURANCE RATE MAPS AND FLOODWAY MAPS IS HEREBY ADOPTED BY REFERENCE AND DECLARED TO BE PART OF THIS ORDINANCE. THE FLOOD INSURANCE STUDY IS ON FILE AT THE OFFICE OF THE STERLING TOWN CLERK, STERLING TOWN HALL, 1114 PLAINFIELD PIKE P.O. BOX 157, ONECO, CONNECTICUT, 06373

### 3.3 ESTABLISHMENT OF FLOODPLAIN MANAGEMENT ADMINISTRATION

A DEVELOPMENT PERMIT SHALL BE REQUIRED IN CONFORMANCE WITH THE PROVISIONS OF THIS ORDINANCE PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ACTIVITIES.

### 3.4 COMPLIANCE

NO STRUCTURE OF LAND SHALL HEREAFTER BE LOCATED, EXTENDED, CONVERTED OR STRUCTURALLY ALTERED WITHOUT FULL COMPLIANCE WITH THE TERMS OF THIS ORDINANCE AND OTHER APPLICABLE REGULATIONS.

### 3.5 ABROGATION AND GREATER RESTRICTIONS

THIS ORDINANCE IN NOT INTENDED TO REPEAL, ABROGATE OR IMPAIR ANY EXISTING EASEMENTS, COVENANTS OR DEED RESTRICTIONS. HOWEVER, WHERE THIS ORDINANCE AND ANOTHER CONFLICT OR OVERLAP, WHICHEVER IMPOSES THE MORE STRINGENT RESTRICTIONS SHALL PREVAIL.

### 3.6 INTERPRETATION

IN THE INTERPRETATION AND APPLICATION OF THIS ORDINANCE ALL PROVISIONS SHALL BE: 1) CONSIDERED AS MINIMUM REQUIREMENTS; 2) LIBERALLY CONSTRUED IN FAVOR OF THE GOVERNING BODY, AND: 3) DEEMED NEITHER TO LIMIT NOR REPEAL ANY OTHER POWERS GRANTED UNDER STATE STATUTES.

### 3.7 WARNING AND DISCLAIMER OF LIABILITY

THE DEGREE OF FLOOD PROTECTION REQUIRED BY THIS ORDINANCE IS CONSIDERED REASONABLE FOR REGULATORY PURPOSES AND IS BASED ON SCIENTIFIC AND ENGINEERING CONSIDERATION. LARGER FLOODS CAN AND WILL OCCUR ON RARE OCCASIONS. FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS ORDINANCE DOES NOT IMPLY THAT LAND OUTSIDE THE AREAS OF SPECIAL FLOOD HAZARD OR USES PERMITTED WITHIN SUCH AREAS WILL BE FREE FROM FLOODING OR FLOOD DAMAGES. THIS ORDINANCE SHALL NOT CREATE LIABILITY ON THE PART OF THE TOWN OF STERLING OR BY ANY OFFICER OR EMPLOYEE THEREOF FOR ANY FLOOD DAMAGES THAT RESULT FROM RELIANCE ON THIS ORDINANCE OR ANY ADMINISTRATIVE DECISION LAWFULLY MADE THEREUNDER.

## SECTION 4. ADMINISTRATION

### 4.1 THE DESIGNATION OF THE ORDINANCE ADMINISTRATOR

THE BUILDING INSPECTOR IS HEREBY APPOINTED TO ADMINISTER AND IMPLEMENT THE PROVISIONS OF THIS ORDINANCE.

#### 4.2 PERMIT PROCEDURES

APPLICATION FOR A DEVELOPMENT PERMIT SHALL BE MADE TO THE BUILDING INSPECTOR ON FORMS FURNISHED BY HIM OR HER PRIOR TO ANY DEVELOPMENT ACTIVITIES, AND MAY INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING: PLANS IN DUPLICATE DRAWN TO SCALE SHOWING THE NATURE, LOCATION, DIMENSIONS AND ELEVATIONS OF THE AREA IN QUESTION; EXISTING OR PROPOSED STRUCTURES, FILL, STORAGE OF MATERIALS, DRAINAGE FACILITIES AND THE LOCATION OF THE FOREGOING:

SPECIFICALLY THE FOLLOWING INFORMATION IS REQUIRED:

##### 4.2.1 APPLICATION STATE

- (a) ELEVATION IN RELATION TO MEAN SEA LEVEL OF THE PROPOSED LOWEST FLOOR (INCLUDING BASEMENT) OF ALL STRUCTURES (SECTION 5.3.1(a)).
- (b) ELEVATION IN RELATION TO MEAN SEAL LEVEL TO WHICH ANY NON-RESIDENTIAL STRUCTURE WILL BE FLOOD-PROOFED (SECTION 5.3.1(b)(2)).
- (c) DESCRIPTION OF THE EXTENT TO WHICH ANY WATERCOURSE WILL BE ALTERED OR RELOCATED AS A RESULT OF PROPOSED DEVELOPMENT,
- (d) A STATEMENT AS TO WHETHER OR NOT THE PROPOSED ALTERATIONS TO AN EXISTING STRUCTURE MEETS THE CRITERIA OF THE SUBSTANTIAL IMPROVEMENT DEFINITION.
- (e) A STATEMENT AS TO WHETHER THERE WILL BE A DRY ACCESS TO THE STRUCTURE DURING THE 100 YEAR STORM EVENT. WHERE APPLICABLE THE FOLLOWING CERTIFICATIONS BY A REGISTERED ENGINEER OR ARCHITECT ARE REQUIRED, AND MUST BE PROVIDED TO THE BUILDING INSPECTOR. THE DESIGN AND METHODS OF CONSTRUCTION MUST BE CERTIFIED TO BE IN ACCORDANCE WITH ACCEPTED STANDARDS OF PRACTICE.
- (f) NON-RESIDENTIAL FLOOD PROOFING - MUST MEET THE PROVISIONS OF SECTION 5.3.1(b).
- (g) ENCLOSED AREAS BELOW THE BASE FLOOD ELEVATION - IF THE MINIMUM DESIGN CRITERIA IN SECTION 5.3.2(a) - 5.3.2(c) IS NOT USED, THEN THE DESIGN AND CONSTRUCTION METHODS MUST BE CERTIFIED AS EXPLAINED IN SECTION 5.3.2(a).
- (h) NO INCREASE IN FLOODWAY HEIGHTS MAY BE ALLOWED. ANY DEVELOPMENT IN A FLOODWAY MUST MEET THE PROVISIONS OF SECTION 5.3.3.
- (i) BREAK AWAY WALLS - NON-SUPPORTING BREAKAWAY WALL, LATTICE WORK OR MESH SCREENING SHALL BE ALLOWED BELOW THE BASE FLOOD ELEVATION PROVIDED IT IS DESIGNED SO AS TO BREAKAWAY, UNDER ABNORMALLY HIGH TIDES OR WAVE ACTION, WITHOUT DAMAGE TO THE STRUCTURAL INTEGRITY OF THE BUILDING ON WHICH IT IS TO BE USED AND PROVIDED THE FOLLOWING DESIGN SPECIFICATIONS ARE MET:
  - i. DESIGN SAFE LOADING RESISTANCE OF EACH WALL SHALL NOT BE LESS THAN 10 NOR MORE THAN 20 POUNDS PER SQUARE FOOT; OR

- ii. IN MORE THAN 20 POUNDS PER SQUARE FOOT, A REGISTERED PROFESSIONAL ENGINEER OR ARCHITECT SHALL CERTIFY THAT THE DESIGN WALL COLLAPSE WOULD RESULT FROM A WATER LOAD LESS THAN THAT WHICH WOULD OCCUR DURING THE BASE FLOOD EVENT, AND THE ELEVATED PORTION OF THE BUILDING AND SUPPORTING FOUNDATION SYSTEM SHALL NOT BE SUBJECT TO COLLAPSE, DISPLACEMENT, OR OTHER STRUCTURAL DAMAGE DUE TO THE EFFECTS OF WIND AND WATER LOADS ACTING SIMULTANEOUSLY ON ALL BUILDING COMPONENTS DURING THE BASE FLOOD EVENT. MAXIMUM WIND AND WATER LOADING VALUES TO BE USED IN THIS DETERMINATION SHALL EACH HAVE ONE PERCENT (15) CHANCE OF BEING EQUALED OR EXCEEDED IN ANY GIVEN YEAR (100-YEAR MEAN RECURRENCE INTERVAL).

IF BREAKAWAY WALLS, LATTICE WORK OR SCREENING ARE UTILIZED THE RESULTING ENCLOSED SPACE SHALL NOT BE DESIGNED TO BE USED FOR HUMAN HABITATION, BUT SHALL BE DESIGNED TO BE USED ONLY FOR PARKING OF VEHICLES, BUILDING ACCESS, OR LIMITED STORAGE OF MAINTENANCE EQUIPMENT USED IN CONNECTION WITH THE PREMISES. PRIOR TO CONSTRUCTION, PLANS FOR ANY STRUCTURES THAT WILL HAVE BREAKAWAY WALLS, LATTICE WORK OR SCREENING MUST BE SUBMITTED TO THE BUILDING INSPECTOR FOR APPROVAL.

ANY ALTERATION, REPAIR, RECONSTRUCTION OR IMPROVEMENT TO A STRUCTURE SHALL NOT ENCLOSE THE SPACE BELOW THE LOWEST FLOOR EXCEPT WITH BREAKAWAY WALLS, LATTICE WORK OR SCREENING.

(j) STRUCTURAL ANCHORING - ALL CONSTRUCTION OR SUBSTANTIAL IMPROVEMENT SHALL BE SECURELY ANCHORED ON PILINGS OR COLUMNS.

ALL PILINGS AND COLUMNS AND THE ATTACHED STRUCTURES SHALL BE ANCHORED TO RESIST FLOTATION, COLLAPSE, AND LATERAL MOVEMENT DUE TO THE EFFECT OF WIND AND WATER LOADS ACTING SIMULTANEOUSLY ON ALL BUILDING COMPONENTS. THE ANCHORING AND SUPPORT SYSTEM SHALL BE DESIGNED WITH WIND AND WATER LOADING VALUES WHICH EQUAL OR EXCEED THE 100-YEAR MEAN RECURRENCE INTERVAL (ONE PERCENT (1%)) ANNUAL CHANCE FLOODS AND WINDS).

A REGISTERED PROFESSIONAL ENGINEER OR ARCHITECT SHALL REVIEW AND/OR DEVELOP STRUCTURAL DESIGN SPECIFICATIONS AND PLANS FOR THE CONSTRUCTION AND SHALL CERTIFY THAT THE DESIGN, SPECIFICATIONS AND PLANS FOR CONSTRUCTION ARE IN ACCORDANCE WITH ACCEPTABLE STANDARDS.

#### 4.2.2 CONSTRUCTION STAGE

UPON COMPLETION OF THE APPLICABLE PORTION OF CONSTRUCTION THE APPLICANT SHALL PROVIDE VERIFICATION TO THE BUILDING INSPECTOR OF THE FOLLOWING AS APPLICABLE:

#### 4.2.3 LOWEST FLOOR ELEVATION

THE ELEVATION TO BE VERIFIED FOR:

(a) A STRUCTURE IN A NUMBERED A ZONE IS THE TOP OF THE LOWEST FLOOR (INCLUDING BASEMENT) (SECTION 5.3.1(b)).

(b) A STRUCTURE WHICH HAS BEEN FLOOD-PROOFED IS THE ELEVATION TO WHICH THE FLOOD-PROOFING IS EFFECTIVE (SECTION 5.3.1(b)).

#### 4.3 DUTIES AND RESPONSIBILITIES OF THE BUILDING INSPECTOR

4.3.1 DUTIES OF THE BUILDING INSPECTOR SHALL INCLUDE, BUT NOT BE LIMITED TO:

(a) REVIEW OF ALL PERMIT APPLICATIONS TO DETERMINE WHETHER PROPOSED BUILDING SITES WILL BE REASONABLY SAFE FROM FLOODING;

(b) REVIEW ALL DEVELOPMENT PERMITS TO ASSURE THAT THE PERMIT REQUIREMENTS OF THIS ORDINANCE HAVE BEEN SATISFIED;

(c) ADVISE PERMITTEE THAT ADDITIONAL FEDERAL OR STATE PERMITS MAY BE REQUIRED, AND IF SPECIFIC FEDERAL OR STATE PERMIT REQUIREMENTS ARE KNOWN, REQUIRE THAT COPIES OF SUCH PERMITS BE PROVIDED AND MAINTAINED ON FILE WITH THE DEVELOPMENT PERMIT. POSSIBLE REQUIRED PERMITS INCLUDE BUT ARE NOT LIMITED TO COASTAL AREA MANAGEMENT PERMIT, WATER DIVERSION, DAM SAFETY AND CORPS OF ENGINEERS 404;

(d) NOTIFY THE COUNCIL OF GOVERNMENTS/REGIONAL PLANNING AGENCY AND THE AFFECTED MUNICIPALITY AT LEAST 35 DAYS PRIOR TO THE PUBLIC HEARING IF ANY CHANGE OF REGULATION OR USE OF A FLOOD ZONE WILL AFFECT AN AREA WITHIN 500 FEET OF ANOTHER MUNICIPALITY;

(e) NOTIFY ADJACENT COMMUNITIES AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION - WATER RESOURCES UNIT PRIOR TO ANY ALTERATION OR RELOCATION OF A WATERCOURSE, AND SUBMIT EVIDENCE OF SUCH NOTIFICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY;

(f) ASSURE THAT MAINTENANCE IS PROVIDED WITHIN THE ALTERED OR RELOCATED PORTION OF SAID WATERCOURSE SO THAT THE FLOOD CARRYING CAPACITY IS NOT DIMINISHED;

(g) RECORD THE ELEVATION (IN RELATION TO MEAN SEA LEVEL) OF THE LOWEST FLOOR (INCLUDING BASEMENT) OR ALL NEW OR SUBSTANTIALLY IMPROVED STRUCTURES, IN ACCORDANCE WITH SECTION 5.3.1(b);

(h) RECORD THE ELEVATION (IN RELATION TO MEAN SEA LEVEL) TO WHICH THE NEW OR SUBSTANTIALLY IMPROVED STRUCTURES HAVE BEEN FLOOD-PROOFED, IN ACCORDANCE WITH SECTION 5.3.1(b);

(i) WHEN FLOOD-PROOFING IS UTILIZED FOR A PARTICULAR STRUCTURE THE BUILDING INSPECTOR SHALL OBTAIN CERTIFICATION FROM A REGISTERED PROFESSIONAL ENGINEER OR ARCHITECT, IN ACCORDANCE WITH SECTION 5.3.1(b);

(j) WHERE INTERPRETATION IS NEEDED AS TO THE EXACT LOCATION BOUNDARIES OF THE AREAS OF SPECIAL FLOOD HAZARD (FOR EXAMPLE, WHERE THERE APPEARS TO BE A CONFLICT BETWEEN A MAPPED BOUNDARY AND ACTUAL FIELD CONDITIONS) THE BUILDING INSPECTOR SHALL MAKE THE NECESSARY INTERPRETATION. THE PERSON CONTESTING THE LOCATION OF THE BOUNDARY SHALL BE GIVEN A REASONABLE OPPORTUNITY TO APPEAL THE INTERPRETATION AS PROVIDED IN THIS ARTICLE;

(k) WHEN BASE FLOOD ELEVATION DATA OR FLOODWAY DATA HAVE NOT BEEN PROVIDED THEN THE BUILDING INSPECTOR 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 PROVISIONS OF SECTION 5; AND

(l) ALL RECORDS PERTAINING TO THE PROVISIONS OF THIS ORDINANCE SHALL BE MAINTAINED IN THE OFFICE OF THE BUILDING INSPECTOR.

## SECTION 5. PROVISION FOR FLOOD HAZARD REDUCTION

### 5.1 GENERAL STANDARDS

IN ALL AREAS OF SPECIAL FLOOD HAZARD THE FOLLOWING PROVISIONS ARE REQUIRED:

5.1.1 NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS SHALL BE ANCHORED TO PREVENT FLOTATION, COLLAPSE OR LATERAL MOVEMENT OF THE STRUCTURE;

5.1.2 NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS SHALL BE CONSTRUCTED WITH MATERIALS RESISTANT TO FLOOD DAMAGE;

5.1.3 NEW CONSTRUCTION OR SUBSTANTIAL IMPROVEMENTS SHALL BE CONSTRUCTED BY METHODS AND PRACTICES THAT MINIMIZE FLOOD DAMAGE;

5.1.4 ELECTRICAL, HEATING, VENTILATION, PLUMBING, AIR CONDITIONING EQUIPMENT, AND OTHER SERVICE FACILITIES SHALL BE DESIGNED AND/OR LOCATED SO AS TO PREVENT WATER FROM ENTERING OR ACCUMULATING WITHIN THE COMPONENT DURING CONDITIONS OF FLOODING;

5.1.5 NEW AND REPLACEMENT WATER SUPPLY SYSTEMS SHALL BE DESIGNED TO MINIMIZE OR ELIMINATE INFILTRATION OF FLOOD WATERS INTO THE SYSTEM;

5.1.6 NEW AND REPLACEMENT SANITARY SEWAGE SYSTEMS SHALL BE DESIGNED TO MINIMIZE OR ELIMINATE INFILTRATION OF FLOOD WATERS INTO SYSTEMS AND DISCHARGES FROM THE SYSTEM INTO FLOOD WATERS;

5.1.7 ON-SITE WASTE DISPOSAL SYSTEMS SHALL BE LOCATED AND CONSTRUCTED TO AVOID IMPAIRMENT TO THEM OR CONTAMINATIONS FROM THEM DURING FLOODING; AND

5.1.8 MANUFACTURED HOMES

(a) ALL MANUFACTURED HOMES (INCLUDING "MOBILE" HOMES PLACED ON A SITE FOR 180 CONSECUTIVE DAYS OR LONGER) TO BE PLACED OR SUBSTANTIALLY IMPROVED SHALL BE ELEVATED SO THAT THE LOWEST FLOOR IS ABOVE THE BASE FLOOD ELEVATION;

(b) IT SHALL BE PLACED ON A PERMANENT FOUNDATION WHICH ITSELF IS SECURELY ANCHORED AND TO WHICH THE STRUCTURE IS SECURELY ANCHORED SO THAT IT WILL RESIST FLOTATION, LATERAL MOVEMENT AND HYDRODYNAMIC PRESSURES. ANCHORING MAY INCLUDE, BUT NOT BE LIMITED TO THE USE OF OVER-THE-TOP OR FRAME TIES TO GROUND ANCHORS;

5.1.9 RECREATIONAL VEHICLES

RECREATIONAL VEHICLES SHALL MEET THE FOLLOWING REQUIREMENTS:

EITHER (i) BE ON THE SITE FOR FEWER THAN 180 CONSECUTIVE DAYS, (ii) BE FULLY LICENSED AND READY FOR HIGHWAY USE, OR (iii) MEET THE PERMIT REQUIREMENTS OF MANUFACTURED HOMES REGARDING ELEVATION AND ANCHORING. A RECREATIONAL VEHICLE IS READY FOR HIGHWAY USE IF IT IS ON ITS WHEELS OR JACKING SYSTEM, IS ATTACHED TO THE SITE ONLY BY QUICK DISCONNECT TYPE UTILITIES AND SECURITY DEVICES, AND HAS NO PERMANENTLY ATTACHED ADDITIONS.

5.1.10 IN ANY PORTION OF A WATERCOURSE WHICH IS ALTERED OR RELOCATED THE FLOOD CARRYING CAPACITY SHALL BE MAINTAINED, AND;

5.1.11 A STRUCTURE ALREADY IN COMPLIANCE WITH THE PROVISIONS OF THIS ORDINANCE SHALL NOT BE MADE NON-COMPLIANT BY ANY ALTERATION, REPAIR, RECONSTRUCTION OR IMPROVEMENT TO THE STRUCTURE.

5.2 STANDARDS FOR STREAM WITHOUT ESTABLISHING BASE FLOOD ELEVATIONS AND/OR FLOODING OBTAIN, REVIEW AND REASONABLE UTILIZE ANY BASE FLOOD ELEVATION AND FLOODWAY DATA AVAILABLE FROM A FEDERAL, STATE OR OTHER SOURCE, INCLUDING DATA DEVELOPED PURSUANT TO SECTION 4.3.1(k) OF THIS ORDINANCE, AS CRITERIA FOR REQUIRING THAT NEW CONSTRUCTION, SUBSTANTIAL IMPROVEMENT, OR OTHER DEVELOPMENT IS ZONE A ON THE COMMUNITY'S FIRM MEET THE STANDARDS IN SECTION 5.3 AND SECTION 6.

5.2.1 IN A ZONES BASE FLOOD ELEVATIONS HAVE BEEN DETERMINED, BUT BEFORE A FLOODWAY IS DESIGNATED, REQUIRE THAT NO NEW CONSTRUCTION, SUBSTANTIAL IMPROVEMENT, OR OTHER DEVELOPMENT (INCLUDING FILL ) BE PERMITTED WHICH WILL

INCREASE BASE FLOOD ELEVATIONS MORE THAN (1) FOOT AT ANY POINT ALONG THE WATERCOURSE.

### 5.3 SPECIFIC STANDARDS

5.3.1 IN ALL AREAS OF SPECIAL FLOOD HAZARD A1-30, WHERE BASE FLOOD ELEVATION DATA HAS BEEN PROVIDED, AS SET FORTH IN SECTION 3.2 OR 4.3.1(k), THE FOLLOWING PROVISIONS ARE REQUIRED:

(a) RESIDENTIAL CONSTRUCTION: NEW CONSTRUCTION OR SUBSTANTIAL IMPROVEMENT OF ANY RESIDENTIAL STRUCTURE SHALL HAVE THE LOWEST FLOOR, INCLUDING BASEMENT, ELEVATED AT LEAST ONE (1) FOOT ABOVE THE BASE FLOOD ELEVATION.

(b) NON RESIDENTIAL CONSTRUCTION:

(1) NEW CONSTRUCTION OR SUBSTANTIAL IMPROVEMENT OF ANY COMMERCIAL, INDUSTRIAL, OR NON-RESIDENTIAL STRUCTURE LOCATED IN ZONES A1-30, SHALL HAVE THE LOWEST FLOOR, INCLUDING BASEMENT, ELEVATED AT LEAST ONE (1) FOOT ABOVE THE LEVEL OF THE BASE FLOOD ELEVATION: OR

(2) NON-RESIDENTIAL STRUCTURES LOCATED IN ALL A ZONES MAY BE FLOOD-PROOFED IN LIEU OF BEING ELEVATED PROVIDED THAT TOGETHER WITH ALL ATTENDANT UTILITIES AND SANITARY FACILITIES THE AREA OF THE STRUCTURE BELOW THE REQUIRED ELEVATION ARE WATER TIGHT WITH WALLS SUBSTANTIALLY IMPERMEABLE TO THE PASSAGE OF WATER, AND USE STRUCTURAL COMPONENTS HAVING THE CAPABILITY OF RESISTING HYDROSTATIC AND HYDRO-DYNAMIC LOADS AND THE EFFECT OF BUOYANCY. A REGISTERED PROFESSIONAL ENGINEER OR ARCHITECT SHALL REVIEW AND/OR DEVELOP STRUCTURAL DESIGN SPECIFICATIONS, AND PLANS FOR THE CONSTRUCTION, AND SHALL CERTIFY THAT THE DESIGN AND METHODS OF CONSTRUCTION ARE IN ACCORDANCE WITH ACCEPTABLE STANDARDS OF PRACTICE FOR MEETING THE PROVISIONS OF THIS SUBSECTION. SUCH CERTIFICATION SHALL BE PROVIDED TO THE BUILDING INSPECTOR AS SET FORTH IN SECTION 4.2.1(f).

### 5.3.2 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 ALLOW FOR THE ENTRY AND EXIT OF FLOOD WATERS 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) PROVIDE 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.

(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 THEY PERMIT THE AUTOMATIC FLOW OF FLOOD WATERS IN BOTH DIRECTIONS.

(b) ELECTRICAL, PLUMBING AND OTHER UTILITY CONNECTIONS ARE PROHIBITED BELOW THE BASE FLOOD ELEVATION, AND;

(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).

### 5.3.3 FLOODWAYS

FLOODWAYS LOCATED WITHIN AREAS OF SPECIAL FLOOD HAZARD ARE AREAS DESIGNATED AS FLOODWAYS ON THE COMMUNITY'S FLOOD BOUNDARY AND FLOODWAY MAP OR AS MAY HAVE BEEN DETERMINED IN SECTION 4.3.1(k). SINCE THE FLOODWAY IS AN EXTREMELY HAZARDOUS AREA DUE TO THE VELOCITY OF FLOOD WATERS WHICH CARRY DEBRIS, POTENTIAL PROJECTILES, AND HAS EROSION POTENTIAL, THE FOLLOWING PROVISIONS SHALL APPLY:

PROHIBIT ENCROACHMENTS, INCLUDING FILL, NEW CONSTRUCTION SUBSTANTIAL IMPROVEMENTS AND OTHER DEVELOPMENTS UNLESS CERTIFICATION (WITH SUPPORTING TECHNICAL DATA) BY A REGISTERED PROFESSIONAL ENGINEER IS PROVIDED DEMONSTRATING THAT ENCROACHMENTS SHALL NOT RESULT IN ANY (0.00) INCREASE IN FLOOD LEVELS DURING OCCURRENCE OF THE BASE FLOOD DISCHARGE.

## SECTION 6 STANDARDS FOR SUBDIVISION PROPOSALS

IN ALL SPECIAL FLOOD HAZARD AREAS THE FOLLOWING REQUIREMENTS SHALL APPLY:

6.1 ALL SUBDIVISION PROPOSALS SHALL BE CONSISTENT WITH THE NEED TO MINIMIZE FLOOD DAMAGE.

6.2 ALL SUBDIVISION PROPOSALS SHALL HAVE PUBLIC UTILITIES AND FACILITIES SUCH AS SEWER, GAS, ELECTRICAL AND WATER SYSTEMS LOCATED AND CONSTRUCTED TO MINIMIZE FLOOD DAMAGE.

6.3 ALL SUBDIVISION PROPOSALS SHALL HAVE ADEQUATE DRAINAGE PROVIDED TO REDUCE EXPOSURE TO FLOOD HAZARDS.

6.4 IN ZONE A BASE FLOOD ELEVATION DATA SHALL BE PROVIDED FOR SUBDIVISION PROPOSALS AND OTHER PROPOSED DEVELOPMENT (INCLUDING MANUFACTURED HOME PARKS AND SUBDIVISIONS) WHICH ARE FIVE ACRES OR FIFTY LOTS, WHICHEVER OCCURS FIRST.

## SECTION 7 VARIANCE PROCEDURES

### 7.1 INLAND WETLANDS COMMISSION

THE INLAND WETLAND COMMISSION AS ESTABLISHED BY THE TOWN OF STERLING SHALL HEAR AND DECIDE APPEALS AND REQUESTS FOR VARIANCES FROM THE REQUIREMENTS OF THIS ORDINANCE.

7.2 THE INLAND WETLANDS COMMISSION SHALL HEAR AND DECIDE APPEALS WHEN IT ALLEGED THERE IS AN ERROR IN ANY REQUIREMENT, DECISION, OR DETERMINATION MADE BY THE BUILDING INSPECTOR IN THE ENFORCEMENT OR ADMINISTRATION OF THIS ORDINANCE.

7.3 ANY PERSON AGGRIEVED BY THE DECISION OF THE INLAND WETLANDS COMMISSION OR ANY PERSON OWNING LAND WHICH ABUTS OR IS WITHIN A RADIUS OF ONE HUNDRED FEET (100) OF THE LAND IN QUESTION MAY APPEAL WITHIN 15 DAYS AFTER SUCH DECISION TO THE STATE SUPERIOR COURT AS PROVIDED IN SECTION 8-8 OF THE GENERAL STATUTES.

### 7.4 SPECIFIC VARIANCES

#### 7.4.1 BUILDINGS ON A HISTORIC REGISTER

VARIANCES MAY BE ISSUED FOR THE REPAIR OR REHABILITATION OF HISTORIC STRUCTURES UPON A DETERMINATION THAT (i) THE PROPOSED REPAIR OR REHABILITATION WILL NOT PRECLUDE THE STRUCTURE'S CONTINUED DESIGNATION AS A HISTORIC STRUCTURE AND (ii) THE VARIANCE IS THE MINIMUM NECESSARY TO PRESERVE THE HISTORIC CHARACTER AND DESIGN OF THE STRUCTURE.

#### 7.4.2 PRE-EXISTING, SMALL LOT LOCATION

VARIANCES MAY BE ISSUED BY A COMMUNITY FOR NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS TO BE ERECTED ON A LOT ON ONE-HALF ACRE OR LESS IN SIZE CONTIGUOUS TO AND SURROUNDED BY LOTS WITH EXISTING STRUCTURES CONSTRUCTED BELOW THE BASE FLOOD LEVEL, IN CONFORMANCE WITH SECTION 7.5.3(a) - 7.5.3(d).

#### 7.4.3 FUNCTIONALLY DEPENDENT USES

VARIANCES MAY BE ISSUED FOR NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS 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 SECTION 7.5.3(a) - 7.5.3(d).

7.4.4 FLOODWAY PROHIBITION VARIANCES SHALL NOT BE ISSUED WITHIN ANY DESIGNATED FLOODWAY IF ANY INCREASE IN FLOOD LEVELS DURING THE BASE FLOOD DISCHARGE WOULD RESULT.

## 7.5 CONSIDERATIONS FOR GRANTING OF VARIANCES

7.5.1 IN PASSING UPON SUCH APPLICATIONS, THE INLAND WETLANDS COMMISSION SHALL CONSIDER ALL TECHNICAL EVALUATIONS, ALL RELEVANT FACTORS, ALL STANDARDS SPECIFIED IN OTHER SECTIONS OF THIS ORDINANCE, AND:

- (a) THE DANGER THAT MATERIALS MAY BE SWEEPED ONTO OTHER LANDS TO THE INJURY OF THEIRS
- (b) THE DANGER TO LIFE AND PROPERTY DUE TO FLOODING OR EROSION DAMAGE;
- (c) THE SUSCEPTIBILITY OF THE PROPOSED FACILITY AND ITS CONTENTS TO FLOOD DAMAGE AND THE EFFECT OF SUCH DAMAGE ON THE INDIVIDUAL OWNER;
- (d) THE IMPORTANCE OF THE SERVICES PROVIDED BY THE PROPOSED FACILITY TO THE COMMUNITY;
- (e) THE NECESSITY OF THE FACILITY TO WATERFRONT LOCATION, IN THE CASE OF A FUNCTIONALLY DEPENDENT FACILITY;
- (f) THE AVAILABILITY OF ALTERNATIVE LOCATIONS, NOT SUBJECT TO FLOODING OR EROSION DAMAGE, FOR THE PROPOSED USE;
- (g) THE COMPATIBILITY OF THE PROPOSED USE WITH THE EXISTING AND ANTICIPATED DEVELOPMENT;
- (h) THE RELATIONSHIP OF THE PROPOSED USE TO THE COMPREHENSIVE PLAN AND 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 FLOOD WATERS, AND THE EFFECTS OF WAVE ACTION, IF APPLICABLE, EXPECTED AT THE SITE, AND;
- (k) THE COST 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.

7.5.2 UPON CONSIDERATION OF THE FACTORS LISTED ABOVE, AND THE PURPOSES OF THE ORDINANCE, THE INLAND WETLAND COMMISSION SHALL ATTACH SUCH CONDITIONS TO THE

GRANTING OF VARIANCES AS IT DEEMS NECESSARY TO FURTHER THE PURPOSES OF THIS ORDINANCE.

### 7.5.3 CONDITIONS FOR VARIANCES

(a) 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 A HISTORICAL BUILDING, A DETERMINATION THAT THE VARIANCE IS THE MINIMUM NECESSARY SO AS NOT TO DESTROY THE HISTORIC CHARACTER OF THE BUILDING.

(b) VARIANCES SHALL ONLY BE ISSUED UPON (i) A SHOWING OF GOOD AND SUFFICIENT CAUSE, (ii) A DETERMINATION THAT FAILURE TO GRANT THE VARIANCE WOULD RESULT IN EXCEPTIONAL HARDSHIP, AND (iii) A DETERMINATION THAT THE GRANTING OF A VARIANCE WILL NOT RESULT IN INCREASED FLOOD HEIGHTS, ADDITIONAL THREATS TO PUBLIC SAFETY, EXTRAORDINARY PUBLIC EXPENSE, CREATE NUISANCE CAUSE FRAUD OR A VICTIMIZATION OF THE PUBLIC, OR CONFLICT WITH EXISTING LOCAL LAWS OR ORDINANCES.

(c) ANY APPLICANT TO WHOM A VARIANCE IS GRANTED SHALL BE GIVEN WRITTEN NOTICE SPECIFYING THE DIFFERENCE BETWEEN THE BASE FLOOD ELEVATION AND THE ELEVATION TO WHICH THE STRUCTURE IS TO BE BUILT AND STATING THAT THE COST OF FLOOD INSURANCE WILL BE COMMENSURATE WITH THE INCREASED RISK RESULTING FROM THE REDUCED LOWEST FLOOR ELEVATION UP TO AMOUNTS AS HIGH AS \$25 FOR \$100 OF INSURANCE COVERAGE.

(d) THE BUILDING INSPECTOR SHALL MAINTAIN THE RECORDS OF ALL APPEAL ACTIONS AND REPORT ANY VARIANCES TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY UPON REQUEST.

### 7.6 PENALTIES FOR VIOLATION

VIOLATION OF THE PROVISIONS OF THIS ORDINANCE OR FAILURE TO COMPLY WITH ANY OF ITS REQUIREMENTS, INCLUDING VIOLATION OF CONDITIONS AND SAFEGUARDS ESTABLISHED IN CONNECTION WITH GRANTS OR VARIANCE OR SPECIAL EXCEPTIONS SHALL CONSTITUTE A MISDEMEANOR. ANY PERSON WHO VIOLATES THIS ORDINANCE OR FAILS TO COMPLY WITH ANY OF ITS REQUIREMENTS SHALL UPON CONVICTION THEREOF, BE FINED NOT MORE \$250.00 PER DAY IF PROVEN DONE WILLFULLY AND \$100.00 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 TOWN OF STERLING FROM TAKING SUCH OTHER LAWFUL ACTION AS IS NECESSARY TO PREVENT OR REMEDY ANY VIOLATION.

SECTION 8 VALIDITY

8.1 IF ANY SECTION, SUBSECTION, CLAUSE OR PHRASE OF THIS ORDINANCE IS, FOR ANY REASON, FOUND TO BE INVALID BY A COURT OF COMPETENT JURISDICTION, SUCH DECISION SHALL NOT AFFECT THE VALIDITY OF THE REMAINING PORTIONS OF THIS ORDINANCE.

8.2 THIS ORDINANCE SHALL BECOME EFFECTIVE 15 DAYS AFTER PUBLICATION, AS PROVIDED BY LAW.

**ORDINANCE ESTABLISHING A RECREATION AUTHORITY FOR THE TOWN OF STERLING**

SECTION 1. THERE IS HEREBY ESTABLISHED PURSUANT TO THE AUTHORITY CONTAINED IN SECTION 7-130a THROUGH 7-130w OF THE CONNECTICUT GENERAL STATUTES, A RECREATION AUTHORITY FOR THE TOWN OF STERLING, TO BE DESIGNATED "TOWN OF STERLING RECREATION AUTHORITY." THE AUTHORITY SHALL BE A DEPARTMENTAL UNIT OF THE TOWN AND SHALL HAVE ITS OFFICE IN THE STERLING TOWN HALL.

SECTION 2. THE AUTHORITY SHALL BE COMPOSED OF FIVE (5) MEMBERS. ONE ALTERNATE MEMBER AND ONE MEMBER OF THE BOARD OF SELECTMAN SHALL SERVE AS AN EX-OFFICIO MEMBER. THE TERMS OF THE INITIAL MEMBERS OF THE AUTHORITY SHALL BE AS FOLLOWS: TWO MEMBERS SHALL BE APPOINTED FOR TERMS OF ONE (1) YEAR, TWO (2) MEMBERS SHALL BE APPOINTED FOR TERMS OF TWO (2) YEARS, AND ONE MEMBER AND AN ALTERNATE SHALL BE APPOINTED FOR TERMS OF THREE (3) YEARS.

THE BOARD OF SELECTMEN SHALL MAKE THE INITIAL APPOINTMENTS AND SHALL MAKE SUBSEQUENT APPOINTMENTS TO FILL VACANCIES ON THE AUTHORITY OCCURRING FOR ANY REASON, FOR TERMS NOT TO EXCEED THREE (3) YEARS SO THAT NOT MORE THAN TWO MEMBERSHIPS SHALL EXPIRE AT ANY ONE TIME.

SECTION 3. THE AUTHORITY SHALL BE RESPONSIBLE FOR ESTABLISHING AND MAINTAINING PUBLIC PLAYGROUNDS AND OTHER RECREATIONAL FACILITIES WITHIN THE TOWN OF STERLING AND MAY ESTABLISH REGULATIONS COVERING THE SAME. THE AUTHORITY MAY ACCEPT FUNDS AND OTHER DONATIONS FROM ANY SOURCE, AND SHALL PROPERLY ACCOUNT FOR ALL SUCH RECEIPTS. ALL EXPENDITURES, CONTRACTS AND OTHER EXERCISE OF THE VARIOUS POWERS GRANTED TO THE AUTHORITY UNDER THE PROVISIONS OF SECTION 7-130d OF THE CONNECTICUT GENERAL STATUTES SHALL BE SUBJECT TO TOWN MEETING APPROVAL AS REQUIRED BY SAID SECTION OF THE STATUTES.

SECTION 4. THIS ORDINANCE SHALL TAKE EFFECT FIFTEEN (15) DAYS AFTER PUBLICATION.

**ORDINANCE TO CHANGE THE TERMS OF THE TOWN CLERK AND THE TAX COLLECTOR**

SECTION 1. THE TOWN OF STERLING HEREBY ADOPT THE PROVISIONS OF CHAPTER 46, SECTION 9-180a OF THE CONNECTICUT GENERAL STATUTES, REVISED TO JANUARY 1, 1991, TO CHANGE THE TERM OF THE OFFICE OF THE TOWN CLERK FROM TWO (2) YEARS TO A TERM OF FOUR (4) YEARS BEGINNING WITH THE ELECTION OF NOVEMBER 3, 1992. SUCH FOUR YEAR TERM SHALL BEGIN ON THE FIRST MONDAY OF JANUARY SUCCEEDING SUCH ELECTION.

SECTION 2. THE TOWN OF STERLING HEREBY ADOPTS THE PROVISIONS OF CHAPTER 146, SECTION 9-189 OF THE CONNECTICUT GENERAL STATUTES, REVISED TO JANUARY 1, 1991, TO CHANGE THE TERM OF THE TAX COLLECTOR FROM TWO (2) YEARS TO A TERM OF FOUR (4) YEARS BEGINNING WITH THE ELECTION OF NOVEMBER 3, 1992. SUCH FOUR YEAR TERM SHALL BEGIN ON THE SECOND TUESDAY NEXT FOLLOWING THE DAY OF THE MUNICIPAL ELECTION AT WHICH SUCH TAX COLLECTOR IS ELECTED.

### **ORDINANCE TO CREATE A FLOOD AND EROSION CONTROL BOARD**

**ESTABLISHED:**

PURSUANT TO SECTION 25-84 OF THE CONNECTICUT GENERAL STATUTES AS AMENDED, TO TOWN OF STERLING HEREBY ESTABLISHES A FLOOD AND EROSION CONTROL BOARD TO BE KNOWN AS THE TOWN OF STERLING FLOOD AND EROSION CONTROL BOARD

**COMPOSITION:**

PURSUANT TO THE AUTHORITY CONTAINED IN SECTION 25-84 OF THE CONNECTICUT GENERAL STATUTES, AS AMENDED, THE MEMBERS OF THE BOARD OF SELECTMEN OF THE TOWN OF STERLING SHALL SERVE AS THE TOWN OF STERLING FLOOD AND EROSION CONTROL BOARD. TWO MEMBERS OF THE BOARD OF SELECTMEN SHALL CONSTITUTE A QUORUM.

**POWERS AND DUTIES:**

THE TOWN OF STERLING FLOOD AND EROSION CONTROL BOARD SHALL BE VESTED WITH ALL THE POWERS AND DUTIES SPECIFIED IN SECTIONS 25-84 TO SECTION 25-98 OF THE CONNECTICUT GENERAL STATUTES AS AMENDED.

**EFFECTIVE:** THIS ORDINANCE BECOMES EFFECTIVE FIFTEEN DAYS AFTER PUBLICATION OF ITS APPROVAL.

### **DRIVEWAY ORDINANCE**

**SECTION 1. DEFINITIONS**

**AMENDMENT DATE:** THE EFFECTIVE DATE OF THE AMENDMENTS ADOPTED TO THIS ORDINANCE ON MARCH 20, 2008.

APPLICANT - THE TERM "APPLICANT" IS THE PERSON PROPOSING TO CONSTRUCT A DRIVEWAY OR TO OBTAIN A BUILDING PERMIT.

BOARD - THE BOARD OF SELECTMEN OF THE TOWN OF STERLING OR THEIR AUTHORIZED REPRESENTATIVE.

BUSINESS/COMMERCIAL (CATEGORY 3 USES) – ALL USES OTHER THAN RESIDENTIAL AND INDUSTRIAL.

COMMISSION - THE PLANNING COMMISSION OF THE TOWN OF STERLING.

DRIVEWAY – ANY PORTION OF A PATH BY WHICH MOTOR VEHICLE ACCESS IS MADE FROM A STREET INTO A PARCEL OF LAND, OR FROM A PARCEL OF LAND INTO A STREET.

INDUSTRIAL (CATEGORY 3 USES) – USES INVOLVE THE STORAGE, MANUFACTURING OR PROCESSING OF GOODS, WHOLESALING AND RELATED STORAGE, RESEARCH LABORATORIES, GENERAL OFFICE SPACE, PRINTING AND PUBLISHING ESTABLISHMENTS AND BULK STORAGE OF CEMENT AND PETROLEUM PRODUCTS. RETAIL SALES OF GOODS SHALL NOT BE DEEMED TO BE INDUSTRIAL USES.

NEW DRIVEWAY – A DRIVEWAY THAT WAS NOT IN EXISTENCE ON THE AMENDMENT DATE, OR A DRIVEWAY THAT HAS CHANGED IN ONE OR MORE OF THE FOLLOWING RESPECTS: (1) THE DRIVEWAY WAS USED TO PROVIDE ACCESS TO AT LEAST ONE DWELLING UNIT ON THE AMENDMENT DATE, AND IT WOULD BE USED TO PROVIDE ACCESS TO AT LEAST ONE ADDITIONAL DWELLING UNIT AFTER THE AMENDMENT DATE; (2) THE DRIVEWAY WAS USED SOLELY FOR RESIDENTIAL PURPOSES ON THE AMENDMENT DATE AND WOULD BE USED FOR EITHER BUSINESS/COMMERCIAL OR INDUSTRIAL PURPOSES AFTER THE AMENDMENT DATE; OR (3) THE DRIVEWAY WAS USED FOR BUSINESS/COMMERCIAL PURPOSES, BUT NOT INDUSTRIAL PURPOSES, BEFORE THE AMENDMENT DATE AND WOULD BE USED FOR INDUSTRIAL PURPOSES AFTER THE AMENDMENT DATE.

PERSON - INCLUDES INDIVIDUAL PERSONS, CORPORATIONS, PARTNERSHIPS, FIRMS, ASSOCIATIONS AND ANY OTHER LEGAL ENTITY.

RESIDENCE - A BUILDING, STRUCTURE, UNIT OR PORTION THEREOF, PROVIDING COMPLETE HOUSEKEEPING FACILITIES AND SERVING AS A DOMICILE FOR ONE FAMILY.

ROAD - SAME AS STREET.

STANDARDS – SHALL MEAN THE STANDARDS AND SPECIFICATIONS SET FORTH IN THE PUBLIC IMPROVEMENTS SPECIFICATIONS PREPARED BY THE NORTHEASTERN CONNECTICUT COUNCIL OF GOVERNMENTS, 1988, AS AMENDED.

STREET - ANY PUBLIC RIGHT-OF-WAY FOR MOTOR VEHICULAR TRAVEL.

TOWN - TOWN OF STERLING, CONNECTICUT.

SECTION 2. PURPOSE:

IT IS THE DECLARED PURPOSE OF THIS ORDINANCE TO REGULATE DRIVEWAYS FOR THE PURPOSE OF PROVIDING SAFE AND STRUCTURALLY ADEQUATE ACCESS ONTO STREETS.

SECTION 3. PROCEDURE:

A. NO PERSON SHALL CONSTRUCT A NEW DRIVEWAY OR RELOCATE AN EXISTING DRIVEWAY LEADING INTO A STREET WITHOUT FIRST OBTAINING A WRITTEN PERMIT FROM THE BOARD. DRIVEWAYS ACCESSING STATE ROADS MAY REQUIRE ADDITIONAL PERMITS OR APPROVALS FROM THE STATE OF CONNECTICUT; THE ISSUANCE OF A DRIVEWAY CONSTRUCTION PERMIT BY THE BOARD SHALL NOT RELIEVE THE APPLICANT OF ANY OBLIGATION TO OBTAIN A STATE PERMIT OR APPROVAL.

B. NO BUILDING PERMIT(S) WILL BE ISSUED UNTIL THE APPLICANT HAS APPLIED FOR AND RECEIVED A DRIVEWAY CONSTRUCTION PERMIT.

C. CONSTRUCTION OF ANY NEW DRIVEWAY MAY START ONLY AFTER ISSUANCE OF A DRIVEWAY CONSTRUCTION PERMIT. THE BOARD SHALL NOT ISSUE ANY DRIVEWAY CONSTRUCTION PERMIT UNLESS IT DETERMINES THAT THE STANDARDS SET FORTH IN THIS ORDINANCE HAVE BEEN MET. THE BOARD MUST BE NOTIFIED TWO (2) WORKING DAYS IN ADVANCE OF EACH OF THE FOLLOWING PHASES OF CONSTRUCTION: (1) THE START OF CONSTRUCTION, (2) FINISHING THE SUBGRADE, (3) FINISHING THE BASE AND (4) SURFACING. THE BOARD MAY INSPECT THE WORK, OR CAUSE THE WORK TO BE INSPECTED, AFTER EACH PHASE.

D. NO CERTIFICATE OF OCCUPANCY MAY BE ISSUED UNTIL THE BOARD ISSUES A FINAL WRITTEN APPROVAL OF THE DRIVEWAY.

E. THE BOARD WILL NOT ISSUE ANY FINAL WRITTEN APPROVAL OF THE DRIVEWAY UNTIL ALL WORK IS COMPLETED IN ACCORDANCE WITH THE STANDARDS, AS VERIFIED BY THE INSPECTIONS.

F. APPLICATIONS FOR DRIVEWAY CONSTRUCTION PERMIT SHALL BE MADE TO THE BOARD ON A FORM PROVIDED BY THE BOARD. THE APPLICATION MUST INCLUDE A SKETCH PLAN SHOWING THE PROPOSED DIMENSIONS AND LOCATION OF THE DRIVEWAY AS WELL AS LOT BOUNDARIES. A FEE OF THIRTY-FIVE DOLLARS (\$35.00) MUST ACCOMPANY THE APPLICATION. THE BOARD WILL NOT ISSUE A DRIVEWAY CONSTRUCTION PERMIT UNLESS THE APPLICANT PROVIDES A PERFORMANCE BOND IN THE AMOUNT OF ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00), OR AN AMOUNT EQUAL TO THE CONSTRUCTION COSTS OF THE DRIVEWAY, AS MAY BE ESTIMATED BY THE BOARD, WHICHEVER IS GREATER. IF CONSTRUCTION OF THE NEW DRIVEWAY IS NOT COMPLETED WITHIN ONE YEAR FROM THE DATE OF PERMIT ISSUANCE, THE PERMIT SHALL EXPIRE AND THE APPLICANT SHALL NOT PERFORM ANY FURTHER WORK TO COMPLETE THE DRIVEWAY UNLESS THE BOARD, UPON PROPER APPLICATION, ISSUES A NEW PERMIT. THE BOARD SHALL NOT ISSUE ANY SUBSEQUENT PERMIT UNLESS THE

APPLICANT COMPLIES WITH ALL ORDINANCE STANDARDS IN EXISTENCE AT THE TIME OF THE SUBSEQUENT APPLICATION.

#### SECTION 4 STANDARDS

THE FOLLOWING STANDARDS SHALL APPLY TO ALL NEW DRIVEWAY CONSTRUCTION:

- A. ONE (1) RESIDENTIAL UNIT (FIGURE 1, FIGURE 2 & FIGURE 3)
- B. TWO (2) RESIDENTIAL UNITS (FIGURE II, FIGURE 2 & FIGURE 4)
- C. THREE (3) RESIDENCES (FIGURE 1, FIGURE 2 & FIGURE 5)
- D. BUSINESS/COMMERCIAL (FIGURE 6 AND FIGURE 7)
- E. INDUSTRIAL (FIGURE 6 AND 8)

#### SECTION 5. ADDITIONAL STANDARDS

THE FOLLOWING STANDARDS SHALL ALSO APPLY TO ALL NEW DRIVEWAY CONSTRUCTION:

- A. DRIVEWAYS SHALL INTERSECT AT AN ANGLE OF APPROXIMATELY NINETY (90) DEGREES AND SHALL BE LOCATED AND DESIGNED WITH SATISFACTORY SIGHT LINES ALONG THE SUBJECT STATE OR TOWN ROADS. DRIVEWAYS SHALL COMPLY WITH THE MINIMUM STATE RECOMMENDED SIGHT DISTANCES FOR THE ESTABLISHED SPEED LIMIT WHEN ENTERING A STATE HIGHWAY AND SHALL HAVE A MINIMUM SIGHT DISTANCE OF TWO HUNDRED AND SEVENTY-FIVE (275) FEET WHEN ENTERING A TOWN ROAD.
- B. DRIVEWAYS SHALL BE DESIGNED TO PREVENT STORM WATER FLOWS FROM ENTERING THE PAVED PORTION OF TOWN STREETS AND, WHEREVER POSSIBLE, THE UNPAVED PORTION OF THE TOWN'S RIGHT-OF-WAY. PRIVATELY OWNED AND MAINTAINED DRAINAGE DIVERSION SWALES, DETENTION AREAS AND/OR DRY WELLS SHALL BE UTILIZED TO CONTROL STORM WATER FLOWS TO THE GREATEST EXTENT POSSIBLE. CULVERTS, WITH A MINIMUM DIAMETER OF FIFTEEN (15) INCHES, SHALL BE USED WHEN CROSSING TOWN DRAINAGE WAYS. WHENEVER A PRIVATE SWALE OR PRIVATE DETENTION AREA IS UTILIZED IN DIVERTING DRIVEWAY WATER FROM THE TOWN RIGHT-OF-WAY, THE OWNER OF THE SUBJECT LOT(S) SHALL BE RESPONSIBLE FOR MAINTAINING THE SWALE OR DETENTION AREA AND ANY CULVERTS IN ACCORDANCE WITH THE APPROVED DESIGN.
- C. A MAINTENANCE AGREEMENT SIGNED BY THE OWNER OF THE LAND MUST ALSO BE SUBMITTED TO THE BOARD PRIOR TO THE ISSUANCE OF ANY DRIVEWAY CONSTRUCTION PERMIT. AFTER ISSUANCE OF THE PERMIT, SUCH MAINTENANCE AGREEMENT SHALL BE RECORDED ON THE LAND RECORDS TO ENSURE COMPLIANCE BY SUBSEQUENT OWNERS.
- D. WHEN AN APPLICANT PROPOSES TO CONSTRUCT A NEW DRIVEWAY COMMENCING AT AN EXISTING DRIVEWAY OR OTHER PRIVATE RIGHT-OF-WAY, INCLUDING ANY ABANDONED OR DISCONTINUED TOWN OR STATE ROAD, THE APPLICANT SHALL BE RESPONSIBLE FOR ASSURING THAT THE EXISTING

PORTION OF THE DRIVEWAY OR PRIVATE RIGHT-OF-WAY IS ALSO IMPROVED TO THE EXTENT NECESSARY TO MEET THE STANDARDS SET FORTH IN THIS ORDINANCE FOR THE APPROPRIATE CATEGORY OF USE.

E. THE BOARD OF SELECTMEN MAY WAIVE ONE OR MORE OF THE STANDARDS IN SECTION 4 OF THIS ORDINANCE IF IT FINDS THAT THE WAIVER OF ANY SUCH STANDARD(S) WOULD NOT DECREASE THE SAFETY OF, AND/OR THE STRUCTURAL ADEQUACY OF ANY NEW DRIVEWAY.

SECTION 6. INSPECTION FEES:

THE APPLICANT SHALL PAY THE FOLLOWING INSPECTION FEES:

A. THERE SHALL BE NO INSPECTION FEE FOR DRIVEWAYS SERVING ONLY ONE RESIDENCE.

B. THERE SHALL BE AN INSPECTION FEE OF FIFTY DOLLARS (\$50) FOR DRIVEWAYS SERVING TWO (2) RESIDENCES.

C. THERE SHALL BE AN INSPECTION FEE OF SEVENTY-FIVE DOLLARS (\$75) FOR DRIVEWAYS SERVING THREE OR MORE RESIDENCES.

D. FOR DRIVEWAYS SERVING BUSINESS/COMMERCIAL USES OR INDUSTRIAL USES, THERE SHALL BE AN INSPECTION FEE EQUAL TO 10% OF THE CONSTRUCTION COST ESTIMATED BY THE BOARD. SUCH NON-RESIDENTIAL INSPECTION FEES WILL BE PUT INTO A SEPARATE INSPECTION FEE ACCOUNT. INSPECTION COSTS (INCLUDING BOTH DIRECT AND INDIRECT COSTS) WILL BE DEDUCTED FROM THE APPLICANT'S INSPECTION FEE ACCOUNT AND ANY BALANCE WILL BE RETURNED TO THE APPLICANT WITHIN NINETY (90) DAYS FROM THE DATE THAT THE BOARD ISSUES ITS FINAL WRITTEN DRIVEWAY APPROVAL.

SECTION 7. VIOLATION

THE FAILURE OF ANY PERSON CONSTRUCTING OR CREATING ANY NEW DRIVEWAY, AS DEFINED IN THIS ORDINANCE, TO FIRST OBTAIN SUCH A DRIVEWAY CONSTRUCTION PERMIT SHALL CONSTITUTE A VIOLATION OF THE ORDINANCE AND ANY SUCH PERSON SHALL BE SUBJECT TO A FINE OF NINETY DOLLARS (\$90.00). EACH DAY SUCH DRIVEWAY IS ALLOWED OR SUFFERED TO REMAIN WITHOUT A DRIVEWAY CONSTRUCTION PERMIT SHALL CONSTITUTE A SEPARATE VIOLATION.

SECTION 8. EFFECTIVE DATE

THIS ORDINANCE SHALL BECOME EFFECTIVE FIFTEEN (15) DAYS AFTER PUBLICATION. PUBLISHED JANUARY 21, 2013. EFFECTIVE FEBRUARY 16, 2013

**AN ORDINANCE LIMITING THE NUMBER OF JUSTICES OF THE PEACE**

THE TOWN OF STERLING HEREBY ADOPTS THE PROVISIONS OF CHAPTER 146, SECTION, SECTION 9-183(a) OF THE CONNECTICUT GENERAL STATUTES TO LIMIT THE NUMBER OF JUSTICES OF THE PEACE TO FIFTEEN (15).

**AN ORDINANCE PROVIDING FOR BAZAARS AND RAFFLES**

THE TOWN OF STERLING HEREBY ADOPTS THE PROVISIONS OF CHAPTER 146, SECTIONS 7-170 TO 7-186 OF THE CONNECTICUT GENERAL STATUTES, REVISION OF 1958, ALLOWING FOR BAZAARS AND RAFFLES IN THE TOWN OF STERLING.

**AN ORDINANCE WAIVING ALL TAXES DUE IN AN AMOUNT LESS THAN \$5.00**

BE IT RESOLVED, BY THE STERLING BOARD OF SELECTMEN THAT PURSUANT TO SECTION 12-144c OF THE GENERAL STATUTES OF THE STATE OF CONNECTICUT, THE TOWN OF STERLING HEREBY WAIVES ALL TAXES DUE IN AN AMOUNT LESS THAN FIVE (\$5.00) DOLLARS.

PASSED AT A TOWN MEETING HELD ON MAY 26, 1993. EFFECTIVE APRIL 10, 2008.

**LITTERING & ILLEGAL DUMPING ORDINANCE**

**SECTION 1. ILLEGAL DUMPING, LITTERING, MIXING OF RECYCLABLES PROHIBITED**

(a) NO PERSON SHALL ENGAGE IN ANY ACTIVITY WHICH VIOLATES: (1) SUBSECTION (a) OF SECTION 22a-250 OF THE GENERAL STATUTES; (2) A TOWN ORDINANCE ADOPTED PURSUANT TO SUBSECTION (f) OF SECTION 22a-220a OF THE GENERAL STATUTES; (3) SUBSECTION (f) OF SECTION 22a-220a OF THE GENERAL STATUTES OF SUBSECTION (l) OF SECTION 22a-22-a OF THE GENERAL STATUTES.

(b) ANY ACTIVITY WHICH VIOLATES SECTION (a) IS CONSIDERED TO BE A NUISANCE.

**SECTION 2. ENVIRONMENTAL PROTECTION OFFICIALS APPOINTMENT**

THE CHIEF ELECTED OFFICIAL OF THE MUNICIPALITY SHALL APPOINT ONE OR MORE PERSONS AS ENVIRONMENTAL PROTECTION OFFICIALS TO ISSUE LITTERING, DUMPING AND RECYCLING CITATIONS AND ENTER ORDERS AUTHORIZED BY THIS CHAPTER. THE ENVIRONMENTAL PROTECTION OFFICIAL SHALL BE APPOINTED IN THE SAME MANNER AS MEMBERS OF BOARDS AND COMMISSIONS OF THE MUNICIPALITY. SUCH OFFICIAL SHALL NOT BE PERSONS APPOINTED AS HEARING OFFICERS PURSUANT TO SECTION 4.

**SECTION 3. CITATION, ABATEMENT, CIVIL PENALTY**

(a) THE ENVIRONMENTAL PROTECTION OFFICIAL MAY ISSUE CITATIONS FOR ANY VIOLATION OF SECTION 2 OF THIS ACT. SUCH CITATION SHALL BE ON A FORM AS APPROVED BY THE CHIEF ELECTED OFFICIAL OF THE MUNICIPALITY.

(b) THE ENVIRONMENTAL PROTECTION OFFICIAL MAY ORDER ANY PERSON WHO HAS VIOLATED SECTION 2 OF THIS ACT TO ABATE SUCH VIOLATION AND MAY ISSUE A FINE IN ACCORDANCE WITH PROVISIONS OF SUBSECTION (c) OF THIS SECTION.

(c) ANY PERSON WHO ENGAGES IN AN ACTIVITY WHICH VIOLATES SUBSECTION (f) OF 22a-220 OF THE CONNECTICUT GENERAL STATUTES SHALL BE ASSESSED A CIVIL PENALTY FOR THE FIRST OFFENSE OF UP TO TWO HUNDRED FIFTY DOLLARS AND FOR A SECOND OR SUBSEQUENT OFFENSE A CIVIL PENALTY OF UP TO ONE THOUSAND DOLLARS. ANY PERSON WHO ENGAGES IN AN ACTIVITY WHICH VIOLATES SUBSECTION (f) OF 22a-220 OF THE CONNECTICUT GENERAL STATUTES SHALL BE ASSESSED A CIVIL PENALTY OF UP TO ONE-THOUSAND DOLLARS.

**SECTION 4. HEARING OFFICERS, APPOINTMENT**

THE CHIEF ELECTED OFFICIAL OF THE MUNICIPALITY SHALL APPOINT ONE OR MORE PERSONS TO CONDUCT LITTERING, DUMPING AND RECYCLING VIOLATIONS HEARINGS AND ENTER ORDERS AUTHORIZED BY THIS ACT. THE HEARING OFFICER SHALL BE APPOINTED IN THE SAME MANNER AS MEMBERS OF THE MUNICIPAL BOARDS AND COMMISSIONS. A HEARING OFFICER SHALL NOT BE AUTHORIZED TO ISSUE CITATIONS OR BE EMPLOYED BY THE MUNICIPALITY.

**SECTION 5. APPEAL FORM**

(a) ANY PERSON OR PERSONS TO WHOM A CITATION IS MAILED OR DELIVERED PURSUANT TO THE PROVISIONS OF THIS ACT SHALL HAVE THE RIGHT TO FILE AN APPEAL FROM ANY SUCH CITATION BY FILING WITH THE TOWN CLERK, WITHIN TEN DAYS FROM THE DATE OF RECEIPT THEREOF, A WRITTEN AND DATED APPEAL CONTAINING:

1. A DESCRIPTION, OR THE ADDRESS, OF THE PREMISES OR LOCATION INVOLVED IN THE CITATION.
2. THE NAME AND MAILING ADDRESS OF EACH PERSON PARTICIPATING IN THE APPEAL.
3. A BRIEF STATEMENT SETTING FORTH THE INTEREST OF SUCH PERSON IN THE PREMISES DESCRIBED IN THE CITATION, IF ANY.
4. A BRIEF STATEMENT IDENTIFYING THE SPECIFIC ORDINANCE OR STATUTE UNDER WHICH THE APPEAL IS BEING BROUGHT, TOGETHER WITH ANY FACTS SUPPORTING THE APPEAL.

5. A STATEMENT OF THE RELIEF SOUGHT, AND ANY REASONS WHY THE CITATION SHOULD BE REVERSED, MODIFIED OR SET ASIDE.

6. A VERIFICATION BY THE PERSON OR PERSONS PARTICIPATING IN THE APPEAL AS TO THE TRUTH OF THE MATTERS SET FORTH IN THE APPEAL.

(b) THE TOWN CLERK SHALL NOTIFY THE CHIEF ELECTED OFFICIAL OF THE MUNICIPALITY OF THE RECEIPT OF THE APPEAL. THE CHIEF ELECTED OFFICIAL SHALL APPOINT A HEARING OFFICER TO HEAR THE APPEAL.

**SECTION 6. SETTING HEARING DATE, STAY OF ENFORCEMENT**

(a) AFTER RECEIPT OF ANY APPEAL FILED PURSUANT TO SECTION 5, THE HEARING OFFICIAL SHALL PROVIDE WRITTEN NOTICE OF THE DATE, TIME AND PLACE OF THE HEARING BY CAUSING A COPY OF SUCH NOTICE TO BE DELIVERED PERSONALLY TO THE APPELLANT, OR BY MAILING A COPY TO THE APPELLANT BY CERTIFIED MAIL, POSTAGE PREPAID, TO THE ADDRESS SHOWN ON THE APPEAL. THE HEARING DATE SHALL BE NOT LESS THAN FIFTEEN DAYS NOR MORE THAN THIRTY DAYS FROM THE DATE OF MAILING OR DELIVERY OF SUCH NOTICE, PROVIDED THE HEARING OFFICER SHALL GRANT, UPON GOOD CAUSE SHOWN, ANY REASONABLE REQUEST BY ANY INTERESTED PARTY FOR POSTPONEMENT OR CONTINUANCE.

(a) [*sic*] THE RULES OF EVIDENCE FOR HEARINGS PURSUANT TO SECTION 6 SHALL BE AS FOLLOWS: (1) ANY ORAL OR DOCUMENTARY EVIDENCE MAY BE RECEIVED, BUT THE HEARING OFFICER SHALL, AS A MATTER OF POLICY, PROVIDE FOR THE EXCLUSION OF IRRELEVANT, IMMATERIAL OR UNDULY REPETITIOUS EVIDENCE; (2) HEARING OFFICER SHALL GIVE EFFECT TO THE RULES OF PRIVILEGE RECOGNIZED BY LAW; (3) WHEN A HEARING WILL BE EXPEDITED AND THE INTEREST OF THE PARTIES WILL NOT BE PREJUDICED SUBSTANTIALLY, ANY PART OF THE EVIDENCE MAY BE RECEIVED IN WRITTEN FORM; (4) DOCUMENTARY EVIDENCE MAY BE RECEIVED IN THE FORM OF COPIES OR EXCERPTS, IF THE ORIGINAL IS NOT READILY AVAILABLE, AND UPON REQUEST, PARTIES AND THE HEARING OFFICER CONDUCTING THE PROCEEDING SHALL BE GIVEN AN OPPORTUNITY TO COMPARE THE COPY WITH THE ORIGINAL; (5) A PARTY AND SUCH HEARING OFFICER MAY CONDUCT CROSS-EXAMINATIONS REQUIRED FOR A FULL AND TRUE DISCLOSURE OF THE FACTS; (6) NOTICE MAY BE TAKEN OF JUDICIALLY COGNIZABLE FACTS AND OF GENERALLY RECOGNIZED TECHNICAL OR SCIENTIFIC FACTS WITHIN THE HEARING OFFICER'S KNOWLEDGE; (7) PARTIES SHALL BE NOTIFIED IN A TIMELY MANNER OF ANY MATERIAL NOTICED AND THEY SHALL BE AFFORDED AN OPPORTUNITY TO CONTEST THE MATERIAL SO NOTICED; AND (8) THE HEARING OFFICER'S EXPERIENCE, TECHNICAL COMPETENCE, AND SPECIALIZED KNOWLEDGE MAY BE USED IN THE EVALUATION OF THE EVIDENCE. THE HEARING OFFICER, BY WAY OF MAIL, MAY ACCEPT FROM THE APPELLANT COPIES OF POLICE REPORTS, INVESTIGATORY AND CITATION REPORTS, AND OTHER OFFICIAL DOCUMENTS.

(b) EACH APPELLANT MAY BE REPRESENTED BY AN ATTORNEY. THE PRESENCE OF THE ENVIRONMENTAL PROTECTION OFFICIAL SHALL BE REQUIRED AT THE HEARING IF THE APPELLANT SO REQUESTS. AN APPELLANT SHALL APPEAR AT THE HEARING AND MAY PRESENT EVIDENCE ON HIS OR

HER BEHALF. AN ENVIRONMENTAL PROTECTION OFFICIAL OR ANY MUNICIPAL OFFICIAL, OTHER THAN THE HEARING OFFICER, MAY PRESENT EVIDENCE ON BEHALF OF THE TOWN. IF AN APPELLANT FAILS TO APPEAR, THE HEARING OFFICER MAY ENTER AN ASSESSMENT AND ORDER BY DEFAULT.

(c) THE HEARING OFFICER SHALL SURRENDER A WRITTEN DECISION WITHIN TEN BUSINESS DAYS OF THE COMPLETION OF THE HEARING AND FILE SUCH DECISION WITH THE TOWN CLERK. THE DECISION OF THE HEARING OFFICER SHALL BE FINAL AND SHALL BE SERVED UPON THE APPELLANT, EITHER PERSONALLY OR BY CERTIFIED MAIL, POSTAGE PREPAID, WITHIN SEVEN DAYS OF THE DATE WHEN SUCH DECISION IS ENTERED.

**SECTION 8. APPEAL DECISION**

(a) IF IT IS DETERMINED BY THE HEARING OFFICER THAT AN APPELLANT IS NOT IN VIOLATION OF THE PROVISIONS OF THIS ACT, THE MATTER SHALL BE DISMISSED AS TO THAT APPELLANT AND THE HEARING OFFICER SHALL ENTER SUCH DETERMINATION, IN WRITING, AND THE RECORD OF THE CITATION SHALL INDICATE SUCH DISMISSAL WITHIN 10 BUSINESS DAYS OF THE FILING OF THE DECISION WITH THE TOWN CLERK.

(b) IF IT IS DETERMINED THAT ONE OR MORE APPELLANTS ARE IN VIOLATION OF ANY OF THE PROVISIONS OF THIS ACT, AND THE ISSUANCE OF THE CITATION IS PROPER, THE HEARING OFFICER SHALL ORDER EACH SUCH APPELLANT TO PAY THE APPLICABLE FINE AND, IF APPROPRIATE, SHALL FORTHWITH ORDER EACH SUCH APPELLANT TO ABATE THE DESCRIBED CONDITION WITHIN THIRTY DAYS FROM THE DATE OF SUCH ORDER. THE HEARING OFFICER SHALL ENTER SUCH DETERMINATION IN WRITING, AND SHALL FILE SUCH ORDER WITH THE TOWN CLERK. IN THE EVENT THAT THE ABATEMENT IS NOT COMPLETED WITHIN THIRTY DAYS OF THE DATE OF SUCH ORDER, THE HEARING OFFICER, UPON CERTIFICATION FROM THE ENVIRONMENTAL PROTECTION OFFICIAL THAT THE ABATEMENT HAS NOT BEEN COMPLETED, SHALL FORTHWITH ENTER AND ASSESS AGAINST EACH SUCH APPELLANT A FINE NOT TO EXCEED ONE HUNDRED DOLLARS FOR EACH OFFENSE. IF SUCH ASSESSMENT IS NOT PAID ON THE DATE OF ITS ENTRY, THE HEARING OFFICER SHALL SEND BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, A NOTICE OF THE ASSESSMENT TO THE PERSON OR PERSONS FOUND LIABLE AND NOT LESS THAN THIRTY DAYS OR MORE THAN TWELVE MONTHS AFTER SUCH MAILING, FILE A CERTIFIED COPY OF THE NOTICE OF ASSESSMENT WITH THE TOWN CLERK.

**SECTION 9. ENFORCEMENT OF ORDERS**

THE CHIEF ELECTED OFFICIAL OF EACH MUNICIPALITY MAY TAKE WHATEVER MEANS NECESSARY TO ENFORCE THE ORDERS OF THE HEARING OFFICER.

**SECTION 10. FUNDS DEPOSITED IN GENERAL FUND**

ANY FUNDS COLLECTED PURSUANT TO THIS ACT SHALL BE PLACED IN THE GENERAL FUND OF THE TOWN OF STERLING.

THIS AMENDMENT AND ADDITIONS SHALL BE EFFECTIVE FIFTEEN (15) DAYS AFTER PUBLICATION AS PROVIDED IN SECTION 7-157 OF THE CONNECTICUT GENERAL STATUTES.

**AMENDMENT TO SOLID WASTE & RECYCLING PROGRAM ORDINANCE**

THE FOLLOWING SECTION WOULD BE ADDED TO THE ORDINANCE:

ANY LITTERING ON PUBLIC LAND OR LAND NOT OWNED BY VIOLATOR SHALL BE A VIOLATION OF CONNECTICUT GENERAL STATUTES 22A-250(a) AND OF THE LITTERING AND ILLEGAL DUMPING ORDINANCE.

THE FOLLOWING ITEMS ARE TO BE ADDED AS MANDATED RECYCLABLES:

HDPE PLASTIC (#2 ON BOTTOM OF CONTAINER INCLUDES MILK JUGS, DETERGENT BOTTLES, ETC. BUT EXCLUDES MOTOR OIL CONTAINERS).

JUNK MAIL (ENVELOPES, WHITE AND COLORED PAPER, MAGAZINES, MANILA FOLDERS, ALL DISCARDED MAIL AND FLYERS).

NICKEL-CADMIUM BATTERIES

THIS AMENDMENT AND ADDITIONS SHALL BE EFFECTIVE FIFTEEN (15) DAYS AFTER PUBLICATION AS PROVIDED IN SECTION 7-157 OF THE CONNECTICUT GENERAL STATUTES.

**ORDINANCE CONCERNING PROCEDURES FOR ISSUING BUILDING PERMITS**

BE IT ORDAINED BY THE VOTERS OF THE TOWN OF STERLING, CONNECTICUT:

1. ALL APPLICATIONS FOR BUILDING PERMITS SHALL BE REVIEWED BY THE TAX COLLECTOR OF THE TOWN PRIOR TO ACTION BY ANY OTHER TOWN BOARD OR AGENT.
2. NO BUILDING PERMIT MAY BE ISSUED FOR ANY PROPERTY UNLESS AND UNTIL THE TAX COLLECTOR CERTIFIED THAT THERE ARE NO PAST-DUE TAXES ASSESSED AGAINST SUCH PROPERTY.
3. THE ORDINANCE SHALL TAKE EFFECT FIFTEEN (15) DAYS AFTER PUBLICATION AS PROVIDED IN SECTION 1-157 OF THE CONNECTICUT GENERAL STATUTES.

**AN ORDINANCE CONCERNING PUBLIC NOTICES**

1. WHENEVER ANY NOTICE IS REQUIRED TO BE GIVEN BY THE TOWN OF STERLING OR ANY DEPARTMENT OR DIVISION THEREOF, THE SAME SHALL BE GIVEN BY POSTING A COPY THEREOF ON

EACH OF THE SIGNPOSTS HEREINAFTER DESIGNATED AND BY PUBLICATION IN A NEWSPAPER HAVING A GENERAL CIRCULATION IN THE TOWN.

2. THERE SHALL BE TOWN LEGAL SIGNPOSTS IN THE TOWN OF STERLING, ONE NEAR THE TOWN HALL IN THE VILLAGE OF ONECO, THE OTHER NEAR THE COMMUNITY CENTER BUILDING IN THE VILLAGE OF STERLING

3. ALL OTHER SIGNPOSTS PREVIOUSLY ERECTED IN THE TOWN OF STERLING SHALL BE DISCONTINUED AND SHALL HAVE NO FURTHER LEGAL EFFECT.

## **WIRELESS TELECOMMUNICATION FACILITIES**

### **SECTION 1 - TITLE, AUTHORITY, PURPOSE**

1.1 TITLE. THIS ORDINANCE SHALL BE KNOWN AND MAY BE CITED AS THE "WIRELESS TELECOMMUNICATION REGULATIONS, TOWN OF STERLING, CONNECTICUT," AND ARE REFERRED TO HEREIN AS "THESE REGULATIONS."

1.2 AUTHORITY. THESE REGULATIONS HAVE BEEN PROMULGATED BY THE STERLING BOARD OF SELECTMEN IN ACCORDANCE WITH AND UNDER THE AUTHORITY PRESCRIBED BY CHAPTER 98, SECTION 7-148(c)(7)(A)(ii); (c)(7)(E); (c),(7)(H)(II) (xi) AND (xiii); (c)(8) AND (c)(10)(A) OF THE GENERAL STATUTES OF THE STATE OF CONNECTICUT.

1.3 PURPOSE. THE PURPOSE OF THIS ORDINANCE IS TO PROVIDE FOR THE LOCATION OF WIRELESS COMMUNICATION TOWERS, ANTENNAS AND FACILITIES WHILE PROTECTING NEIGHBORHOODS AND MINIMIZING THE ADVERSE VISUAL AND OPERATIONAL EFFECTS THROUGH CAREFUL DESIGN, SITING AND SCREENING. THIS SECTION IS CONSISTENT WITH THE TELECOMMUNICATIONS ACT OF 1996 IN THAT IT DOES NOT DISCRIMINATE AMONG PROVIDERS OF FUNCTIONALLY EQUIVALENT SERVICES, PROHIBIT OR HAVE THE EFFECT OF PROHIBITING THE PROVISION OF PERSONAL WIRELESS SERVICES, OR REGULATE THE PLACEMENT, CONSTRUCTION, AND MODIFICATION OF PERSONAL WIRELESS SERVICE FACILITIES ON THE BASIS OF ENVIRONMENTAL EFFECTS OF RADIO FREQUENCY EMISSIONS TO THE EXTENT THAT SUCH FACILITIES COMPLY WITH FCC REGULATIONS CONCERNING SUCH EMISSIONS. MORE SPECIFICALLY, THE TELECOMMUNICATION PURPOSES ARE:

- TO ENCOURAGE USE OF NONRESIDENTIAL BUILDINGS AND STRUCTURES, SUCH AS WATER STORAGE TANKS.
- TO ENCOURAGE JOINT USE OF NEW OR ANY EXISTING TOWERS AND FACILITIES.
- TO AVOID POTENTIAL DAMAGE TO ADJACENT PROPERTIES FROM TOWER FAILURE THROUGH ENGINEERING AND CAREFUL SITING OF TOWERS.
- TO ACCOMMODATE THE NEED FOR WIRELESS COMMUNICATION TOWERS AND ANTENNAS WHILE REGULATING THEIR LOCATION AND NUMBER.

- TO PROTECT HISTORIC AND RESIDENTIAL AREAS FROM POTENTIAL ADVERSE IMPACTS OF WIRELESS COMMUNICATION FACILITIES.
- TO ENCOURAGE SUITABLE DESIGN MEASURES TO MINIMIZE ADVERSE VISUAL EFFECTS OF WIRELESS COMMUNICATION FACILITIES.
- TO REDUCE THE NUMBER OF TOWERS AND/OR ANTENNAS NEEDED IN THE FUTURE.
- TO ENCOURAGE THE USE OF MUNICIPALLY OWNED SITES AND FACILITIES.

FOR THE PURPOSE OF THIS SECTION OF THESE REGULATIONS, CERTAIN WORDS OR TERMS ARE DEFINED AS FOLLOWS:

ANTENNA: A DEVICE USED TO RECEIVE OR TRANSMIT ELECTRO-MAGNETIC WAVES. EXAMPLES INCLUDE, BUT ARE NOT LIMITED TO WHIP, PANEL, AND DISH ANTENNAS.

CO-LOCATION: LOCATING WIRELESS COMMUNICATION FACILITIES OF MORE THAN ONE PROVIDER ON A SINGLE SITE.

TOWER: A STRUCTURE INTENDED TO SUPPORT EQUIPMENT USED TO RECEIVE OR TRANSMIT ELECTROMAGNETIC WAVES. EXAMPLES OF TOWERS INCLUDE SELF-SUPPORTING LATTICE, GUYED, AND MONOPOLE.

WIRELESS TELECOMMUNICATION FACILITY: THE EQUIPMENT AND STRUCTURES INVOLVED IN RECEIVING OR TRANSMITTING ELECTROMAGNETIC WAVES ASSOCIATED WITH WIRELESS TELECOMMUNICATION SERVICES.

WIRELESS TELECOMMUNICATION SERVICES: SERVICES ASSOCIATED WITH THE TRANSMISSION AND/OR RECEPTION OF WIRELESS TELECOMMUNICATIONS. THESE SERVICES MAY INCLUDE, BUT ARE NOT LIMITED TO CELLULAR, PERSONAL COMMUNICATION SERVICES, SPECIALIZED MOBILIZED RADIO, AND PAGING.

## **SECTION 2.0 ENFORCEMENT AND ADMINISTRATION**

2.1 ENFORCEMENT. THESE REGULATIONS SHALL BE ENFORCED BY THE BOARD OF SELECTMEN AND/OR THE TOWN'S BUILDING OFFICIAL WHO IS EMPOWERED TO CAUSE ANY BUILDING OR LAND TO BE INSPECTED AND TO ORDER IN WRITING ANY VIOLATION OF THESE REGULATIONS TO BE CORRECTED OR TERMINATED.

2.2 PERMIT. NO WIRELESS TELECOMMUNICATION FACILITY SHALL BE ERECTED OR CHANGED WITHOUT A WIRELESS TELECOMMUNICATION PERMIT FROM THE BOARD OF SELECTMEN AND BUILDING PERMIT FROM THE BUILDING OFFICIAL, ISSUED IN CONFORMANCE WITH THE PROVISIONS OF THESE REGULATIONS.

2.2.1 APPLICATION FOR A WIRELESS TELECOMMUNICATION PERMIT BE MADE ON A FORM PROVIDED FOR THAT PURPOSE AND OBTAINABLE FROM THE SELECTMEN'S OFFICE AND SHALL BE ACCOMPANIED BY SUCH SITE PLANS, DOCUMENTATION AND INFORMATION AS PROVIDED ELSEWHERE IN THESE REGULATIONS.

2.2.2 THE BOARD OF SELECTMEN SHALL APPROVE, DENY OR MODIFY ANY APPLICATION FOR A WIRELESS TELECOMMUNICATION FACILITY IN ACCORDANCE WITH THE STANDARDS SET FORTH IN THESE REGULATIONS WITHIN SIXTY-FIVE (65) DAYS AFTER SUCH APPLICATION IS SUBMITTED, PROVIDED THAT APPLICANT MAY CONSENT TO ONE OR MORE EXTENSIONS OF SUCH PERIOD.

2.3 THE PURPOSE OF THE FEE IS TO DEFRAY THE COSTS OF NOTICES ASSOCIATED WITH THE APPLICATION AND THE COST ASSOCIATED WITH THE REVIEW AND PROCESSING OF THE APPLICATION.

2.3.1 THE TOWN SHALL CHARGE AN INITIAL FEE OF ONE THOUSAND (1,000) DOLLARS FOR ANY WIRELESS TELECOMMUNICATION APPLICATIONS. HOWEVER, IF THE COST TO PROCESS AND REVIEW THE APPLICATION EXCEEDS THE INITIAL FEE OF \$1,000 THE APPLICANT SHALL PAY ALL ASSOCIATED COSTS INCURRED BY THE COMMISSION AND/OR THE TOWN PRIOR TO ISSUANCE OF A PERMIT. NO FEE SHALL BE CHARGED TO AN OFFICIAL MUNICIPAL AGENCY OF THE TOWN OF STERLING.

2.3.2

2.4 PENALTIES. ANY VIOLATION OF THESE REGULATIONS SHALL BE SUBJECT TO A FINE OF \$90 PER VIOLATION. EACH SEPARATE DAY IN WHICH A VIOLATION CONTINUES SHALL BE DEEMED TO BE A SEPARATE VIOLATION. THE TOWN MAY ALSO SEEK SUCH OTHER CIVIL PENALTIES OR REMEDIES AS MAY BE ALLOWED BY STATE LAW.

2.5 INLAND WETLANDS. IF AN APPLICATION FOR A WIRELESS TELECOMMUNICATION PERMIT INVOLVES AN ACTIVITY REGULATED UNDER THE PROVISION OF CHAPTER 440 OF THE GENERAL STATUTES, THE APPLICANT SHALL SUBMIT AN APPLICATION FOR A PERMIT TO THE STERLING INLAND WETLANDS AND WATER COURSES AGENCY NOT LATER THAN THE DAY SUCH APPLICATION IS FILED WITH THE BOARD OF SELECTMEN. THE DECISION OF THE BOARD OF SELECTMEN SHALL NOT BE RENDERED UNTIL THE STERLING INLAND WETLANDS AND WATER COURSES AGENCY HAS SUBMITTED A REPORT WITH ITS FINAL DECISION TO THE BOARD OF SELECTMEN. IN MAKING ITS DECISION, BOARD OF SELECTMEN SHALL GIVE DUE CONSIDERATION THE REPORT OF THE STERLING INLAND WETLANDS AND WATER COURSES AGENCY.

### **SECTION 3.0 - SITE PLAN REQUIREMENTS**

3.1 PROCEDURE. A SITE PLAN SHALL BE SUBMITTED WITH ANY APPLICATION FOR A WIRELESS TELECOMMUNICATION PERMIT OR EXPANSIONS OF OR ADDITIONS TO SUCH FACILITIES. THE BOARD OF SELECTMEN SHALL REQUIRE THAT SUCH PLAN BE PREPARED BY A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF CONNECTICUT. ANY SITE PLAN INVOLVING CONSTRUCTION OF DRAINAGE

FEATURES SHALL BE PREPARED BY A REGISTERED PROFESSIONAL ENGINEER LICENSED IN THE STATE OF CONNECTICUT.

3.1.1 IN RENDERING ANY DECISION, THE BOARD OF SELECTMEN SHALL PROVIDE A DETAILED FINDING OF FACTS AND A DETAILED STATEMENT OF THE REASONS FOR ITS DECISION, BASED UPON THE EVIDENCE SUBMITTED TO IT, WHETHER OR NOT A PUBLIC HEARING HAS BEEN HELD ON THE APPLICATION.

3.1.2 A COPY OF ANY DECISION BY THE BOARD OF SELECTMEN ON A SITE PLAN SHALL BE SENT BY CERTIFIED MAIL TO THE APPLICANT WITHIN FIFTEEN (15) DAYS AFTER SUCH DECISION IS RENDERED.

3.2 SITE PLAN INGREDIENTS. SITE PLANS SHALL BE DRAWN AT A SCALE OF AT LEAST 1"=40' AND SHALL BE ON SHEETS EITHER 36 X 24 INCHES AND SHALL CLEARLY SHOW, TO THE SATISFACTION OF THE BOARD OF SELECTMEN, THE FOLLOWING INFORMATION:

3.2.1 NAME AND ADDRESS OF APPLICANT.

3.2.2 ADDRESS OF PROPERTY AND NAME OF OWNER OF RECORD.

3.2.3 SCALE, NORTH ARROW, DATE OF DRAWING OR ITS REVISION, AND NAME OF PERSON PREPARING THE SITE PLAN.

3.2.4 PROPERTY BOUNDARIES, DIMENSIONS AND AREA.

3.2.5 LOCATIONS OF ALL EXISTING AND PROPOSED BUILDINGS AND USES, INCLUDING BUT NOT LIMITED TO, SIGNS, SIDEWALKS, DRIVEWAYS, PARKING AND LOADING AREAS, AND ABUTTING STREETS; POLES, HYDRANTS AND OTHER UTILITY APPURTENANCES; AREAS TO BE USED FOR EXTERIOR STORAGE AND THE TYPE OF SCREENING TO BE PROVIDED.

3.2.6 CONTOUR LINES AT 2' INTERVALS. IF GRADING IS PROPOSED, THE EXISTING AND PROPOSED CONTOURS WILL BE SHOWN.

3.2.7 EXISTING AND PROPOSED DRAINAGE STRUCTURES ON THE PROPERTY AND THOSE OFF THE PROPERTY THAT MAY BE AFFECTED BY THE PROPOSED FACILITY.

3.2.8 PROPOSED LANDSCAPING, INCLUDING THE TYPE, SIZE AND LOCATION OF PROPOSED PLANTINGS.

3.3 SOIL EROSION AND SEDIMENT CONTROL PLAN.

3.3.1 A SOIL EROSION AND SEDIMENT CONTROL PLAN SHALL BE SUBMITTED WITH ANY APPLICATION FOR DEVELOPMENT WHEN THE DISTURBED AREA OF SUCH DEVELOPMENT IS CUMULATIVELY MORE THAN ONE-HALF ACRE. THE SOIL EROSION AND SEDIMENT CONTROL

PLAN SHALL CONTAIN PROPER PROVISIONS TO ADEQUATELY CONTROL STORM WATER RUNOFF ON THE PROPOSED SITE BASED ON THE BEST AVAILABLE TECHNOLOGY. SUCH PRINCIPLES, METHODS AND PRACTICES NECESSARY FOR CERTIFICATION ARE FOUND IN THE "CONNECTICUT GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL" (1985), AS AMENDED, AVAILABLE FROM THE NATURAL RESOURCES CENTER OF THE CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION. ALTERNATIVE PRINCIPLES, METHODS AND PRACTICES MAY BE USED WITH PRIOR APPROVAL OF THE BOARD OF SELECTMEN.

A. A NARRATIVE DESCRIBING:

1. THE DEVELOPMENT;
2. THE SCHEDULE FOR GRADING AND CONSTRUCTION ACTIVITIES INCLUDING;
  - A. START AND COMPLETION DATES;
  - B. SEQUENCE OF GRADING AND CONSTRUCTION ACTIVITIES;
  - C. SEQUENCE FOR INSTALLATION AND/OR APPLICATION OF SOIL EROSION AND SEDIMENT CONTROL MEASURES.
  - D. SEQUENCE FOR FINAL STABILIZATION OF PROJECT SITE.
3. THE DESIGN CRITERIA FOR PROPOSED SOIL EROSION AND SEDIMENT CONTROL MEASURES AND STORM WATER MANAGEMENT FACILITIES.
4. THE CONSTRUCTION DETAILS AND THE INSTALLATION AND/OR APPLICATION PROCEDURES FOR PROPOSED SOIL EROSION AND
5. THE OPERATIONS AND MAINTENANCE PROGRAM FOR PROPOSED SOIL EROSION AND SEDIMENT CONTROL MEASURES AND STORM WATER MANAGEMENT FACILITIES.

B. A MAP OF AT LEAST ONE INCH (1") EQUALS FIFTY FEET (50') SHOWING:

1. THE LOCATION OF THE PROPOSED DEVELOPMENT AND ADJACENT PROPERTIES;
2. THE EXISTING AND PROPOSED TOPOGRAPHY INCLUDING SOIL TYPES, WETLANDS, WATERCOURSES AND WATER BODIES.
3. THE EXISTING STRUCTURES ON THE PROJECT SITE, IF ANY:
4. THE PROPOSED AREA ALTERATIONS INCLUDING CLEARED, EXCAVATED FILLED OR GRADED AREAS AND PROPOSED STRUCTURES, UTILITIES, ROAD AND, IF APPLICABLE, NEWPROPERTY LINES;
5. THE LOCATION OF AND DESIGN DETAILS FOR ALL PROPOSED SOIL EROSION AND SEDIMENT CONTROL MEASURES;
6. THE SEQUENCE OF GRADING AND CONSTRUCTION ACTIVITIES;
7. THE SEQUENCE FOR INSTALLATION AND/OR APPLICATION OF SOIL EROSION AND SEDIMENT CONTROL MEASURES.
8. THE SEQUENCE FOR FINAL STABILIZATION OF THE DEVELOPMENT SITE;

9. THE WORDS "CERTIFIED BY THE BOARD OF SELECTMEN" WITH DESIGNATED SPACE FOR THE DATE AND SIGNATURE OF THE FIRST SELECTMEN OF THE BOARD OF SELECTMEN.

C. THE NARRATIVE REQUIRED IN SECTION 3.3.1(a) MAY BE INCLUDED ON THE MAP OF SECTION 3.3.1(b) IF ROOM ALLOWS IT WITHOUT AFFECTING THE READABILITY OF THE MAP. THE ITEMS REQUIRED TO BE MAPPED IN SECTION 3.3.1(b) MAY BE DEPICTED ON THE SITE PLAN MAP REQUIRED IN SECTION 3.1 IF THE READABILITY OF THE SITE PLAN IS NOT AFFECTED.

3.3.2 AFTER REVIEW OF THE EROSION AND SEDIMENT CONTROL PLAN BY THE BOARD OF SELECTMEN OR ITS DESIGNATED AGENT, THE BOARD OF SELECTMEN SHALL VOTE TO CERTIFY, MODIFY AND CERTIFY, OR DENY THAT THE SOIL EROSION AND SEDIMENT CONTROL PLAN COMPLIES WITH THESE REGULATIONS. A VOTE OF THE BOARD OF SELECTMEN TO APPROVE A SITE PLAN SHALL MEAN CERTIFICATION OF THE EROSION AND SEDIMENT CONTROL PLAN AS WELL.

3.3.3 THE ESTIMATED COSTS OF MEASURES REQUIRED TO CONTROL SOIL EROSION AND SEDIMENTATION, AS SPECIFIED IN THE CERTIFIED PLAN, MAY BE COVERED IN THE PERFORMANCE BOND OR OTHER ASSURANCE ACCEPTABLE TO THE BOARD OF SELECTMEN IN ACCORDANCE WITH THE PROVISIONS SPECIFIED UNDER SECTION 3.6 OF THESE REGULATIONS.

3.3.4 THE BOARD OF SELECTMEN OR ITS DESIGNATED AGENT SHALL PERIODICALLY CONDUCT INSPECTIONS TO VERIFY COMPLIANCE WITH THE CERTIFIED PLAN AND THAT CONTROL MEASURES ARE PROPERLY PERFORMED OR INSTALLED AND MAINTAINED. THE BOARD OF SELECTMEN MAY REQUIRE THE APPLICANT TO SUBMIT PROGRESS REPORTS WHICH SHOW THAT SOIL EROSION AND SEDIMENT CONTROL MEASURES AND FACILITIES HAVE BEEN PERFORMED OR INSTALLED ACCORDING TO THE CERTIFIED PLAN AND ARE BEING CORRECTLY OPERATED AND MAINTAINED.

3.4 WAIVERS. THE BOARD OF SELECTMEN MAY, UPON WRITTEN REQUEST BY THE APPLICANT, WAIVE ONE OR MORE OF THE SITE PLAN INGREDIENT REQUIREMENTS IF THE APPLICANT CAN SHOW, TO THE SATISFACTION OF THE BOARD OF SELECTMEN, THAT THE INFORMATION IS NOT NEEDED TO REACH A DECISION ON THE APPLICATION.

3.5 SITE PLAN EVALUATION. THE BOARD OF SELECTMEN SHALL DETERMINE THE FOLLOWING IN ITS REVIEW OF A SITE PLAN:

3.5.1 ANY PROPOSED BUILDING, STRUCTURE OR USE SHALL BE SO DESIGNED AND LOCATED ON THE SITE SO THAT THERE WILL BE ADEQUATE ACCESS FOR EMERGENCY VEHICLES.

3.5.2 THE STREETS SERVING THE PROPOSED USE SHALL BE ADEQUATE TO SAFELY CARRY THE VEHICULAR TRAFFIC GENERATED BY THE PROPOSED ACTIVITY, AND THERE WILL BE PROVISION

FOR ENTRANCE AND EXIT POINTS WHICH WILL NOT CREATE A TRAFFIC HAZARD OR UNDUE TRAFFIC CONGESTION.

3.5.3 ALL PROPOSED TRAFFIC ACCESS WAYS ARE ADEQUATE BUT NOT EXCESSIVE IN NUMBER; ADEQUATE IN WIDTH, GRADE, ALIGNMENT AND VISIBILITY; NOT LOCATED TOO NEAR STREET CORNERS OR OTHER PLACES OF PUBLIC ASSEMBLY; AND OTHER SIMILAR SAFETY CONSIDERATIONS.

3.5.4 ADEQUATE OFF-STREET PARKING AND LOADING SPACES ARE PROVIDED TO PREVENT PARKING IN PUBLIC STREETS OF VEHICLES OF ANY PERSONS CONNECTED WITH OR VISITING THE USE AND THE INTERIOR CIRCULATION SYSTEM IS ADEQUATE TO PROVIDE SAFE ACCESSIBILITY TO ALL REQUIRED OFF-STREET PARKING.

3.5.5 PARKING AND SERVICE AREAS ARE REASONABLY SCREENED AT ALL SEASONS OF THE YEAR FROM THE VIEW OF ADJACENT RESIDENTIAL LOTS AND STREETS, WHERE APPROPRIATE, AND THE GENERAL LANDSCAPING OF THE SITE IS IN CHARACTER WITH THAT GENERALLY PREVAILING IN THE NEIGHBORHOOD. PRESERVATION OF EXISTING TREES OVER TWELVE INCHES (12") IN DIAMETER TO THE MAXIMUM EXTENT POSSIBLE SHALL BE ENCOURAGED.

3.5.6 LIGHTING FROM THE INSTALLATION OF OUTDOOR FLOOD OR SPOT LIGHTING AND ILLUMINATED SIGNS WILL BE PROPERLY SHIELDED SO THAT SUCH LIGHTING WILL NOT AVERSELY AFFECT ANY ABUTTING PROPERTY OR PUBLIC STREET.

3.5.7 IN ADDITION TO OTHER APPROPRIATE REVIEW STANDARDS FOUND IN THESE REGULATIONS, THE BOARD OF SELECTMEN, IN REVIEWING APPLICATIONS FOR WIRELESS TELECOMMUNICATION FACILITIES, SHALL CONSIDER:

- a. DETAILED ANALYSIS OF ALTERNATIVE SITES, ACCESS, AND ANTENNAS AS PROVIDED BY THE APPLICANT. PARTICULAR ATTENTION WILL BE PLACED UPON THE SITING PREFERENCES FOUND IN SECTION 4.1.1 OF THESE REGULATIONS.
- b. DETAILED PROPAGATION AND ANTENNA SEPARATION ANALYSIS RELATIVE TO TOWER HEIGHT.
- c. OWNER SHARING OR CO-LOCATION TO FACILITATE THE TELECOMMUNICATION NEEDS OF MUNICIPALITIES AND OTHER ENTITIES IN ORDER TO REDUCE THE NEED TO CONSTRUCT ADDITIONAL TOWERS. THE BOARD OF SELECTMEN RESERVES THE RIGHT TO REQUIRE THE APPLICANT TO UTILIZE THE PROVISIONS OF SECTION 16-50aa OF THE CONNECTICUT GENERAL STATUTES TO ACHIEVE TOWER SHARING.
- d. ASSESSMENT OF TOWER STRUCTURE TYPE.

e. ASSESSMENT OF DESIGN CHARACTERISTICS/ARCHITECTURAL TREATMENTS THAT MITIGATE, REDUCE OR ELIMINATE VISUAL IMPACTS ON ADJACENT AREAS.

f. IF LOCATED ON A PROPERTY LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES, PRESERVATION OF THE HISTORY AND/OR ARCHITECTURAL CHARACTER OF THE LANDSCAPE OR ANY STRUCTURE.

g. CONSIDERATION OF FUTURE USE OR RE-USE OF THE SITE, WITH PROVISIONS FOR FACILITY REMOVAL AND SITE RESTORATION.

3.6 SURETY. BEFORE SITE PLAN APPROVAL IS GRANTED, THE APPLICANT SHALL FILE A SURETY WITH THE BOARD OF SELECTMEN PAYABLE TO THE TREASURER OF THE TOWN OF STERLING AND IN A FORM SATISFACTORY TO THE TOWN COUNSEL AND IN AN AMOUNT APPROVED BY THE BOARD OF SELECTMEN AS SUFFICIENT TO GUARANTEE COMPLETION OF THOSE ITEMS SPECIFIED BY THE BOARD OF SELECTMEN AND IN CONFORMITY WITH THE PROVISIONS OF THESE REGULATIONS OR ANY AMENDMENTS THERETO IN FORCE AT THE TIME OF FILING. SUCH SURETY SHALL BE HELD BY THE TOWN CLERK WHO SHALL NOT BE AUTHORIZED BY THE BOARD OF SELECTMEN TO RELEASE SUCH BOND UNTIL WRITTEN CERTIFICATION HAS BEEN RECEIVED FROM THE BUILDING OFFICIAL THAT ALL OF THE REQUIREMENTS OF THESE REGULATIONS HAVE BEEN FULLY SATISFIED.

#### **SECTION 4.0 STANDARDS FOR REVIEW**

4.1.1 THE BOARD OF SELECTMEN ENCOURAGES THE USE OF MUNICIPALLY OWNED SITES AND FACILITIES. THE GENERAL ORDER OF PREFERENCE FOR ALTERNATIVE WIRELESS TELECOMMUNICATION FACILITY LOCATIONS SHALL RANGE FROM a. AS MOST PREFERRED TO f. AS LEAST PREFERRED:

- a. ON EXISTING STRUCTURES SUCH AS NONRESIDENTIAL BUILDINGS/FACADES, WATER TOWERS/TANKS, UTILITY POLES, STEEPLES, CLOCK OR BELL TOWERS, BILLBOARDS, CHIMNEYS, BRIDGES AND SILOS.
- b. ON EXISTING OR APPROVED TOWERS.
- c. ON NEW TOWERS LOCATED ON PROPERTY OCCUPIED BY ONE OR MORE EXISTING TOWERS.
- d. ON NEW TOWERS LOCATED IN INDUSTRIAL AREAS.
- e. ON NEW TOWERS IN COMMERCIAL-INDUSTRIAL OR COMMERCIAL AREAS.
- f. ON NEW TOWERS LOCATED IN RESIDENTIAL AREAS.

4.1.2 ALL APPLICATIONS FOR APPROVAL OF A PROPOSED WIRELESS TELECOMMUNICATION FACILITY SHALL CONTAIN THE FOLLOWING DOCUMENTATION:

- a. A MAP INDICATING THE SERVICE AREA OF THE PROPOSED WIRELESS TELECOMMUNICATIONS SITE. A MAP INDICATING THE EXTENT OF THE PROVIDER'S EXISTING, IF ANY, AND PLANNED COVERAGE WITHIN STERLING, AND A MAP INDICATING THE SEARCH RADIUS FOR THE PROPOSED WIRELESS TELECOMMUNICATIONS SITE, INCLUDING THE LOCATION OF STRUCTURES GREATER THAN 40' IN HEIGHT WITHIN ONE QUARTER MILE OF THE PROPOSED SITE.
- b. A REPORT FROM A LICENSED TELECOMMUNICATION SYSTEMS ENGINEER INDICATING WHY THE PROPOSED SITE LOCATION IS NECESSARY TO SATISFY ITS FUNCTION IN THE APPLICANT'S PROPOSED WIRELESS TELECOMMUNICATION SYSTEM. A DESCRIPTION OF ALL ALTERNATIVE SITES AND LOCATIONS REVIEWED BY THE APPLICANT AND DISCUSSION OF WHY SUCH ALTERNATIVES WERE NOT SELECTED
- c. A PLAN SHOWING WHERE AND HOW THE PROPOSED ANTENNA WILL BE AFFIXED TO A PARTICULAR BUILDING OR STRUCTURE.
- d. DETAILS OF ALL PROPOSED ANTENNA AND MOUNTING EQUIPMENT INCLUDING SIZE AND COLOR.
- e. ELEVATIONS OF ALL PROPOSED SHIELDING AND DETAILS OF MATERIAL INCLUDING COLOR.
- f. ELEVATIONS OF ALL PROPOSED BUILDINGS AND STRUCTURES, INCLUDING BUT NOT LIMITED TO EQUIPMENT STORAGE FACILITIES, BOXES AND CABINETS. DETAILS OF ALL PROPOSED FENCING INCLUDING COLOR.
- g. TOWER BASE ELEVATION AND HEIGHT OF TOWER.
- h. A DESIGN DRAWING, INCLUDING CROSS SECTION AND ELEVATION, OF ALL PROPOSED TOWERS. A DESCRIPTION OF THE TOWER'S CAPACITY, INCLUDING THE NUMBER AND TYPE OF ANTENNAS IT CAN ACCOMMODATE AS WELL AS THE PROPOSED LOCATION OF ALL MOUNTING POSITIONS FOR COLOCATED ANTENNAS AND THE MINIMUM SEPARATING DISTANCES BETWEEN ANTENNAS. THE DESIGN SHALL INDICATE HOW THE TOWER WILL COLLAPSE WITHOUT ENCROACHING UPON ANY ADJOINING PROPERTY IF FAILURE OCCURS.
- i. A REPORT FROM A LICENSED TELECOMMUNICATION SYSTEMS ENGINEER INDICATING THAT THE PROPOSED WIRELESS TELECOMMUNICATION FACILITY WILL COMPLY WITH FCC RADIO FREQUENCY EMISSION STANDARDS AND THAT THE INSTALLATION WILL NOT INTERFERE WITH PUBLIC SAFETY COMMUNICATIONS.
- j. ALL PROPOSED LANDSCAPING, IF APPROPRIATE, WITH A LIST OF PLANT MATERIAL.
- k. PROPOSED ACCESS TO THE SITE.

I. ALL OF THE PLANS AND INFORMATION REQUIRED FOR WIRELESS TELECOMMUNICATIONS FACILITY SITE-PLAN AS REQUIRED IN SECTION 3 OF THESE REGULATIONS.

m. A VIEW SHED ANALYSIS SHOWING ALL AREAS FROM WHICH THE TOWER WOULD BE VISIBLE, AND IF REQUESTED BY THE BOARD OF SELECTMEN, A SIMULATION OF THE PROPOSED SITE IN ORDER TO HELP THE BOARD OF SELECTMEN DETERMINE THE VISUAL IMPACTS ASSOCIATED WITH THE PROPOSAL.

n. DOCUMENTATION PREPARED BY A LICENSED TELECOMMUNICATION SYSTEMS ENGINEER THAT NO EXISTING OR PLANNED TOWER OR OTHER STRUCTURE CAN ACCOMMODATE THE APPLICANT'S ANTENNA. FOR TALL STRUCTURES LOCATED WITHIN ONE QUARTER MILE RADIUS OF THE PROPOSED SITE, DOCUMENTATION THAT THE OWNERS OF THESE LOCATIONS HAVE BEEN CONTACTED AND HAVE DENIED PERMISSION TO INSTALL THE ANTENNA ON THESE STRUCTURES FOR OTHER THAN ECONOMIC REASONS.

o. THE LOCATION OF ALL RESIDENTIAL STRUCTURES WITHIN 200 FEET OF THE PROPERTY LINE.

p. NATURE OF USES ON ADJACENT AND NEARBY PROPERTIES WITHIN 1,000 FEET.

q. SURROUNDING TOPOGRAPHY WITHIN 1,000 FEET AT CONTOUR INTERVALS NOT EXCEEDING TEN FEET.

r. DESIGN OF THE TOWER WITH PARTICULAR REFERENCE TO DESIGN CHARACTERISTICS THAT HAVE THE EFFECT OF REDUCING OR ELIMINATING VISUAL OBTRUSIVENESS.

THE BOARD OF SELECTMEN MAY REQUIRE INDEPENDENT ENGINEERING/TECHNICAL REVIEW OF SUBMITTED MATERIALS AT THE APPLICANT'S EXPENSE.

4.1.3 ALL WIRELESS TELECOMMUNICATION FACILITIES WHERE THE ANTENNA IS MOUNTED TO AN EXISTING NONRESIDENTIAL BUILDING OR STRUCTURE SHALL MEET THESE STANDARDS:

a. NO UNNECESSARY CHANGE SHALL BE MADE TO THE HEIGHT OF BUILDING OR STRUCTURE.

b. PANEL ANTENNAS SHALL NOT EXCEED SIXTY INCHES IN HEIGHT BY TWENTY-FOUR INCHES IN WIDTH; WHIP ANTENNAS SHALL NOT EXCEED FORTY-EIGHT INCHES IN HEIGHT; AND DISH ANTENNAS SHALL NOT EXCEED THIRTY-SIX INCHES IN DIAMETER.

c. EQUIPMENT CABINETS AND SHEDS SHALL BE SCREENED WITH APPROPRIATE LANDSCAPING MATERIALS FROM ABUTTING PROPERTIES.

d. FACILITIES SHALL BE OF A MATERIAL OR COLOR WHICH MATCHES THE EXTERIOR OF THE BUILDING OR STRUCTURE, AND SHALL BLEND INTO THE EXISTING ARCHITECTURE TO THE EXTENT POSSIBLE.

e. FACADE MOUNTED ANTENNAS SHALL NOT EXCEED THE HIGHEST POINT OF THE ROOFTOP BY MORE THAN TEN FEET.

f. ROOF MOUNTED ANTENNAS SHALL BE SET BACK FROM THE ROOF EDGE A MINIMUM OF TEN FEET OR TEN PERCENT OF THE ROOF WIDTH, WHICHEVER IS GREATER.

g. ROOF MOUNTED ANTENNAS SHALL BE SET BACK FROM THE ROOF EDGE A MINIMUM OF TEN FEET OR TEN PERCENT OF THE ROOF WIDTH, WHICHEVER IS GREATER.

h. ROOF MOUNTED ANTENNAS SHALL NOT OCCUPY MORE THAN 25 PERCENT OF THE ROOF AREA IN RESIDENTIAL AREAS, AND 50 PERCENT IN ALL OTHER AREAS.

4.1.4 ALL WIRELESS TELECOMMUNICATION FACILITIES WHERE THE ANTENNA IS MOUNTED TO AN EXISTING NONRESIDENTIAL BUILDING OR STRUCTURE SHALL MEET THESE STANDARDS:

a. NO UNNECESSARY CHANGE SHALL BE MADE TO THE HEIGHT OF THE BUILDING OR STRUCTURE.

b. PANEL ANTENNAS SHALL NOT EXCEED SIXTY INCHES IN HEIGHT BY TWENTY-FOUR INCHES IN WIDTH; WHIP ANTENNAS SHALL NOT EXCEED FORTY-EIGHT INCHES IN HEIGHT; AND DISH ANTENNAS SHALL NOT EXCEED THIRTY-SIX INCHES IN DIAMETER.

c. EQUIPMENT CABINETS AND SHEDS SHALL BE SCREENED WITH APPROPRIATE LANDSCAPING MATERIALS FROM ABUTTING PROPERTIES.

d. FACILITIES SHALL BE OF A MATERIAL OR COLOR WHICH MATCHES THE EXTERIOR OF THE BUILDING OR STRUCTURE, AND SHALL BLEND INTO THE EXISTING ARCHITECTURE TO THE EXTENT POSSIBLE.

e. FACADE MOUNTED ANTENNAS SHALL NOT PROTRUDE ABOVE THE BUILDING STRUCTURE AND SHALL NOT PROJECT MORE THAN THREE FEET BEYOND THE WALL OR FACADE.

f. ROOF MOUNTED ANTENNAS SHALL NOT EXCEED THE HIGHEST POINT OF THE ROOFTOP BY MORE THAN TEN FEET.

g. ROOF MOUNTED ANTENNAS SHALL BE SET BACK FROM THE ROOF EDGE A MINIMUM OF TEN FEET OR TEN PERCENT OF THE ROOF WIDTH, WHICHEVER IS GREATER.

h. ROOF MOUNTED ANTENNAS SHALL NOT OCCUPY MORE THAN 25 PERCENT OF THE ROOF AREA IN RESIDENTIAL AREAS, AND 50 PERCENT IN ALL OTHER AREAS.

4.1.5 ALL WIRELESS TELECOMMUNICATION FACILITIES WHERE A TOWER IS TO BE LOCATED ON PROPERTY OCCUPIED BY ONE OR MORE EXISTING TOWERS SHALL MEET THE FOLLOWING STANDARDS:

- a. A WIRELESS TELECOMMUNICATION PERMIT SHALL NOT BE ISSUED FOR ANY USE THAT CAUSES, OR MAY REASONABLY BE EXPECTED TO CAUSE, UNSAFE OR DANGEROUS PHYSICAL CONDITIONS AT OR BEYOND THE PROPERTY LINE OR THAT WOULD CONSTITUTE A NUISANCE. FOR PURPOSES OF THIS SECTION, "UNSAFE OR DANGEROUS PHYSICAL CONDITIONS" MAY INCLUDE, BUT ARE NOT LIMITED TO, UNREASONABLE POLLUTION OF SOIL, GROUND WATER, SURFACE WATERS OR THE AIR; PERCEPTIBLE VIBRATIONS TRANSMITTED THROUGH AIR OR GROUND; OR NOISE IN EXCESS OF STATE AND LOCAL STANDARDS.
- b. THE TOWER AND/OR ANTENNA SHALL BE ERECTED TO THE MINIMUM HEIGHT NECESSARY TO SATISFY THE TECHNICAL REQUIREMENTS OF THE TELECOMMUNICATIONS FACILITY. DOCUMENTATION OF THE MINIMUM HEIGHT NEEDED, PREPARED BY A LICENSED TELECOMMUNICATION SYSTEMS ENGINEER, SHALL ACCOMPANY AN APPLICATION. THE BOARD OF SELECTMEN MAY REQUIRE THE SUBMISSION OF PROPAGATION MODELING RESULTS TO FACILITATE ITS REVIEW OF TOWER HEIGHT.
- c. A TOWER SHALL BE SETBACK FROM ALL PROPERTY LINES A DISTANCE EQUAL TO THE HEIGHT OF THE TOWER PLUS 100 FEET. IN ADDITION, A TOWER SHALL BE AT LEAST A DISTANCE EQUAL TO ITS HEIGHT PLUS 100 FEET FROM THE BOUNDARY OF ANY EASEMENT CREATED FOR SUCH FACILITY. ALL UTILITIES TO AND FROM SUCH A FACILITY SHALL BE INSTALLED UNDERGROUND.
- d. ALL TOWERS SHALL BE OF MONOPOLE DESIGN UNLESS THE TOWER IS TO BE ATTACHED TO AN EXISTING STRUCTURE OR THE APPLICANT DEMONSTRATES THAT A MONOPOLE WOULD NOT BE TECHNICALLY FEASIBLE OR COULD NOT SATISFY THE ESSENTIAL REQUIREMENTS OF THE OVERALL TELECOMMUNICATIONS FACILITY. ALL TOWERS SHALL BE DESIGNED TO COMPLEMENT AND BLEND INTO THE SURROUNDING AREA AS MUCH AS POSSIBLE. THE BOARD OF SELECTMEN MAY REQUIRE THAT ANY TOWER BE PAINTED OR OTHERWISE CAMOUFLAGED TO RESEMBLE A WOODY TREE OR OTHER OBJECT CHARACTERISTIC OF THE SURROUNDING AREA, PROVIDED SUCH CAMOUFLAGE IS TECHNICALLY FEASIBLE.
- e. NO LIGHTS OR ILLUMINATION SHALL BE PERMITTED UNLESS REQUIRED BY THE FAA.
- f. NO SIGNS OR ADVERTISING SHALL BE PERMITTED ON ANY TOWER OR ANTENNA EXCEPT NO TRESPASSING WARNING, AND OWNERSHIP SIGNS ARE PERMITTED AT GROUND LEVEL.
- g. PROPOSED SUPPORT THE STRUCTURE SHALL BE REQUIRED TO ACCOMMODATE A MINIMUM OF THREE USERS UNLESS IT IS DETERMINED TO BE TECHNICALLY UNFEASIBLE BASED UPON INFORMATION SUBMITTED BY THE APPLICANT AND VERIFIED BY THE BOARD OF SELECTMEN. THESE USERS SHALL INCLUDE OTHER WIRELESS COMMUNICATION COMPANIES, AND LOCAL POLICE, FIRE, AND AMBULANCE COMPANIES. THE APPLICANT SHALL SUBMIT WRITTEN DOCUMENTATION ON THE MANNER IN WHICH IT PROPOSES TO ACCOMMODATE OTHER

POTENTIAL USERS. THE BOARD OF SELECTMEN MAY REQUIRE THAT SUCH DOCUMENTATION BE MODIFIED IF IT WOULD UNREASONABLY OR UNNECESSARILY RESTRICT ACCESS OF OTHER USERS TO THE FACILITIES.

i. A PROPOSED TOWER SHALL BE DESIGNED AND CONSTRUCTED TO ALL APPLICABLE STANDARDS OF THE AMERICAN NATIONAL STANDARDS INSTITUTES, AS AMENDED.

j. THE BOARD OF SELECTMEN MAY REQUIRE THE USE OF SECTION 16-50aa OF THE CONNECTICUT GENERAL STATUTES TO PROMOTE TOWER SHARING.

k. FOR ANY PERMITS ISSUED FOR A TELECOMMUNICATIONS FACILITY, THE PERMIT HOLDER SHALL EXERCISE GOOD FAITH IN ALLOWING FUTURE PROVIDERS TO CO-LOCATE OR SHARE SPACE ON THE SITE, PROVIDED THAT SUCH SHARED USE DOES NOT IMPAIR THE TECHNICAL LEVEL OR QUALITY OF SERVICE.

4.1.6 ALL ANCILLARY BUILDINGS ASSOCIATED WITH WIRELESS TELECOMMUNICATION FACILITIES SHALL COMPLY WITH THE FOLLOWING:

a. EACH BUILDING SHALL NOT CONTAIN MORE THAN 150 SQUARE FEET OF GROSS FLOOR AREA OR BE MORE THAN EIGHT FEET IN HEIGHT, UNLESS THE APPLICANT CAN DEMONSTRATE THE NEED FOR A LARGER STRUCTURE.

b. IF LOCATED ON THE ROOF OF A BUILDING, IT SHALL BE DESIGNED TO BLEND WITH THE COLOR AND DESIGN OF THE BUILDING TO THE EXTENT POSSIBLE.

c. ALL GROUND LEVEL BUILDINGS, BOXES OR CABINETS SHALL BE SURROUNDED BY A LANDSCAPED BUFFER AREA 15 FEET IN WIDTH.

4.1.7 ABANDONMENT: A WIRELESS TELECOMMUNICATION FACILITY NOT IN USE FOR 12 CONSECUTIVE MONTHS SHALL BE REMOVED BY THE FACILITY OWNER AT THEIR EXPENSE. THIS REMOVAL SHALL OCCUR WITHIN 90 DAYS OF THE END OF SUCH 12-MONTH PERIOD. IF THERE ARE TWO OR MORE USERS OF A SINGLE TOWER, THIS PROVISION SHALL NOT BECOME EFFECTIVE UNTIL ALL USERS CEASE UTILIZING THE TOWER.

THIS ORDINANCE PASSED AT A TOWN MEETING HELD ON JULY 8, 1998 AND SHALL BECOME EFFECTIVE 15 DAYS AFTER PUBLICATION.

## **ORDINANCE REGULATING ADULT-ORIENTED ESTABLISHMENTS**

### **SECTION 1. FINDINGS AND PURPOSE**

(a) THE TOWN OF STERLING CONNECTICUT FINDS:

(1) SHOULD "ADULT-ORIENTED ESTABLISHMENTS" LOCATE IN THE TOWN OF STERLING, THEY WILL REQUIRE SPECIAL SUPERVISION FROM THE TOWN'S PUBLIC SAFETY AND WELFARE OF THE PATRONS OF SUCH ESTABLISHMENTS, AS WELL AS THE HEALTH, SAFETY AND WELFARE OF THE TOWN'S CITIZENS.

(2) STATISTICS AND STUDIES PERFORMED BY A SUBSTANTIAL NUMBER OF CITIES AND TOWNS IN THE UNITED STATES INDICATES THAT:

(a) LARGE NUMBERS OF PERSONS, PRIMARILY MALE, FREQUENT SUCH "ADULT ORIENTED ESTABLISHMENTS", ESPECIALLY THOSE WHICH PROVIDE CLOSED BOOTHS, CUBICLES, STUDIOS AND ROOMS FOR THE PRIVATE VIEWING OF SO-CALLED "ADULT" MOTION PICTURES AND/OR VIDEO TAPES LIVE ENTERTAINMENT, AND

(b) SUCH CLOSED BOOTHS, CUBICLES, STUDIOS AND ROOMS HAVE BEEN USED BY PATRONS, CLIENTS OR CUSTOMERS OF SUCH "ADULT-ORIENTED ESTABLISHMENTS" FOR THE PURPOSE OF ENGAGING IN CERTAIN SEXUAL ACTS, AND

(c ) MALE AND FEMALE PROSTITUTES HAVE BEEN KNOWN TO FREQUENT SUCH ESTABLISHMENTS IN ORDER TO PROVIDE SEX FOR HIRE TO THE PATRONS, CLIENTS OR CUSTOMERS OF SUCH ESTABLISHMENTS WITHIN SUCH BOOTHS, CUBICLES AND ROOMS, AND

(d) DOORS, CURTAINS, BLINDS AN/OR CLOSURES INSTALLED IN OR ON THE ENTRANCES AND/OR EXITS OF SUCH BOOTHS, CUBICLES, STUDIOS, AND ROOMS WHICH ARE CLOSED WHILE SUCH BOOTHS, CUBICLES, STUDIOS AND ROOMS ARE IN USE ENCOURAGE PATRONS USING SUCH BOOTHS, CUBICLES, STUDIOS AND ROOMS TO ENGAGE IN SEXUAL ACTS THEREIN WITH PROSTITUTES OR OTHERS, THEREBY PROMOTING AND ENCOURAGING PROSTITUTION AND THE COMMISSION OF SEXUAL ACTS WHICH CAUSE BLOOD, SEMEN, AND URINE TO BE DEPOSITED ON THE FLOORS AND/OR WALLS OF SUCH BOOTHS, CUBICLES, STUDIOS AND ROOMS, WHICH DEPOSITS COULD PROVE DETRIMENTAL TO THE HEALTH AND SAFETY OF OTHER PERSONS WHO MAY COME INTO CONTACT WITH SUCH DEPOSITS, AND

(e) THE REASONABLE REGULATION AND SUPERVISION OF SUCH "ADULT-ORIENTED ESTABLISHMENTS" TENDS TO DISCOURAGE SUCH SEXUAL ACTS AND PROSTITUTION AND THEREBY PROMOTES THE HEALTH, SAFETY AND WELFARE OF THE PATRONS, CLIENTS AND CUSTOMERS OF SUCH ESTABLISHMENTS.

(3) THE UNREGULATED OPERATION OF ADULT-ORIENTED ESTABLISHMENTS INCLUDING, WITHOUT LIMITATION, THOSE SPECIFICALLY CITED IN PARAGRAPH (1) HEREOF, WOULD BE DETRIMENTAL TO THE GENERAL WELFARE, HEALTH AND SAFETY OF THE CITIZENS OF STERLING.

(4) THE CONSTITUTION AND LAWS OF THE STATE OF CONNECTICUT GRANT TO THE TOWN POWERS, ESPECIALLY POLICE POWER, TO ENACT REASONABLE LEGISLATION AND MEASURES TO REGULATE AND SUPERVISE "ADULT-ORIENTED ESTABLISHMENTS" AS HEREINAFTER DEFINED IN ORDER TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE.

(5) IT IS NOT THE INTENT OF THE TOWN, IN ENACTING THIS ORDINANCE, TO DENY TO ANY PERSON RIGHTS TO SPEECH PROTECTED BY THE UNITED STATES AND/OR STATE CONSTITUTIONS, NOR IS IT THE INTENT OF THE TOWN TO IMPOSE ANY ADDITIONAL LIMITATIONS OR RESTRICTIONS ON THE CONTENTS OF ANY COMMUNICATIVE MATERIALS, INCLUDING SEXUALLY ORIENTED FILMS, VIDEO TAPES, BOOKS AND/OR OTHER MATERIALS PROTECTED BY THE UNITED STATES AND/OR STATE CONSTITUTIONS, NOR DOES IT INTEND TO RESTRICT OR DENY ANY CONSTITUTIONALLY PROTECTED RIGHTS THAT DISTRIBUTORS OR EXHIBITORS OF SUCH SEXUALLY ORIENTED MATERIALS MAY HAVE TO SELL, DISTRIBUTE OR EXHIBIT SUCH MATERIALS.

## SECTION 2. DEFINITIONS

FOR THE PROPOSE OF THIS ORDINANCE, THE WORDS AND PHRASES USED HEREIN SHALL HAVE THE FOLLOWING MEANINGS, UNLESS OTHERWISE CLEARLY INDICATED BY THE CONTEXT.

(a) "ADULT ORIENTED ESTABLISHMENT," SHALL INCLUDE, WITHOUT LIMITATION, "ADULT BOOKSTORES." "ADULT MOTION PICTURE THEATERS", "ADULT MINI-MOTION PICTURE THEATERS" AND FURTHER MEANS ANY PREMISES TO WHICH THE PUBLIC PATRONS OR MEMBERS ARE INVITED OR ADMITTED AND WHICH ARE SO PHYSICALLY ARRANGED AS TO PROVIDE BOOTHS, CUBICLES, ROOMS, STUDIOS, COMPARTMENTS OR STALLS SEPARATE FROM THE COMMON AREAS OF THE PREMISES FOR THE PURPOSE OF VIEWING ADULT-ORIENTED MOTION PICTURES, OR ANY PREMISES WHEREIN AN ENTERTAINER PROVIDES ADULT ENTERTAINMENT TO A MEMBER OF THE PUBLIC, A PATRON OR A MEMBER, WHEN SUCH ADULT ENTERTAINMENT IS HELD, CONDUCTED, OPERATED OR MAINTAINED FOR PROFIT, DIRECT OR INDIRECT.

(b) "ADULT BOOKSTORE" MEANS AN ESTABLISHMENT HAVING A SUBSTANTIAL OR SIGNIFICANT PORTION OF ITS STOCK AND TRADE IN BOOKS, FILMS, VIDEO CASSETTES, SEXUAL AIDS, TOYS, NOVELTIES, OR MAGAZINES AND OTHER PERIODICALS WHICH ARE DISTINGUISHED OR CHARACTERIZED BY THEIR EMPHASIS ON MATTER DEPICTING, DESCRIBING OR RELATING TO "SPECIFIC SEXUAL ACTIVITIES" OR "SPECIFIC ANATOMICAL AREAS" AS DEFINED BELOW, AND MAY IN CONDUCTION THEREWITH HAVE FACILITIES FOR THE PRESENTATION OF ADULT ENTERTAINMENT, AS DEFINED BELOW, AND INCLUDING ADULT-ORIENTED FILMS, MOVIES OR LIVE ENTERTAINMENT, FOR OBSERVATION BY PATRONS THEREIN.

(c) "ADULT MOTION PICTURE THEATER" MEANS AN ENCLOSED BUILDING WITH A CAPACITY OF LESS THAN FIFTY (50) OR MORE PERSONS REGULARLY USED FOR PRESENTING MATERIAL DISTINGUISHED OR CHARACTERIZED BY AN EMPHASIS ON MATTER DEPICTING, DESCRIBING OR RELATING TO "SPECIFIED

SEXUAL ACTIVITIES” OR “SPECIFIC ANATOMICAL AREAS”, AS DEFINED BELOW, FOR OBSERVATION BY PATRONS THEREIN.

(d) “ADULT MINI-MOTION PICTURE THEATER” MEANS AND ENCLOSED BUILDING WITH A CAPACITY OF LESS THAN FIFTY (50) PERSONS USED FOR PRESENTING MATERIAL DISTINGUISHED OR CHARACTERIZED BY AN EMPHASIS ON MATTER DEPICTING OR RELATING TO “SPECIFIED SEXUAL ACTIVITIES” OR “SPECIFIED ANATOMICAL AREAS” AS DEFINED BELOW, FOR OBSERVATION BY PATRONS THEREIN.

(e) “TOWN” MEANS THE TOWN OF STERLING, CONNECTICUT.

(f) “INSPECTOR” MEANS AN EMPLOYEE OF THE TOWN OF STERLING DESIGNATED BY THE DIRECTOR OF FIRST SELECTMEN, WHO SHALL HEREBY BE AUTHORIZED TO INSPECT PREMISES REGULATED UNDER THIS ORDINANCE AND TO TAKE THE REQUIRED ACTIONS AUTHORIZED BY THIS ORDINANCE IN CASE OF VIOLATIONS BEING FOUND ON SUCH PREMISES, AND TO REQUIRE CORRECTIONS OF UNSATISFACTORY CONDITIONS FOUND ON SAID PREMISES.

(g) “EMPLOYEE” MEANS ANY PERSON WHO PROVIDES ENTERTAINMENT WITHIN AND ADULT-ORIENTED ESTABLISHMENT AS DEFINED IN THIS SECTION, WHETHER OR NOT A FEE IS CHARGED OR ACCEPTED FOR ENTERTAINMENT AND WHETHER OR NOT ENTERTAINMENT IS PROVIDED AS AN EMPLOYEE OR AN INDEPENDENT CONTRACTOR.

(h) “ENTERTAINER” MEANS ANY PERSON WHO PROVIDES ENTERTAINMENT WITHIN AN ADULT-ORIENTED ESTABLISHMENT AS DEFINED IN THIS SECTION, WHETHER OR NOT A FEE IS CHARGED OR ACCEPTED FOR ENTERTAINMENT AND WHETHER OR NOT ENTERTAINMENT IS PROVIDED AS AN EMPLOYEE OR AN INDEPENDENT CONTRACTOR.

(i) “ADULT ENTERTAINMENT” MEANS ANY EXHIBITION OF ANY ADULT-ORIENTED MOTION PICTURES, LIVE PERFORMANCE, DISPLAY OR DANCE OF ANY TYPE, WHICH HAS AS A SIGNIFICANT OR SUBSTANTIAL PORTION OF SUCH PERFORMANCE ANY ACTUAL OR SIMULATED PERFORMANCE OF “SPECIFIED SEXUAL ACTIVITIES” OR EXHIBITION AND VIEWING OF “SPECIFIED ANATOMICAL AREAS”, REMOVAL OF ARTICLES OF CLOTHING OR APPEARING UNCLOTHED, PANTOMIME, MODELING, OR ANY OTHER PERSONAL SERVICES OFFERED CUSTOMERS.

(j) “MINOR” SHALL BE DEEMED TO REFER TO A PERSON UNDER THE AGE OF EIGHTEEN (18) YEARS.

(k) “OPERATOR” MEANS ANY PERSON, PARTNERSHIP OR CORPORATION OPERATING, CONDUCTING OR MAINTAINING AN ADULT-ORIENTED ESTABLISHMENT.

(l) “SPECIFIED SEXUAL ACTIVITIES” MEANS:

(1) HUMAN GENITALS IN A STATE OF SEXUAL STIMULATION OR AROUSAL ACTS OF HUMAN MASTURBATION, SEXUAL INTERCOURSE OR SODOMY, FONDLING OR EROTIC TOUCHING OF HUMAN GENITALS, PUBIC REGION, BUTTOCKS OR FEMALE BREAST.

(m) "SEXUAL ACTIVITIES," AS USED IN THIS ARTICLE, IS NOT INTENDED TO INCLUDE ANY MEDICAL PUBLICATIONS OR FILMS OR BONA FIDE EDUCATIONAL PUBLICATION OR FILMS, NOR DOES IT INCLUDE ANY ART OR PHOTOGRAPHY PUBLICATIONS WHICH DENOTE AT LEAST 25 PERCENT OF THE LINEAGE OF EACH ISSUE TO ARTICLES AND ADVERTISEMENTS DEALING WITH SUBJECTS OF ART OR PHOTOGRAPHY. NOR DOES THIS DEFINITION APPLY TO ANY NEWS PERIODICALS WHICH REPORTS OR DESCRIBES CURRENT EVENTS AND WHICH, FROM TIME TO TIME, PUBLISHES PHOTOGRAPHS OF NUDE OR SEMI-NUDE PERSONS IN CONNECTION WITH THE DISSEMINATION OF THE NEWS. NOR DOES THIS DEFINITION APPLY TO PUBLICATIONS OR FILMS WHICH DESCRIBE AND REPORT DIFFERENT CULTURES AND WHICH, FROM TIME TO TIME, PUBLISH OR SHOW PHOTOGRAPHS OR DEPICTIONS OF NUDE OR SEMI-NUDE PERSONS WHEN DESCRIBING CULTURES IN WHICH NUDITY OR SEMI-NUDITY IS INDIGENOUS TO THE POPULATION.

### SECTION 3 REQUIREMENTS FOR ADULT-ORIENTED ESTABLISHMENTS

(a) NO OPERATOR OR EMPLOYEE OF AN ADULT ORIENTED ESTABLISHMENT SHALL PERMIT ANY MINOR TO LOITER IN ANY PART OF SUCH ESTABLISHMENT, INCLUDING PARKING LOTS IMMEDIATELY ADJACENT TO SUCH ESTABLISHMENT USED BY PATRONS OF SUCH ADULT ORIENTED ESTABLISHMENTS.

(b) EVERY ADULT-ORIENTED ESTABLISHMENT DOING BUSINESS IN THE TOWN ON OR AFTER DECEMBER 1, 1998, SHALL BE WELL-LIGHTED AT ALL TIMES AND BE PHYSICALLY ARRANGED IN SUCH A MANNER THAT THE ENTIRE INTERIOR PORTION OF THE BOOTHS, CUBICLES, ROOMS OR STALLS, WHEREIN ADULT ENTERTAINMENT IS PROVIDED, SHALL BE CLEARLY VISIBLE FROM THE COMMON AREAS OF THE PREMISES. VISIBILITY INTO SUCH BOOTHS, CUBICLES, ROOMS OR STALLS SHALL NOT BE BLOCKED OR OBSCURED BY DOORS, CURTAINS, PARTITIONS, DRAPES, OR ANY OTHER OBSTRUCTION WHATSOEVER. IT SHALL BE UNLAWFUL TO INSTALL ENCLOSED BOOTHS, CUBICLES, ROOMS OR STALLS WITHIN ADULT-ORIENTED ESTABLISHMENTS FOR WHATEVER PURPOSE, BUT ESPECIALLY FOR THE PURPOSE OF PROVIDING FOR THE SECLUDED VIEWING OF ADULT-ORIENTED MOTION PICTURES, OR OTHER TYPES OF ADULT-ORIENTED ENTERTAINMENT.

(c) ON OR AFTER DECEMBER 1, 1998, THE OPERATOR OF EACH ADULT-ORIENTED ESTABLISHMENT SHALL BE RESPONSIBLE FOR AND SHALL PROVIDE THAT ANY ROOM OR OTHER AREA USED FOR THE PURPOSE OF VIEWING ADULT-ORIENTED MOTION PICTURES OR OTHER TYPES OF LIVE ADULT ENTERTAINMENT SHALL BE WELL-LIGHTED AND READILY ACCESSIBLE AT ALL TIMES AND SHALL BE CONTINUOUSLY OPEN TO VIEW IN ITS ENTIRETY. THE PREMISES SHALL BE EQUIPPED WITH OVERHEAD LIGHTING FIXTURES OF SUFFICIENT INTENSITY TO ILLUMINATE EVERY PLACE TO WHICH PATRONS ARE PERMITTED ACCESS AT AN ILLUMINATION OF NOT LESS THAN ONE (1.0) FOOT CANDLE AS MEASURED AT THE FLOOR LEVEL. IT SHALL BE THE DUTY OF THE OPERATOR AND ITS AGENTS TO ENSURE THAT THE ILLUMINATION DESCRIBED ABOVE IS MAINTAINED AT ALL TIMES THAT ANY PATRON IS PRESENT IN THE PREMISES.

(d) EVERY ACT OR OMISSION BY AN EMPLOYEE CONSTITUTING A VIOLATION OF THE PROVISIONS OF THIS ORDINANCE SHALL BE DEEMED THE ACT OR OMISSION OF THE OPERATOR IF SUCH ACT OR OMISSION OCCURS EITHER WITH THE AUTHORIZATION, KNOWLEDGE OR APPROVAL OF THE OPERATOR,

OR AS A RESULT OF THE OPERATOR'S NEGLIGENT FAILURE TO SUPERVISE THE EMPLOYEE'S CONDUCT, AND THE OPERATOR SHALL BE PUNISHABLE FOR SUCH ACT OR OMISSION IN THE SAME MANNER AS IF THE OPERATOR COMMITTED THE ACT OR CAUSED THE OMISSION.

(e) AN OPERATOR SHALL BE RESPONSIBLE FOR THE CONDUCT OF ALL EMPLOYEES WHILE ON THE LICENSE'S PREMISES, AND ANY ACT OR OMISSION OF ANY EMPLOYEE CONSTITUTING A VIOLATION OF THE PROVISIONS OF THIS ORDINANCE SHALL BE DEEMED TO ACT OR OMISSION OF THE OPERATOR FOR THE PURPOSE OF DETERMINING WHETHER THE OPERATOR SHALL BE SUBJECT TO THE PENALTIES IMPOSED BY THIS ORDINANCE.

(f) ALL ADULT ORIENTED ESTABLISHMENTS SHALL BE OPEN TO INSPECTION TO ALL REASONABLE TIMES BY THE STERLING INSPECTOR OR SUCH OTHER PERSON(S) AS THE TOWN MAY DESIGNATE.

#### SECTION 4. PENALTIES AND PROSECUTION.

(a) ANY PERSONS, PARTNERSHIP OR CORPORATION WHO IS FOUND TO HAVE VIOLATED THIS ORDINANCE SHALL BE FINED A DEFINITE SUM NOT EXCEEDING ONE HUNDRED (\$100.00) DOLLARS FOR EACH SUCH VIOLATION.

(b) EACH VIOLATION OF THIS ORDINANCE SHALL BE CONSIDERED A SEPARATE OFFENSE AND ANY VIOLATION CONTINUING MORE THAN ONE HOUR OF TIME SHALL BE CONSIDERED A SEPARATE OFFENSE FOR EACH HOUR OF VIOLATION.

#### SECTION 5. SAVINGS CLAUSE

SHOULD ANY COURT OF COMPETENT JURISDICTION DECLARE ANY SECTION, CLAUSE OR PROVISION OF THIS ORDINANCE TO BE UNCONSTITUTIONAL, SUCH DECISION SHALL AFFECT ONLY SUCH SECTION, CLAUSE OR PROVISION SO DECLARED UNCONSTITUTIONAL, AND SHALL NOT AFFECT ANY OTHER SECTION, CLAUSE OR PROVISION OF THIS ORDINANCE.

THIS ORDINANCE PASSED AT A TOWN MEETING HELD ON MAY 5, 1998, AND WILL BECOME EFFECTIVE FIFTEEN DAYS AFTER PUBLICATION.

### **EXCAVATION ORDINANCE**

#### **SECTION 1 - TITLE, AUTHORITY, PURPOSE**

**1.1 TITLE:** THIS ORDINANCE SHALL BE KNOWN AND MAY BE CITED AS THE EXCAVATION REGULATIONS, TOWN OF STERLING, CONNECTICUT AND ARE REFERRED TO HEREIN AS THESE REGULATIONS.

**1.2 AUTHORITY:** THESE REGULATIONS HAVE BEEN PROMULGATED IN ACCORDANCE WITH AND UNDER THE AUTHORITY PRESCRIBED BY CHAPTER 98, SECTION 7-148(c)(8)(C) OF THE GENERAL STATUTES OF THE STATE OF CONNECTICUT.

**1.3 PURPOSE:** THE PURPOSE OF THIS ORDINANCE INCLUDE (a) PROVIDING FOR THE PROTECTION AND IMPROVEMENT OF THE ENVIRONMENT INCLUDING, BUT NOT LIMITED TO, AIR QUALITY, WETLANDS, GROUND WATER QUALITY, AND AREAS ADJACENT TO WATERWAYS; AND (b) PROTECTING THE PUBLIC HEALTH AND SAFETY INCLUDING, BUT NOT LIMITED TO, MINIMIZING UNNECESSARY SOIL EROSION AND SEDIMENTATION, PROVIDING FOR SLOPE STABILIZATION AND PROPER GRADES; AND PREVENTING EXCESSIVE NOISE AND DETRIMENTAL TRAFFIC PATTERNS AND CONGESTION. THE ORDINANCE WILL REGULATE THE ORDERLY REMOVAL, MOVEMENT AND/OR PROCESSING OF EARTH, WHILE PROVIDING PROVISIONS FOR THE RE-ESTABLISHMENT OF FINISHED GRADES AND THE PLACEMENT OF SUITABLE COVER TO ALLOW RE-VEGETATION WHILE REGRADING IN SUCH A MANNER TO ALLOW FOR REASONABLE FUTURE USE OF THE LAND BEING DISTURBED.

FOR THE PURPOSE OF THIS SECTION OF THESE REGULATIONS, CERTAIN WORDS OR TERMS ARE DEFINED AS FOLLOWS:

**EXCAVATION:** THE REMOVAL, PROCESSING AND/OR GRADING OF ONE HUNDRED (100) OR MORE CUBIC YARDS OF EARTH MATERIALS FROM ANY LOT OR PARCEL DURING ANY TWELVE-MONTH PERIOD.

**EARTH MATERIALS:** ALL NATURAL MINERAL MATERIALS INCLUDING, BUT NOT LIMITED TO, LOAM, TOPSOIL, SAND, GRAVEL, CLAY, ROCK, BEDROCK, AND/OR STONE.

**OFFICIAL DAY OF RECEIPT:** THE OFFICIAL DAY OF RECEIPT OF AN APPLICATION SHALL BE THE DAY OF THE NEXT REGULARLY SCHEDULED MEETING OF THE BOARD OF SELECTMEN, IMMEDIATELY FOLLOWING THE DAY OF SUBMISSION TO SUCH BOARD OR ITS AGENT OF SUCH APPLICATION OR 35 DAYS AFTER SUCH SUBMISSION, WHICHEVER IS SOONER.

## **SECTION 2.0 - ENFORCEMENT AND ADMINISTRATION**

**2.1 PERMIT:** THE EXCAVATION OF EARTH MATERIALS ON ANY PARCEL SHALL NOT BE ALLOWED WITHOUT AN EXCAVATION PERMIT FROM THE BOARD OF SELECTMEN, ISSUED IN CONFORMANCE WITH THE PROVISIONS OF THESE REGULATIONS.

**2.1.1 EXEMPTIONS:** THE PROVISIONS OF THIS SECTION AND THE REQUIREMENTS TO OBTAIN AN EXCAVATION PERMIT SHALL NOT APPLY TO THE FOLLOWING CASES, PROVIDED THAT ALL APPROPRIATE APPROVAL, AND/OR PERMITS HAVE BEEN GRANTED FROM ANY OTHER LOCAL, STATE, AND/OR FEDERAL REGULATORY AGENCIES (I.E. TOWN OF STERLING INLAND WETLANDS AND WATERCOURSES AGENCY, CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION, U.S. ARMY CORPS OF ENGINEERS) THAT MAY HAVE JURISDICTION OVER THE ACTIVITY.

a. NECESSARY EXCAVATION, GRADING OR REMOVAL IN DIRECT CONNECTION WITH THE LAWFUL CONSTRUCTION ON THE LOT, OF BUILDINGS, FOUNDATIONS, ROADS, DRIVEWAYS, PARKING AREAS, STORM DRAINAGE, UTILITY SERVICES, FENCES, WALLS, SWIMMING POOLS OR OTHER BONA FIDE CONSTRUCTION PROJECTS PROVIDED A DETAIL SITE PLAN IS SUBMITTED TO THE BOARD OF SELECTMEN AND/OR BUILDING OFFICIAL FOR APPROVAL PRIOR TO ANY EARTH MATERIAL EXCAVATION. A WRITTEN STATEMENT SPECIFYING THE HOURS AND DAYS OF THE WEEK WHEN THE EXCAVATION, GRADING OR REMOVAL IS TO BE CONDUCTED AND ESTIMATING THE NUMBER AND KIND OF TRUCKS AND OTHER EQUIPMENT TO BE USED SHALL BE SUBMITTED. SUCH EXCAVATION SHALL NOT BE MORE THAN FIVE HUNDRED CUBIC YARDS IN ANY ONE TWELVE (12) MONTH PERIOD.

b. EXCAVATION, GRADING OR REMOVAL OF NOT MORE THAN FIVE HUNDRED (500) CUBIC YARDS OR EARTH MATERIALS WHERE THE BOARD OF SELECTMEN DETERMINES THAT SUCH ACTIVITY IS REASONABLY NECESSARY FOR AGRICULTURAL PURPOSES OR FOR LANDSCAPING.

c. EXCAVATION, PROCESSING, GRADING OR REMOVAL OF LESS THAN ONE HUNDRED (100) CUBIC YARDS OF EARTH MATERIALS DURING ANY TWELVE (12) MONTH PERIOD.

**2.2 ENFORCEMENT:** THESE REGULATIONS SHALL BE ENFORCED BY THE BOARD OF SELECTMEN, THEIR DESIGNATED AGENT, AND/OR THE TOWNS BUILDING OFFICIAL WHO IS EMPOWERED TO CAUSE ANY BUILDING OR LAND TO BE INSPECTED AND TO ORDER IN WRITING ANY VIOLATION OF THESE REGULATIONS TO BE CORRECTED OR TERMINATED.

a. THE BOARD OF SELECTMEN SHALL HAVE THE AUTHORITY TO REVOKE ANY PERMIT ISSUED FOR FAILURE TO MAINTAIN THE FACILITY ACCORDING TO THE PERMIT ISSUED BY THE BOARD OF SELECTMEN. THE BOARD OF SELECTMEN SHALL NOTIFY THE PERMIT HOLDER BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED. THE APPLICANT MAY APPEAL THE DECISION OF THE BOARD OF SELECTMEN TO REVOKE THE EXCAVATION PERMIT IN WRITING WITHIN 15 DAYS OF THE RECEIPT OF THE NOTIFICATION OF THE BOARD OF SELECTMEN'S DECISION TO REVOKE THE EXCAVATION PERMIT. THE APPEAL SHALL BE HEARD AT THE NEXT REGULAR SCHEDULE MEETING OF THE BOARD OF SELECTMEN FOLLOWING THE RECEIPT OF THE WRITTEN REQUEST TO APPEAL THE DECISION. WITHIN 65 DAYS OF THE RECEIPT OF THE APPEAL, THE BOARD OF SELECTMEN SHALL VOTE TO APPROVE, APPROVE WITH CONDITIONS, DENY OR MODIFY THE REQUEST FOR APPEAL TO REINSTATE THE EXCAVATION PERMIT.

**2.3 INSPECTION:** THE BOARD OF SELECTMEN, OR THEIR AUTHORIZED AGENTS, SHALL AT ALL TIMES HAVE REASONABLE ACCESS TO THE PARCEL FOR THE PURPOSE OF INSPECTION AND DETERMINATION OF COMPLIANCE WITH THESE REGULATIONS; THE BOARD OF SELECTMEN MAY REQUIRE THE APPLICANT TO SUBMIT PERIODIC REPORTS PREPARED BY AND BEARING THE SEAL OF A LAND SURVEYOR OR ENGINEER, SHOWING THE STATUS AND PROGRESS OF THE WORK.

**2.4 PROCEDURE (HEARING, TIME LIMITS, AND DAY OF RECEIPT):** APPLICATION FOR AN EXCAVATION PERMIT SHALL BE MADE ON A FORM PROVIDED FOR THAT PURPOSE AND OBTAINABLE FROM THE SELECTMENS OFFICE AND SHALL BE ACCOMPANIED BY SUCH SITE PLANS, DOCUMENTATION AND INFORMATION AS PROVIDED ELSEWHERE IN THIS ORDINANCE. THE APPLICANT SHALL SUBMIT THREE (3) COPIES OF THEIR APPLICATION, INCLUDING ANY ADDITIONAL INFORMATION. UPON RECEIPT OF A COMPLETED APPLICATION, THE BOARD OF SELECTMAN SHALL HOLD A PUBLIC HEARING ON THE APPLICATION NO LATER THAN SIXTY-FIVE (65) DAYS AFTER THE OFFICIAL DAY OF RECEIPT. THE APPLICANT SHALL SEND NOTICE TO ALL ABUTTING PROPERTY OWNERS BY CERTIFIED MAIL NOT MORE THAN 15 DAYS NOR LESS THAN 10 DAYS BEFORE THE PUBLIC HEARING. FOR PURPOSES OF NOTIFICATION, ABUTTERS SHALL ALSO INCLUDE PROPERTY OWNERS ON THE OPPOSITE SIDE OF A STREET OR ROAD. THE TOWN SHALL PUBLISH A LEGAL ADVERTISEMENT IN A NEWSPAPER HAVING GENERAL CIRCULATION IN THE TOWN. THE NOTICE MUST BE PUBLISHED 10-15 DAYS BEFORE THE HEARING. THE DAY OF PUBLICATION AND THE DAY OF THE HEARING ARE NOT INCLUDED IN THE COUNT. THE PUBLIC HEARING SHALL BE COMPLETED WITHIN NINETY (90) DAYS OF ITS COMMENCEMENT. FAILURE TO SUBMIT ADDITIONAL INFORMATION REQUESTED BY THE BOARD OF SELECTMEN UNDER THIS SECTION 2.4 OR SECTION 3.2 WITHIN THE PERIOD FOR ACTION ON THE APPLICATION SHALL BE GROUNDS FOR DISAPPROVAL OF THE APPLICATION. ADDITIONAL INFORMATION MAY BE REQUIRED BY THE BOARD OF SELECTMEN, AND/OR THEIR DESIGNATED AGENT, SUCH INFORMATION MAY INCLUDE BUT NOT BE LIMITED TO TRAFFIC, NOISE, ENVIRONMENTAL, HYDRO GEOLOGICAL, AND/OR AIR QUALITY INFORMATION AND ANALYSIS.

**2.5 DECISION:** WITHIN SIXTY-FIVE (65) DAYS OF THE CLOSE OF THE PUBLIC HEARING, THE BOARD OF SELECTMEN SHALL APPROVE, APPROVE WITH CONDITIONS, DENY OR MODIFY ANY APPLICATION FOR AN EXCAVATION PERMIT IN ACCORDANCE WITH THE STANDARDS SET FORTH IN THESE REGULATIONS. THE REASONS FOR THE ACTION OF THE BOARD OF SELECTMEN ON THE APPLICATION SHALL BE STATED IN THE RECORD. NOTICE OF THE ACTION OR DECISION OF THE BOARD OF SELECTMEN SHALL BE PUBLISHED IN A NEWSPAPER HAVING A SUBSTANTIAL CIRCULATION IN THE TOWN WITHIN FIFTEEN DAYS AFTER SUCH ACTION OR DECISION. NO SUCH PERMIT SHALL BE VALID UNTIL WITHOUT ANY FURTHER ACTION BY THE BOARD, EXCEPT THAT THE BOARD MAY EXTEND THE TIME FOR SUCH FILING BY ONE ADDITIONAL PERIOD OF NINETY DAYS AND THE PLAN SHALL REMAIN VALID UNTIL THE EXPIRATION OF SUCH EXTENDED TIME, A REQUEST FOR AN EXTENSION MUST BE RECEIVED BY THE BOARD OF SELECTMEN WITHIN THE ORIGINAL 90 DAY PERIOD FOR FILING OR THE PLANS WILL NOT REMAIN VALID.

**2.6 TIME LIMIT:** EACH PERMIT GRANTED UNDER THIS REGULATION SHALL BE VALID FOR A PERIOD OF FIVE YEARS OR FOR SUCH SHORTER PERIODS AS MAY BE REQUESTED BY THE APPLICANT OR FIXED BY THE BOARD OF SELECTMEN; THE BOARD OF SELECTMEN MAY BY RESOLUTION RENEW THE PERMIT FOR A TOTAL PERIOD NOT TO EXCEED TEN YEARS WHEN THE APPLICANT PRESENTS TO THEM A COPY OF THE APPROVED MAPS AND PLANS, PREPARED BY AND BEARING THE SEAL OF A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF CONNECTICUT, SHOWING THAT THE EXCAVATION, PROCESSING, GRADING AND/OR REMOVAL IS PROGRESSING AS APPROVED. IN ADDITION, ANY SITE PLAN INVOLVING CONSTRUCTION OF DRAINAGE FEATURES SHALL ALSO BEAR THE SEAL AND SIGNATURE OF A

REGISTERED PROFESSIONAL ENGINEER LICENSED IN THE STATE OF CONNECTICUT, SHOWING THAT THE EXCAVATION, PROCESSING, GRADING AND/OR REMOVAL IS PROGRESSING AS APPROVED.

**2.7 EXISTING OPERATIONS:** ANY LAWFUL EXISTING OPERATION INVOLVING THE EXCAVATION OF EARTH MATERIALS AS DEFINED IN THIS ORDINANCE MAY BE CONTINUED WITH THE PRESENT LIMITS OF THE AREA EXCAVATED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE FOR A PERIOD OF TWO YEARS AFTER SUCH EFFECTIVE DATE, BUT THEREAFTER SUCH OPERATION SHALL COMPLY WITH THE PROVISIONS OF THIS ORDINANCE.

**2.8 SURETY:** BEFORE AN EXCAVATION PERMIT APPROVAL IS GRANTED, THE APPLICANT SHALL FILE A SURETY WITH THE BOARD OF SELECTMEN PAYABLE TO THE TREASURER OF THE TOWN OF STERLING AND IN A FORM SATISFACTORY TO THE TOWNS LEGAL COUNSEL AND IN AN AMOUNT APPROVED BY THE BOARD OF SELECTMEN AS SUFFICIENT TO GUARANTEE COMPLETION OF THOSE ITEMS SPECIFIED BY THE BOARD OF SELECTMEN AND IN CONFORMITY WITH THE PROVISIONS OF THESE REGULATIONS OR ANY AMENDMENTS THERETO IN FORCE AT THE TIME OF FILING. SUCH SURETY SHALL BE HELD BY THE TOWN CLERK AND/OR TOWN TREASURER WHO SHALL NOT BE AUTHORIZED BY THE BOARD OF SELECTMEN TO RELEASE SUCH SURETY UNTIL WRITTEN CERTIFICATION HAS BEEN RECEIVED FROM THE BOARD OF SELECTMEN THAT ALL OF THE REQUIREMENTS OF THESE REGULATIONS HAVE BEEN FULLY SATISFIED. THE SURETY AMOUNT SHALL INCLUDE AMOUNTS ADEQUATE TO COVER THE COST OF INSTALLING AND MAINTAINING NECESSARY SOIL AND EROSION CONTROLS AND FINAL SITE RESTORATION COSTS INCLUDING IMPORT OF TOPSOIL AND SUBSOIL TO SITES DEFICIENT IN THE STOCKPILING AND RESERVING OF SUCH MATERIALS FOR PURPOSES OF THE FINAL SITE GRADING AND RESTORATION. A PORTION OF THE SURETY FOR SEDIMENT AND EROSION CONTROL TO BE POSTED WITH THE TOWN SHALL BE IN THE FORM OF CASH OR ITS REASONABLE EQUIVALENT (I.E PASSBOOK SAVINGS ACCOUNT). THE AMOUNT OF THIS CASH SURETY SHALL BE APPROVED BY THE BOARD OF SELECTMEN IN CONSULTATION WITH THE TOWN ENGINEER. IN ADDITION, THE APPLICANT SHALL PROVIDE A SURETY FOR ANY PUBLIC IMPROVEMENTS REQUIRED BY THE BOARD OF SELECTMEN THAT HAVE NOT BEEN COMPLETED PRIOR TO THE SIGNING AND FILING OF THE PERMIT. THE FINAL AMOUNT AND TYPE OF THE SURETY FOR THE REQUIRED PUBLIC IMPROVEMENTS SHALL BE DETERMINED BY THE BOARD OF SELECTMEN.

**2.9 RETURN OF SURETY:** UPON COMPLETION OF THE EXCAVATION, PROCESSING, GRADING OR REMOVAL IN ACCORDANCE WITH THE TERMS OF A PERMIT AND AFTER ANY OF THE LOT REQUIRED TO BE RE-VEGETATED HAS GROWN IN A SECOND GROWING SEASON A DENSE COVER OF GRASS AS REQUIRED UNDER THESE REGULATIONS, THE APPLICANT MAY APPLY TO THE BOARD OF SELECTMEN FOR RETURN OF THE SURETY FILED AS PROVIDED IN THESE REGULATIONS, AND IF THE BOARD OF SELECTMEN IS SATISFIED THAT THE WORK HAS BEEN COMPLETED AS REQUIRED, THE SURETY SHALL BE RETURNED TO THE APPLICANT, BUT OTHERWISE THE SURETY SHALL REMAIN IN FULL FORCE AND EFFECT.

**2.10 MUNICIPAL OPERATIONS:** THE BOARD OF SELECTMEN MAY BY RESOLUTION WAIVE THE APPLICATION REQUIREMENTS OF SECTION 2.3, THE PROCEDURE SET FORTH IN SECTIONS 3.0, THE BOND REQUIREMENTS OF SECTION 4.11 AND THE APPLICATION AND INSPECTION FEES REQUIRED IN

SECTION 2.10 IN CONNECTION WITH EXCAVATION, PROCESSING, GRADING OR REMOVAL ON ANY LOT CONDUCTED SOLELY BY OR ON BEHALF OF AND FOR THE MUNICIPAL PURPOSES OF THE TOWN OF STERLING. THE EXCAVATION, GRADING OR REMOVAL, HOWEVER, SHALL MEET ALL OF THE STANDARDS AND CONDITIONS OF SECTION 3.3 AND 4.1 THROUGH 4.12.

**2.11 FEES:** THE PURPOSE OF THE FEE(S) IS TO DEFRAY THE COSTS OF NOTICES ASSOCIATED WITH THE APPLICATION AND THE COST ASSOCIATED WITH THE REVIEW, PROCESSING AND INSPECTION OF AN APPLICATION.

2.11.1 THE TOWN SHALL CHARGE AN APPLICATION FEE OF TWO HUNDRED FIFTY (\$250) DOLLARS AND A REVIEW FEE OF FIVE HUNDRED (\$500) DOLLARS FOR ANY PERMIT APPLICATION UNDER THESE REGULATIONS. HOWEVER, IF THE COST TO PROCESS AND REVIEW THE APPLICATION EXCEEDS THE APPLICATION AND REVIEW FEE OF \$750 THE APPLICANT SHALL PAY ALL ASSOCIATED COSTS INCURRED BY THE BOARD OF SELECTMEN AND/OR THE TOWN PRIOR TO THE ISSUANCE OF A PERMIT. NO FEE SHALL BE CHARGED TO AN OFFICIAL MUNICIPAL AGENCY OF THE TOWN OF STERLING.

2.11.2 AT THE TIME OF ISSUANCE OF AN EXCAVATION PERMIT UNDER THIS SECTION, THE APPLICANT SHALL PAY AN ANNUAL INSPECTION FEE OF TWO HUNDRED AND FIFTY (\$250) DOLLARS. THE APPLICANT SHALL ALSO PAY THE COST FOR THE BOARD OF SELECTMENS DESIGNATED AGENT TO SUPERVISE ANY PUBLIC IMPROVEMENTS AND/OR REMEDIATION MANDATED BY THE BOARD OF SELECTMEN PURSUANT TO THIS ORDINANCE.

**2.12 INLAND WETLANDS:** IF AN APPLICATION FOR AN EXCAVATION PERMIT INVOLVES AN ACTIVITY REGULATED UNDER THE PROVISIONS OF CHAPTER 440 OF THE CONNECTICUT GENERAL STATUTES AND/OR THE TOWN OF STERLING INLAND WETLANDS AND WATERCOURSES AGENCY, THE APPLICANT SHALL SUBMIT AN APPLICATION FOR A PERMIT TO THE STERLING INLAND WETLANDS AND WATERCOURSES AGENCY NOT LATER THAN THE DAY SUCH APPLICATION IS FILED WITH THE BOARD OF SELECTMEN. THE DECISION OF THE BOARD OF SELECTMEN SHALL NOT BE RENDERED UNTIL THE STERLING INLAND WETLANDS AND WATERCOURSES AGENCY HAS SUBMITTED A REPORT WITH ITS FINAL DECISION TO THE BOARD OF SELECTMEN. IN MAKING ITS DECISION, BOARD OF SELECTMEN SHALL GIVE DUE CONSIDERATION TO THE REPORT OF THE STERLING INLAND WETLANDS AND WATERCOURSES AGENCY.

**2.13 REFERRALS:** THE BOARD OF SELECTMEN SHALL REFER EACH APPLICATION FOR AN EXCAVATION PERMIT TO THE PLANNING COMMISSION FOR REVIEW, COMMENT AND RECOMMENDATIONS. THE PLANNING COMMISSION SHALL ISSUE ITS COMMENTS AND RECOMMENDATIONS IN WRITING PRIOR TO THE CLOSE OF THE PUBLIC HEARING. THE BOARD OF SELECTMEN SHALL GIVE DUE CONSIDERATION TO THE COMMENTS AND RECOMMENDATIONS OF THE PLANNING COMMISSION IN DETERMINING WHETHER TO APPROVE, APPROVE WITH CONDITIONS, MODIFY OR DENY ANY EXCAVATION APPLICATION.

**2.14 PENALTIES:** ANY VIOLATION OF THESE REGULATIONS SHALL BE SUBJECT TO A FINE OF \$90 PER VIOLATION. EACH SEPARATE DAY IN WHICH A VIOLATION CONTINUES SHALL BE DEEMED TO BE A SEPARATE VIOLATION. THE TOWN MAY ALSO SEEK SUCH OTHER CIVIL PENALTIES OR REMEDIES AS MAY BE ALLOWED BY STATE LAW. FAILURE TO MAINTAIN THE FACILITY AS APPROVED, INCLUDING BUT NOT LIMITED TO SLOPE STABILITY, SET BACKS AND/OR EROSION AND SEDIMENT CONTROL SHALL CONSTITUTE A VIOLATION OF THE REGULATIONS AND BE SUBJECT TO THE ABOVE PROVISIONS.

### **SECTION 3.0 - SITE PLAN REQUIREMENTS**

**3.1 PROCEDURE:** A SITE PLAN SHALL BE SUBMITTED WITH ANY APPLICATION FOR AN EXCAVATION PERMIT OR EXPANSIONS OF OR ADDITIONS TO SUCH FACILITIES. THE BOARD OF SELECTMEN SHALL REQUIRE THAT SUCH PLAN(S) BE PREPARED BY A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF CONNECTICUT AND A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF CONNECTICUT.

**3.2 SITE PLAN INGREDIENTS:** SITE PLANS SHALL BE DRAWN AT A SCALE OF AT LEAST 1"=40' AND SHALL BE ON SHEETS 36 X 24 INCHES AND SHALL CLEARLY SHOW, TO THE SATISFACTION OF THE BOARD OF SELECTMEN, THE FOLLOWING INFORMATION:

3.2.1 NAME AND ADDRESS OF THE APPLICANT.

3.2.2 ADDRESS OF THE PROPERTY AND NAME OF THE OWNER(S) OF RECORD.

3.2.3 SCALE, NORTH ARROW, DATE OF DRAWING OR ITS REVISION, AND NAME OF PERSON PREPARING THE SITE PLAN.

3.2.4 PROPERTY BOUNDARIES, DIMENSIONS AND AREA.

- a. THE LOCATION OF ALL RESIDENTIAL STRUCTURES WITHIN 200 FEET OF THE PROPERTY LINE.
- b. THE NATURE OF USES ON ADJACENT AND NEARBY PROPERTIES WITHIN 1,000 FEET
- c. THE SURROUNDING TOPOGRAPHY WITHIN 1,000 FEET AT CONTOUR INTERVALS NOT EXCEEDING TEN FEET.

3.2.5 LOCATIONS OF ALL EXISTING AND PROPOSED BUILDINGS AND USES, BUT NOT LIMITED TO, SIGNS, DRIVEWAYS, PARKING AND LOADING AREAS, AND ABUTTING STREETS; POLES, HYDRANTS AND OTHER UTILITY APPURTENANCES; AREAS TO BE USED FOR EXTERIOR STORAGE AND THE TYPE OF SCREENING TO BE PROVIDED.

3.2.6 CONTOUR LINES AT 2' INTERVALS (T-2 OR T-3) WITHIN LIMITS OF DISTURBANCE. THE EXISTING AND PROPOSED CONTOURS SHALL BE SHOWN FOR THE ENTIRE AREA TO BE DISTURBED. IN ADDITION, THE PROPOSED EXCAVATION SHALL BE SHOWN INCLUDING THE RELATIONSHIP WITH EXISTING GROUND WATER TABLE SHOWN, BASED ON ACTUAL FIELD DATA. TOPOGRAPHY TAKEN FROM USGS QUADRANGLE INTERPOLATION IS NOT ACCEPTABLE. A

DESIGN DRAWING(S) INCLUDING CROSS SECTIONS AND ELEVATION, OF ALL PROPOSED EXCAVATION ACTIVITY SHALL BE SUBMITTED AND REVIEWED.

3.2.7 EXISTING AND PROPOSED DRAINAGE STRUCTURES ON THE PROPERTY AND THOSE OFF THE PROPERTY THAT MAY BE AFFECTED BY THE PROPOSED FACILITY. DETAILS, INCLUDING GRADING AND INVERT ELEVATIONS FOR ALL DRAINAGE STRUCTURES SHALL BE SHOWN.

3.2.8 ALL PROPOSED RESTORATION MEASURE TO BE TAKEN UPON COMPLETION OF THE EXCAVATION OPERATION, INCLUDING THE TYPE, SIZE AND LOCATION OF PROPOSED PLANTINGS AND VEGETATIVE COVER SHALL BE SHOWN.

3.2.9 HOURS OF OPERATION: ALL HOURS OF OPERATION PROPOSED BY ANY APPLICATION SHALL BE RESTRICTED TO THOSE HOURS AS APPROVED OF BY THE BOARD OF SELECTMEN.

3.2.10 THE BOUNDARIES OF ALL WETLANDS AND WATERCOURSES ON THE PROPERTY SHALL BE SHOWN.

3.2.11 THE PLANS CONTAIN A SIGNATURE BLOCK OF THE BOARD OF SELECTMEN. THIS BLOCK SHALL ALSO CONTAIN A SPACE FOR AN EXPIRATION DATE FOR THE PERMIT.

**3.3 SOIL AND EROSION AND SEDIMENT CONTROL PLAN:** A SOIL EROSION AND SEDIMENT CONTROL PLAN SHALL BE SUBMITTED WITH ANY APPLICATION FOR DEVELOPMENT WHEN THE DISTURBED AREA OF SUCH DEVELOPMENT IS CUMULATIVELY MORE THAN ONE-HALF ACRE. THE SOIL EROSION AND SEDIMENT CONTROL PLAN SHALL CONTAIN PROPER PROVISIONS TO ADEQUATELY CONTROL STORM WATER RUNOFF ON THE PROPOSED SITE BASED ON THE BEST AVAILABLE TECHNOLOGY. SUCH PRINCIPLES, METHODS, AND PRACTICES NECESSARY FOR CERTIFICATION ARE FOUND IN THE CONNECTICUT GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL (1985), AS AMENDED AVAILABLE FROM THE NATURAL RESOURCES CENTER OF THE CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION. ALTERNATIVE PRINCIPLES, METHODS AND PRACTICES MAY BE USED WITH PRIOR APPROVAL OF THE BOARD OF SELECTMEN.

3.3.1 THE SOIL EROSION AND SEDIMENT CONTROL PLAN SHALL INCLUDE THE FOLLOWING:

a. A NARRATIVE DESCRIBING:

1. THE DEVELOPMENT

2. THE SCHEDULE FOR GRADING AND CONSTRUCTION ACTIVITIES INCLUDING:

A. START AND COMPLETION DATES;

B. SEQUENCE OF GRADING AND CONSTRUCTION ACTIVITIES;

C. SEQUENCE FOR INSTALLATION AND/OR APPLICATION OF SOIL EROSION AND SEDIMENT CONTROL MEASURES;

D. SEQUENCE FOR FINAL STABILIZATION OF PROJECT SITE.

3. THE DESIGN CRITERIA FOR PROPOSED SOIL EROSION AND SEDIMENT CONTROL MEASURES AND STORM WATER MANAGEMENT FACILITIES.
4. THE CONSTRUCTION DETAILS AND THE INSTALLATION AND/OR APPLICATION PROCEDURES FOR PROPOSED SOIL EROSION AND SEDIMENT CONTROL MEASURES AND STORM WATER MANAGEMENT FACILITIES.
5. THE OPERATIONS AND MAINTENANCE PROGRAM FOR PROPOSED SOIL EROSION AND SEDIMENT CONTROL MEASURES AND STORM WATER MANAGEMENT FACILITIES.

b. A MAP OF AT LEAST ONE INCH (1") EQUALS FORTY FEET (40') SHOWING:

1. THE LOCATION OF THE PROPOSED DEVELOPMENT AND ADJACENT PROPERTIES;
2. THE EXISTING AND PROPOSED TOPOGRAPHY INCLUDING SOIL TYPES, WETLANDS, WATERCOURSES AND WATER BODIES (ALL INLAND WETLANDS BOUNDARIES SHALL BE FIELD LOCATED BASED ON FIELD DETERMINATIONS CONDUCTED BY A CERTIFIED SOIL SCIENTIST AND NOT REPRODUCED FROM A SOIL SURVEY BASE MAP - THE SITE PLAN SHALL INCLUDE A SIGNATURE BLOCK FOR SOIL SCIENTIST CERTIFICATION);
3. THE EXISTING STRUCTURES ON THE PROJECT SITE, IF ANY;
4. THE PROPOSED AREA ALTERATIONS INCLUDING CLEARED, EXCAVATED, FILLED OR GRADED AREAS AND PROPOSED STRUCTURES, UTILITIES, ROAD AND, IF APPLICABLE, NEW PROPERTY LINES.
5. THE LOCATION OF AND DESIGN DETAILS FOR ALL PROPOSED SOIL EROSION AND SEDIMENT CONTROL MEASURES;
6. THE SEQUENCE OF GRADING AND CONSTRUCTION ACTIVITIES;
7. THE SEQUENCE FOR INSTALLATION AND/OR APPLICATION OF SOIL EROSION AND SEDIMENT CONTROL MEASURES.
8. THE SEQUENCE FOR FINAL STABILIZATION OF THE DEVELOPMENT SITE;
9. THE WORDS "CERTIFIED BY THE BOARD OF SELECTMEN WITH DESIGNATED SPACE OF THE DATE AND SIGNATURE OF THE FIRST SELECTMEN OF THE BOARD OF SELECTMEN.

c. THE NARRATIVE REQUIRED IN SECTION 3.3.1(a) MAY BE INCLUDED ON THE MAP OF SECTION 3.3.1(b) IF ROOM ALLOWS IT WITHOUT AFFECTING THE READABILITY OF THE MAP. THE ITEMS REQUIRED TO BE MAPPED IN SECTION 3.3.1(b) MAY BE DEPICTED ON THE SITE PLAN MAP REQUIRED IN SECTION 3.1 IF THE READABILITY OF THE SITE PLAN IS NOT AFFECTED.

3.3.2 AFTER REVIEW OF THE EROSION AND SEDIMENT CONTROL PLAN BY THE BOARD OF SELECTMEN OR ITS DESIGNATED AGENT, THE BOARD OF SELECTMEN SHALL VOTE TO CERTIFY, OR DENY THAT THE SOIL EROSION AND SEDIMENT CONTROL PLAN COMPLIES WITH THESE REGULATIONS. A VOTE OF THE BOARD OF SELECTMEN TO APPROVE A SITE PLAN SHALL MEAN CERTIFICATION OF THE EROSION AND SEDIMENT CONTROL PLAN AS WELL. PRIOR TO CERTIFICATION, ANY PLAN SUBMITTED TO THE BOARD OF SELECTMEN MAY BE REVIEWED BY THE WINDHAM COUNTY SOIL AND WATER CONSERVATION DISTRICT WHICH MAY MAKE RECOMMENDATIONS CONCERNING SUCH PLAN, PROVIDED SUCH REVIEW SHALL BE COMPLETED WITHIN THIRTY (30) DAYS OF THE RECEIPT OF SUCH PLAN BY THE WINDHAM COUNTY SOIL AND WATER CONSERVATION DISTRICT.

3.3.3 THE ESTIMATED COSTS OF MEASURES REQUIRED TO CONTROL SOIL EROSION AND SEDIMENTATION, AS SPECIFIED IN THE CERTIFIED PLAN, MAY BE COVERED IN THE PERFORMANCE BOND OR OTHER ASSURANCE ACCEPTABLE TO THE BOARD OF SELECTMEN IN ACCORDANCE WITH THE PROVISIONS SPECIFIED UNDER SECTION 2.9 OF THESE REGULATIONS.

3.3.4 THE BOARD OF SELECTMEN OR ITS DESIGNATED AGENT SHALL PERIODICALLY CONDUCT INSPECTIONS TO VERIFY COMPLIANCE WITH THE CERTIFIED PLAN AND THAT CONTROL MEASURES ARE PROPERLY PERFORMED OR INSTALLED AND MAINTAINED. THE BOARD OF SELECTMEN MAY REQUIRE THE APPLICANT TO SUBMIT PROGRESS REPORTS WHICH SHOW THAT SOIL EROSION AND SEDIMENT CONTROL MEASURES AND FACILITIES HAVE BEEN PERFORMED OR INSTALLED ACCORDING TO THE CERTIFIED PLAN AND ARE BEING CORRECTLY OPERATED AND MAINTAINED.

3.4 PUBLIC IMPROVEMENTS: EXISTING STREET(S) SERVICING THE PROPOSED SITE SHALL BE OF SUFFICIENT WIDTH AND DESIGN TO ACCOMMODATE SAID ACTIVITY AND SHALL CONTAIN ADEQUATE SIGHT LINE AND DRAINAGE AS TO NOT AVERSELY IMPACT PUBLIC SAFETY, EXISTING TOWN DRAINAGE AND/OR ABUTTING PROPERTY(S). IF THE EXISTING STREET(S) CANNOT ACCOMMODATE THE PROPOSED ACTIVITY WITHOUT ADVERSELY IMPACTING PUBLIC SAFETY, THE APPLICANT SHALL BE RESPONSIBLE FOR IMPROVING THE CONDITION OF SAID STREET(S). DRAINAGE AND OTHER IMPROVEMENTS REQUIRED BY THE PROPOSED ACTIVITY SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE TOWNS PUBLIC IMPROVEMENT SPECIFICATIONS. PUBLIC IMPROVEMENTS REQUIRED BY THE BOARD OF SELECTMEN SHALL BE PAID FROM AND CONSTRUCTED BY THE APPLICANT. A PERMIT SHALL NOT BE VALID UNTIL PUBLIC IMPROVEMENTS HAVE BEEN CONSTRUCTED, INSPECTED AND APPROVED AND/OR A SURETY HAS BEEN POSTED WITH THE TOWN IN A FORM AND AMOUNT ACCEPTABLE TO THE BOARD OF SELECTMEN.

3.5 WAIVERS: THE BOARD OF SELECTMEN MAY, UPON WRITTEN REQUEST BY THE APPLICANT, WAIVE AND/OR REDUCE ONE OR MORE OF THE SITE PLAN INGREDIENT REQUIREMENTS IF THE APPLICANT CAN SHOW, TO THE SATISFACTION OF THE BOARD OF SELECTMEN, THAT THE INFORMATION IS NOT NEEDED TO REACH A DECISION ON THE APPLICATION.

#### **SECTION 4.0 SITE PLAN EVALUATION AND STANDARDS FOR REVIEW**

THE BOARD OF SELECTMEN SHALL REVIEW ALL SITE PLANS AND OTHER DOCUMENTATION SUBMITTED WITH AN APPLICATION FOR AN EXCAVATION PERMIT FOR COMPLIANCE WITH THE FOLLOWING STANDARDS AND CRITERIA:

4.1 THE EXCAVATION, GRADING OR REMOVAL SHALL BE CARRIED OUT IN ACCORDANCE WITH THE MAPS AND PLANS AS APPROVED BY THE BOARD OF SELECTMEN AND WITH THE EXTERIOR LIMITS SHOWN THEREON.

4.2 THE FINAL SITE PLAN/RECLAMATION PLAN SHALL NOT RESULT IN SHARP DECLIVITY, PITS OR DEPRESSIONS, OR SOIL EROSION, DRAINAGE, OR WATER SUPPLY, OR SEWAGE PROBLEMS OR CONDITIONS WHICH WOULD CONFLICT WITH THE REASONABLE REUSE AND DEVELOPMENT OF THE PARCEL FOR WHICH THE PERMIT IS REQUESTED.

4.3 AT ALL STAGES OF THE WORK, PROPER DRAINAGE SHALL BE PROVIDED TO AVOID WATER, SOIL EROSION PROBLEMS, EXCESSIVE RUN OFF, SILTING OF STREAMS AND DAMAGE TO PUBLIC AND/OR PRIVATE PROPERTY, STREETS OR DRAINAGE FACILITIES.

4.4 TRUCK ACCESS TO THE LOT AND THE WORK AREA SHALL BE SO ARRANGED AS TO MINIMIZE TRAFFIC HAZARDS ON STREETS AND TO AVOID NUISANCES TO RESIDENTS OF THE NEIGHBORHOOD.

4.5 NO EXCAVATION, GRADING OR REMOVAL WHICH IS ABOVE OR BELOW THE ELEVATION OF ANY ABUTTING STREET OR PROPERTY LINE, EXCEPT FOR DRIVEWAY ACCESS, SHALL OCCUR WITHIN 100 FEET OF SUCH LINE, EXCEPT THAT THE 100 FEET MAY BE REDUCED TO 50 FEET WITH APPROPRIATE BUFFERS (I.E. , LANDSCAPING, EARTHEN BERMS). IN ADDITION, EXCAVATION, GRADING OR REMOVAL WITHIN SUCH DISTANCE AND BELOW THE ELEVATION OF AN ABUTTING PROPERTY LINE MAY BE PERMITTED IF WRITTEN APPROVAL FROM THE ADJOINING OWNER IS RECEIVED BY THE BOARD OF SELECTMEN, AND NECESSARY GRADING FOR DRIVEWAY SIGHT LINE DISTANCES.

4.6 THERE SHALL BE NO PROCESSING OF MATERIALS SUCH AS SCREENING, SIFTING, WASHING OR CRUSHING, WITHIN 200 FEET OF ANY PROPERTY LINE OR 1,000' FROM A RESIDENTIAL STRUCTURE WHICH EVER IS GREATER, EXCEPT WHERE SUCH PROCESSING ALREADY EXISTS IN CONNECTION WITH AN EXISTING OPERATION. ALL PROCESSING MACHINERY SHALL BE REMOVED FROM THE PARCEL UPON TERMINATION OF THE PERMIT OR THE END OF THE OPERATION.

4.7 NO EXCAVATION ACTIVITIES SHALL BE ALLOWED WITHIN TWO HUNDRED (200) FEET OF ANY BUILDING, WHETHER SUCH BUILDING IS ON THE SAME LOT OR ON AN ADJOINING LOT. WHERE FUELING OF VEHICLES WILL BE PERFORMED ON SITE, A FUEL PAD SHALL BE DESIGNED AND INSTALLED IN ORDER TO CAPTURE AND PREVENT ANY FUEL SPILLAGE FROM CONTAMINATING GROUND WATER.

4.8 THE WORK SHALL BE LIMITED TO THE HOURS AND DAYS OF THE WEEK THAT ARE APPROVED BY THE MAJORITY VOTE OF THE BOARD OF SELECTMEN IN ORDER TO AVOID NUISANCES TO RESIDENTS OF THE NEIGHBORHOOD.

4.9 PROPER MEASURES SHALL BE TAKEN TO MINIMIZE NUISANCES FROM NOISE, DUST, VIBRATION AND FLYING DEBRIS, AND SUITABLE FENCES OR OTHER BARRICADES SHALL BE PROVIDED AROUND THE EXCAVATION TO PROTECT PEDESTRIANS AND VEHICLES TO THE SATISFACTION OF THE BOARD OF SELECTMEN.

4.10 UPON COMPLETION OF THE WORK AUTHORIZED, THE AREA EXCAVATED OR OTHERWISE DISTURBED GROUND SHALL BE PREPARED OR RESTORED AS FOLLOWS:

- a. SUCH AREA SHALL BE EVENLY GRADED TO SLOPES NOT EXCEEDING ONE FOOT OF RISE FOR THREE FEET OF HORIZONTAL DISTANCE OR TO SUCH LESSER SLOPE NECESSARY FOR SOIL STABILITY, SAFETY AND REASONABLE REUSE AND DEVELOPMENT OF THE PARCEL; IN ADDITION, THE AREA SHALL BE EVENLY GRADED WITH SUFFICIENT SLOPES TO ASSURE ADEQUATE DRAINAGE OF THE AREA, SO THAT STAGNANT POOLS OF WATER WILL BE AVOIDED;
- b. ADEQUATE DRAIN WAYS OF GRADUAL SLOPE SHALL BE PROVIDED TO ASSURE DRAINAGE.
- c. THERE SHALL BE NOT EXCAVATION, GRADING OR REMOVAL BELOW AN ELEVATION OF FOUR (4) FEET ABOVE ANY LEDGE, AND/OR GROUND WATER, UNLESS THE APPLICANT CAN DEMONSTRATE TO THE BOARD OF SELECTMEN THAT THE EXCAVATION DOES NOT ADVERSELY EFFECT GROUND WATER AND/OR REUSE OF THE PARCEL.
- d. ALL DEBRIS AND ALL LOSE BOULDERS SHALL BE BURIED OR REMOVED FROM THE LOT. HOWEVER, STUMPS SHALL NOT BE BURIED ON THE SITE UNLESS APPROVED BY THE STATE OF CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION, INCLUDING PROOF OF ANY SUCH PERMIT.
- e. THE TOP LAYER OF ANY ARABLE SOIL (CLASSIFIED AS TOP SOIL/OR LOAM), TO A DEPTH OF NOT LESS THAN FOUR INCHES, SHALL BE RETAINED ON THE PARCEL AND SPREAD OVER THE ENTIRE DISTURBED AREA WITH ANY LARGE STONES REMOVED, AND THE AREA SHALL THAN BE SEEDED WITH A PERENNIAL GRASS AND MAINTAINED UNTIL THE GROUND SHALL BE STABILIZED WITH A DENSE COVER OF GRASS AND THERE EXISTS NO DANGER OF EROSION, BUT THIS PROVISION SHALL NOT APPLY TO THE AREA OF PONDS AND TO EXPOSED AREAS OF LEDGE EXISTING PRIOR TO THE WORK OR AS A RESULT OF THE EXCAVATION 149ACTIVITY.

## **SECTION 5.0 - SEPARABILITY**

**5.1 SEPARABILITY:** SHOULD ANY SECTION OR PROVISION OF THESE REGULATIONS BE DECLARED BY THE COURTS TO BE UNCONSTITUTIONAL OR INVALID, SUCH DECISION SHALL NOT AFFECT THE VALIDITY OF THESE REGULATIONS AS A WHOLE, OR ANY PART THEREOF OTHER THAN THE PART SO DECLARED TO BE UNCONSTITUTIONAL OR INVALID.

THIS ORDINANCE WILL BECOME EFFECTIVE SEPTEMBER 18, 1999.

## SIGN & BILLBOARD ORDINANCE

Whereas, Connecticut General Statutes Section 7-148(b) provides that a municipality has powers granted under the general statutes or by any or special act, unless the charter or special acts provides to the contrary, shall be exercised by ordinance when the exercise of such powers has the effect of,” and:

Whereas, Connecticut General Statutes Section 7-148 (7)(A)(v) provides that a municipality may “establish lines beyond which no building, steps, stoop, veranda, billboard, advertising sign, device or other structure or obstruction may be erected;

Whereas, Connecticut General Statutes Section 7-148(7)(A)(vi) provides that a municipality may “regulate and prohibit the placing, erecting, or keeping of signs, awnings or other things upon or over the sidewalks, streets and other public places of the municipality;”

Now, therefore pursuant to the above-cited authority, the Town of Sterling in a town meeting convened, adopts the following:

### **Section 1**

No permanent signs, temporary signs, billboards or outdoor advertising structures shall be established, constructed, reconstructed, enlarged, extended, moved or structurally altered except as allowed by this ordinance. The purpose and intent of this ordinance is to accommodate the installation of signs that are necessary for identification, direction and reasonable commercial promotion. All signs shall conform to this ordinance.

A **Billboards:** In keeping with the rural character, charm, scenic vistas and to maintain the aesthetic environment of the Town of Sterling there shall be no billboards erected along any state roads passing through town or on any town roads for any purpose.

### B **Size:**

1. Signs up to fifteen square feet in size shall be allowed without application to the Board of Selectmen and shall be exempt from the provisions of this ordinance except that they shall conform to Section I, H below (except off premise directional signs. See Section I, G-2).
2. Signs larger than fifteen square feet and up to thirty-two square feet shall conform to all of the provisions of this ordinance and shall be permitted only by application to and approval of the Board of Selectmen.
3. No sign larger than thirty-two square feet shall be permitted within the Town of Sterling.

C. **Existing Signs:** Signs existing at the time of the adoption of this ordinance shall be allowed to remain. Existing signs or billboards which are (or will be enlarged to) fifteen square feet or larger shall be

replaced, reconstructed, extended, moved and/or structurally altered only in accordance with all of the provisions of the Ordinance.

D. **Wetlands:** No signs larger than fifteen square feet shall be permitted within a watercourse, wetland or wetland setback, except with approval by the Sterling Inland Wetland and Watercourses Commission.

E. **Distance Apart:** Signs larger than fifteen square feet shall be spaced at least forty feet from any other sign larger than fifteen square feet on the same lot.

F. **Disrepair:** In the event that such a sign shall fall into disrepair, become insecure or unsafe or constitute a hazard to person or property, the Board of Selectmen shall notify the owner of such sign at his or her last known address by certified mail. In the event that such condition is not remedied within thirty days after posting such notice, the Board of Selectmen is authorized to remove such sign on behalf of the Town of Sterling at to collect the actual expenses of such removal.

G. **Off Premises Signs:**

1. No signs which advertise or publicize an activity or product which is conducted or produced off the premises where such sign is located shall be permitted, except off premises directional signs shall be allowed.
2. Off premises directional signs which are to be placed within the Town of Sterling right of way shall be permitted by application to and approval of the Board of Selectmen. The applicant must provide the Board of Selectmen with written approval from the landowner immediately bordering such right of way. Off premises directional signs shall be not more than eight square feet in size.

H. **Prohibited Signs:**

1. No signs with flashing lights shall be permitted.
2. No signs shall be located or project over any town roadway except street directional or location signs.
3. No signs which revolve or move (except flag-type signs) shall be permitted.
4. No signs which are internally illuminated shall be permitted.
5. No signs which are tubular, gaseous type (e.g. neon signs) shall be permitted.
6. No signs shall be located or maintained in such a way as to pose a hazard to pedestrians or vehicles.

I. **Exemptions:** Public, religious, non-profit and political organizations and activities are exempt from the provisions of this ordinance except that no such organization shall erect, replace, reconstruct,

extend, structurally alter or move a sign which is listed above as a "Prohibited Sign" in Section I, H, or larger than thirty-two (30) square feet is to be up for more than thirty (30) days.

J. **Application Procedure:** Applicants for sign approval shall notify the Board Administrative Assistant in order to be placed on the agenda of the next Selectmen's meeting. Applicants are responsible to provide all required documentation and permits and shall provide all necessary information to the Board of Selectmen, at the time of application, in order to demonstrate that the proposed sign(s) is in accordance with the provisions of this ordinance.

K. **Enforcement:** No Building Permit shall be issued for construction, reconstruction, extension, alteration or replacement of a sign which is not permitted or allowed in accordance with this regulation.

L. **Penalties:** In accordance with Section 7-148 of the General Statutes, the owner of any building or premises where a violation of any provision of this ordinance has been committed or exists, or the lessee or tenant of an entire building or premises where such violation has been committed or exists, shall be fined not less than fifty (\$50) nor more than one hundred (\$100) dollars for each day that such violation continues: but if the offense is willful, the person convicted thereof shall be fined not less than one hundred (\$100) dollars nor more than two hundred fifty (\$250) dollars for each day that such violation continues, or imprisoned not more than ten (10) days for each day such violation continues or both; and the superior court shall have jurisdiction of all such offenses, subject to appeal to the Board of Selectmen within thirty days of receipt of notice of such violation.

## **Section II. Definitions:**

**Billboard** - A freestanding sign larger than fifteen square feet, which is located away from the premises that is being advertised or promoted.

**Sign** - Any outdoor display of lettering, logos, colors, lights, luminous tubes or other graphic representation visible to the public and which intends to draw the public's attention thereby, including sign, illuminations, insignia, lettering, picture, display, banner, flag, painting or other device. Also included within this definition shall be buildings and structures which are painted, decorated, lighted or constructed in such a way that such building or structure is itself, a graphic representation, logo or commercial display.

## **Section III**

In any part of this ordinance is declared invalid or unconstitutional by a Connecticut Court, the remainder of the ordinance shall continue to be applied and shall not be considered invalid as a whole.

This ordinance shall become effective fifteen days following its publication in a newspaper having circulation in the Town of Sterling.

Effective date: November 13, 2000

## **FARMERS TAX ABATEMENT ORDINANCE**

**WHEREAS**, the Board of Selectmen of the Town of Sterling believes that the preservation of farmland and open space is vitally important to retaining Sterling's rural character and its high quality of live; and

**WHEREAS**, Public Act 90-270, S 35, allows the Board of Selectmen to abate up to fifty percent of the property taxes on any dairy farm, and to recapture abated taxes in certain circumstances in the event of a sale of the property; and

**WHEREAS**, the Board of Selectmen wishes to establish a mechanism whereby tax relief can be granted to dairy farms as provided by law,

**NOW, THEREFORE, BE IT ORDAINED**, that the Board of Selectmen may abate property taxes on dairy farms and recapture taxes so abated in the event of a sale, in accordance with the following procedures and requirements:

1. Any action by the Board of Selectmen concerning the abatement of property taxes for dairy farms, or the recapture of any taxes so abated, is done pursuant to Public Act 90-270, S35, codified as Connecticut General Statutes 12-81m, as such statute may be amended from time to time.
2. A request for an abatement must be made by application to the Board of Selectmen by the record owner of the property, or a tenant with a signed, recorded lease of at least three years, which lease requires the tenant to pay all taxes on the dairy farm as part of the lease.
3. In order for the abatement to apply for the tax year July 1, 2002, the application must be submitted no later than January 15, 2002. For any tax year thereafter, the application must be submitted by October 1 of the preceding year.
4. An abatement is only available for "dairy farms." The applicant should provide the Board of Selectmen with evidence to support the status of the farm as a "dairy farm." In determining whether a farm is a "dairy farm," the board of selectmen shall take into account, among other factors: the acreage of the farm; the nature of the barns; other structures and equipment on the farm; the number and types of livestock on the farm; the quantities of milk sold by the farm; the gross income of the farm derived from dairy dairy-related activities; and evidence of Dairy Farm or Milk Producing Permit or Dairy Plant or Milk Dealer Permit, as provided by CGS 22-172 or 22-173.
5. The Board of Selectmen may abate up to fifty percent (50%) of the property taxes for a qualifying dairy farm.

6. Any abatement shall continue in force, so long as permitted by state law, until such time as the Board of Selectman modifies or revokes the abatement, until such time as the farm is sold or until such time that the farm ceases to be a qualifying “dairy farm,” whichever occurs first.

7. The property owner receiving the abatement must notify the Board of Selectman in writing within thirty (30) days of the sale of the property or the cessation of operations as a “dairy farm,” and the property tax will be prorated accordingly.

8. Upon sale of the property, and subject to the provisions of Section 9 herein, the property owner must pay to the Town of Sterling a percentage of the original amount of the taxes abated, pursuant to the following schedule:

Number of Years Sale Follows Original Amount of Abatement For Given Tax Year	Percentage of Taxes Abated Which Must be Paid
More than 10	0%
10	10%
9	20%
8	30%
7	40%
6	50%
5	60%
4	70%
3	80%
2	90%
1	100%

9. The Board of Selectmen may waive any of the amounts that would otherwise be owed pursuant to Section 8 herein if the farm continues to be a dairy farm after the sale of the property. The Board of Selectman may waive any of the amounts which would otherwise be owed pursuant to section 8 herein if the property continues to be used as “farm land”, “forest land” or “open space” as those terms are defined in Section 12-107b of the Connecticut General Statutes, after the sale of the property.

10. Payment of taxes abated and owed to the Town of Sterling pursuant to sections 8 and 9 hereof shall be due and payable by the record property owner/grantor to the Town Clerk of the Town of Sterling at the time of recording his/her deed or other instrument of conveyance. Such revenue received by the town clerk shall become part of the general revenue of Sterling. Not deed or other instrument of conveyance which is subject to recapture of tax, as set forth in section 8 hereof, shall be recorded by the town clerk unless the funds due under the recapture provisions of section 8 hereof has been paid, or the other obligation to pay the recapture funds as set forth in section 8 hereof. Said certificate shall be recorded in the land records.

11. The tax assessor shall file annually not later than 30 days after abatement ins approved by the Board of Selectmen, with the Town Clerk, a certificate for any dairy farm land that has been approved for a tax abatement and the obligation to pay the recapture funds as set forth in section 8 hereof. Said certificate shall be recorded in the land records.

12. This ordinance shall become effective 15 days after the legal notice of its adoption has been published in a newspaper with general circulation in the Town of Sterling.

Effective June 4, 2001

**ORDINANCE ESTABLISHING FOUR-YEAR TERMS OF OFFICE FOR THE STERLING FIRST SELECTMAN,  
MEMBERS OF THE BOARD OF SELECTMEN AND TREASURER**

Pursuant to Sections 9-187, 9-187a, 189 and 9-189a of the General Statutes, commencing with the next regular election after this ordinance is adopted, and thereafter, the terms of office for the offices of First Selectman, members of the Board of Selectmen and Treasurer shall be four years from the day each such term begins. The terms of the offices of First Selectman and members of the Board of Selectmen shall begin on the second Tuesday next following the day of the municipal election at which such officials are elected. The term for the office of Treasurer shall begin on the first Monday of January next following the day of the municipal election at which such official is elected. The terms for any of the above offices shall continue until a successor for such office is elected and has qualified. All provisions of any ordinance of the town of Sterling that are inconsistent with this ordinance are hereby repealed. This ordinance shall become effective 15 days after publication.

Published June 29, 2001

**AN ORDINANCE CONCERNING THE REFUNDING OF TAXES**

Pursuant to Section 12-129 of the Connecticut General Statutes, the Tax Collector for the Town of Sterling is hereby authorized to retain payments in excess of the amount due provided the amount of the excess payment is less than five (\$5.00) dollars.

This Ordinance shall become effective fifteen days after publication in accordance with the Connecticut General Statutes.

Published July 9, 2003.

**ORDINANCE AUTHORIZING TAX COLLECTOR TO CHARGE A FEE TO ANY DELINQUENT MOTOR VEHICLE TAXPAYER WHOSE DELINQUENCY IS REPORTED TO THE COMMISSION OF MOTOR VEHICLES**

WHEREAS, CONNECTICUT PUBLIC ACT NO. 03-6 AMENDED CONNECTICUT GENERAL STATUTE 12-146 TO ALLOW TAX COLLECTORS TO CHARGE A \$5.00 FEE WHERE THE TOWN HAS REPORTED A MOTOR VEHICLE OWNED BY THE TAXPAYER AS BEING DELINQUENT IN MOTOR VEHICLE TAX PAYMENTS TO THE DEPARTMENT OF MOTOR VEHICLES, EFFECTIVE AUGUST 20, 2003; AND

WHEREAS, SAID PUBLIC ACT REQUIRES THAT THE LEGISLATIVE BODY VOTE TO ALLOW THE TAX COLLECTOR TO CHARGE THIS \$5.00 TO DELINQUENT MOTOR VEHICLE TAXPAYERS; AND

WHEREAS, THE TOWN OF STERLING'S LEGISLATIVE BODY CHOOSES TO ENACT SUCH A POLICY PURSUANT TO SAID PUBLIC ACT.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN OF STERLING'S LEGISLATIVE BODY AUTHORIZES THE TAX COLLECTOR TO CHARGE A \$5.00 FEE FOR MOTOR VEHICLES FOR WHICH THE OWNER IS DELINQUENT IN PAYING MOTOR VEHICLES TAXES ON SAID VEHICLE AND FOR WHICH THE MUNICIPALITY HAS NOTIFIED THE COMMISSIONER OF MOTOR VEHICLES OF SUCH DELINQUENCY UNDER THE PROVISIONS OF CONNECTICUT GENERAL STATUTES 14-33; AND

BE IT FURTHER RESOLVED THAT SAID POLICY SHALL TAKE EFFECT JANUARY 1, 2004.

**AN ORDINANCE ESTABLISHING MINIMUM LAND USE REGULATIONS**

IT IS HEREBY ORDAINED BY THE TOWN OF STERLING, ACTING BY AND THROUGH ITS TOWN MEETING:

THE FOLLOWING MINIMUM LAND USE REGULATIONS ARE ADOPTED PURSUANT TO SECTION 8-17a OF THE CONNECTICUT GENERAL STATUTES, AS AMENDED.

SECTION 1. CONFORMITY WITH REGULATIONS

ON OR AFTER July 23, 2004, NO BUILDING OR STRUCTURE SHALL BE ERECTED, ALTERED, ENLARGED, MOVED OR USED EXCEPT IN CONFORMITY WITH THESE REGULATIONS. NO LOT OR PARCEL OF LAND SHALL BE DIVIDED OR OTHERWISE DIMINISHED IN AREA, WIDTH OR LENGTH EXCEPT IN CONFORMITY WITH THESE REGULATIONS.

SECTION 2. DEFINITIONS

FOR THE PURPOSES OF THESE REGULATIONS, THE FOLLOWING WORDS SHALL HAVE THE MEANINGS SET FORTH IN THIS SECTION:

ACCESS WAY: ANY PORTION OF A LOT THAT PROVIDES ACCESS TO AND FROM A STREET , AND THAT HAS A WIDTH OF FIFTY (50) FEET OR LESS WHEN MEASURED IN A DIRECTION PERPENDICULAR TO EITHER BOUNDARY LINE OF THE ACCESS WAY.

BUILDABLE AREA: A CONTIGUOUS AREA OF A LOT WITHIN WHICH PERMITTED BUILDINGS OR OTHER STRUCTURES MAY BE READILY ERECTED, USED AND MAINTAINED, AND PRIMARY AND RESERVED SEPTIC SYSTEMS, DOMESTIC WATER, AND PERSONAL OPEN SPACE AND RECREATION AREAS MAY BE READILY SUPPORTED, DUE TO FAVORABLE SOIL, GROUNDWATER AND OTHER NATURAL CHARACTERISTICS. THE MINIMUM BUILDABLE AREA REQUIRED FOR A LOT IN ANY AREA IN TOWN SHALL BE DEVINED BY THESE REGULATIONS.

CORNER LOT: A LOT HAVING CONTINUOUS FRONTAGE ON TWO INTERSECTING STREETS.

DWELLING: A FREESTANDING BUILDING, STRUCTURE, MOBILE HOME OR MANUFACTURED HOME CONTAINING ONE OR MORE DWELLING UNITS.

DWELLING UNIT: A BUILDING, STRUCTURE, MOBILE HOME OR MANUFACTURED HOME, OR ANY PORTION OF ANY OF THE FOREGOING FORMS OF RESIDENCE, THAT IS USED OR INTENDED TO BE USED AS A RESIDENCE BY ONE FAMILY.

HIGHWAY: SAME MEANING AS STREET

LOT: A PLOT OR PARCEL OF LAND, OTHER THAN SUBMERGED LAND, THAT IS SEPARATELY DESCRIBED ON A DEED OR MAP FILED IN THE STERLING LAND RECORDS AND OCCUPIED OR CAPABLE OF BEING OCCUPIED BY ONE PRINCIPAL BUILDING AND THE ACCESSORY BUILDINGS OR USES CUSTOMARILY INCIDENTAL TO IT, INCLUDING SUCH YARDS AND STREET FRONTAGE AS ARE REQUIRED BY THIS ORDINANCE.

LOT FRONTAGE: THE DISTANCE BETWEEN LOT SIDELINES MEASURED ALONG A CONTINUOUS FRONT LOT LINE.

LOT LINE, FRONT: ANY LINE SEPARATING A LOT FROM A STREET RIGHT-OF-WAY. CORNER LOTS SHALL BE DEEMED TO HAVE A FRONT LOT LINE ALONG EACH ADJACENT STREET. IF STREET RIGHT-OF-WAY BOUNDARIES HAVE NOT BEEN ESTABLISHED, THE BOUNDARIES SHALL BE DEEMED TO BE TWENTY-FIVE (25) FEET DISTANT FROM THE CENTERLINE OF THE EXISTING TRAVELED WAY OR SUCH OTHER DISTANCE FROM THE CENTERLINE AS MAY HAVE BEEN ESTABLISHED BY THE COMMISSION OR THE TOWN. THE FRONT LOT LINE MUST BE CONTINUOUS AND UNBROKEN AS MEASURED ALONG THE ADJACENT STREET.

LOT LINE, REAR: EXCEPT WITH RESPECT TO CORNER LOTS, ANY LOT LINE OR PORTION OF A LOT LINE THAT IS PARALLEL TO, OR WITHIN 45 DEGREES OF BEING PARALLEL TO, A FRONT LOT LINE SHALL BE DEEMED TO BE A REAR LOT LINE. CORNER LOTS SHALL BE DEEMED TO HAVE NO REAR LOT LINES.

LOT LINE, SIDE: ANY LOT LINE THAT IS NOT A FRONT LOT LINE OR A REAR LOT LINE AS DEFINED HEREIN.

LOT OF RECORD: A LOT WHICH, ON JULY 23, 2004, WAS BOTH (1) LISTED AS A SEPARATE AND DISTINCT PARCEL OF LAND FOR TAX PURPOSES IN THE RECORDS OF THE TOWN ASSESSOR; AND (2) EITHER DESCRIBED AS A SEPARATE AND DISTINCT PARCEL OF LAND IN A DEED OR OTHER INSTRUMENT RECORDED ON THE STERLING LAND RECORDS, OR SHOWN ON A SUBDIVISION PLAN APPROVED BY THE STERLING PLANNING COMMISSION AND FILED IN THE OFFICE OF THE STERLING TOWN CLERK IN ACCORDANCE WITH CONNECTICUT GENERAL STATUTES SECTION 8-25.

NONRESIDENTIAL USE: ANY USE THAT IS NOT EITHER A RESIDENCE OR AN ACCESSORY USE CUSTOMARILY ASSOCIATED WITH A RESIDENCE, SUCH AS, BUT NOT LIMITED TO A GARAGE, OUTBUILDING, OR POOL. NONRESIDENTIAL USES INCLUDE, BUT ARE NOT LIMITED TO BUSINESS, COMMERCIAL AND INDUSTRIAL USES.

PRINCIPAL NONRESIDENTIAL BUILDING: A BUILDING OTHER THAN A DWELLING IN WHICH THE PRINCIPAL ACTIVITIES ASSOCIATED WITH A NON-RESIDENTIAL USE OF PROPERTY ARE CARRIED ON.

REAR LOT: A LOT HAVING FRONTAGE WITH NO LESS THAN 25 FEET ON A TOWN OR STATE STREET.

ROAD: SAME MEANING AS STREET

SETBACKS, FRONT, REAR AND SIDE YARD: THE HORIZONTAL DISTANCE MEASURED AT RIGHT ANGLES TO THE BOUNDARY OF THE LOT, BETWEEN THE MAIN WALL OF THE BUILDING OR ANY OTHER STRUCTURAL COMPONENT (i.e. CARPORT, COLUMN OR ROOF) AND THE MAIN BOUNDARY.

SINGLE-FAMILY DWELLING: A DWELLING CONTAINING ONLY ONE DWELLING UNIT.

STREET: AN IMPROVED RIGHT-OF-WAY DEDICATED AND ACCEPTED FOR PUBLIC USE BY LAWFUL PROCEDURE AND SUITABLE FOR VEHICULAR TRAVEL, OR A PROPOSED STREET SHOWN ON A SUBDIVISION PLAN APPROVED BY THE TOWN OF STERLING PLANNING COMMISSION.

TWO-FAMILY DWELLING: A DWELLING CONTAINING TWO DWELLING UNITS.

### SECTION 3. EXEMPTIONS

#### A. EXISTING LOTS OF RECORD

(a) NOT WITHSTANDING THE PROVISIONS OF SECTIONS 4 AND 5, THESE REGULATIONS SHALL NOT PROHIBIT THE ESTABLISHMENT OF ONE DWELLING OR OF ONE PRINCIPAL NONRESIDENTIAL BUILDING, AS WELL AS ACCESSORY BUILDINGS OR STRUCTURES CUSTOMARILY ASSOCIATED WITH THE RESIDENTIAL OR NONRESIDENTIAL USE, ON ANY LOT OF RECORD, OR ANY LOT APPROVED AS PART OF A SUBDIVISION PLAN IN ACCORDANCE WITH SUBSECTION B OF THIS SECTION, PROVIDED THAT (1) SUCH LOT CONTAINED NO OTHER DWELLING OR PRINCIPAL NONRESIDENTIAL BUILDING ON THE JULY 23,

2004: AND (2) SUCH LOT DID NOT ABUT ANOTHER LOT THAT WAS (A) OWNED BY THE SAME PERSON OR PERSONS AS OF THE EFFECTIVE DATE OF THIS ORDINANCE, AS AMENDED AND (B) NOT SHOWN ON A PLAN OF SUBDIVISION PREVIOUSLY APPROVED BY THE PLANNING COMMISSION. WHENEVER ANY LOT OF RECORD, CONTAINED AT LEAST ONE DWELLING OR PRINCIPAL NONRESIDENTIAL BUILDING ON THE EFFECTIVE DATE OF THIS ORDINANCE, NO ADDITIONAL DWELLING OR PRINCIPAL NONRESIDENTIAL BUILDING MAY BE ESTABLISHED ON SUCH LOT EXCEPT IN COMPLIANCE WITH THESE REGULATIONS. WHENEVER ANY LOT CONTAINED ONE SINGLE-FAMILY DWELLING ON THE EFFECTIVE DATE OF THIS ORDINANCE, THESE REGULATIONS SHALL NOT PROHIBIT THE ESTABLISHMENT OF ONE ADDITIONAL DWELLING UNIT IN SUCH DWELLING. NO MORE THAN TWO DWELLING UNITS SHALL BE ALLOWED IN A DWELLING ON ANY LOT OF RECORD EXCEPT IN FULL COMPLIANCE WITH THIS ORDINANCE.

SECTION 4. MINIMUM LOT AREA

WHENEVER A DWELLING IS ESTABLISHED ON ANY LOT AFTER THE EFFECTIVE DATE OF THIS ORDINANCE, THE LOT MUST CONTAIN NO LESS THAN THE GREATER OF (1) TWO ACRES (87,120 SQUARE FEET) OF LAND AND A MINIMUM BUILDABLE AREA OF 50,000 SQUARE FEET AS DEFINED IN SECTION 4A PER DWELLING UNIT. NO LOT SHALL CONTAIN MORE THAN ONE DWELLING OR MORE THAN TWO DWELLING UNITS. IF TWO DWELLING UNITS ARE CONSTRUCTED AN ADDITIONAL TWO ACRES WILL BE REQUIRED FOR A TOTAL OF FOUR ACRES (174,240 SQUARE FEET) FOR THE TWO DWELLING UNITS.

WHENEVER ANY NONRESIDENTIAL BUILDING OR ADDITIONAL NONRESIDENTIAL BUILDING IS ESTABLISHED OR EXPANDED ON ANY LOT AFTER July 23, 2004, THE LOT MUST CONTAIN NO LESS THAN TWO ACRES (87,120 SQUARE FEET) OF LAND. FOR PURPOSES OF THIS SECTION, THE AREA OF THE LOT SHALL NOT BE DEEMED TO INCLUDE ANY ACCESS WAY(S) OR ANY LAND DEFINED AS AN INLAND WETLAND OR WATERCOURSE PURSUANT TO SECTION 22a-38 OF THE CONNECTICUT GENERAL STATUTES AS AMENDED.

SECTION 4A MINIMUM BUILDABLE AREA

A. MINIMUM BUILDABLE AREA REQUIRED IS 50,000 SQ. FT. AS FURTHER DEFINED BELOW.

B. BUILDABLE AREA DEFINED: THE TERM "BUILDABLE AREA" SHALL MEAN A CONTIGUOUS AREA THAT, AT THE TIME OF APPLICATION FOR A PROPOSED USE, EXCLUDES THE FOLLOWING CATEGORIES OF LAND:

1. INLAND WETLANDS AND WATERCOURSES, AS DEFINED BY SECTION 22A-38, CONNECTICUT GENERAL STATUTES;
2. STORM WATER RETENTION OR DETENTION AREAS (EXISTING AND/OR PROPOSED);
3. FLOODPLAIN SOILS OR AREAS WITHIN THE 100 YEAR FLOOD BOUNDARY;
4. RIGHTS OF WAYS OR EASEMENTS AND UTILITY AND DRAINAGE EASEMENTS (EXISTING AND/OR PROPOSED);

5. REQUIRED FRONT YARD, SIDE YARD, AND REAR YARD SETBACKS;
6. AREAS WITH SLOPE EQUAL TO OR GREATER THAN 20%;
7. EXPOSED LEDGE; AND
8. CONSERVATION EASEMENT AREAS IN WHICH THE DISTURBANCE OF LAND AND/OR BUILDING OF STRUCTURES IS PROHIBITED (EXISTING AND/OR PROPOSED).

C. SHAPE AND LOCATION OF MINIMUM BUILDABLE AREA.

THE INTENT OF THE MINIMUM BUILDABLE AREA REQUIREMENT IS TO PROVIDE ADEQUATE CONTIGUOUS AREA ON EACH LOT IN WHICH TO LOCATE THE PRINCIPAL BUILDING, ACCESSORY USES AND ON-SITE WATER AND SEWER FACILITIES WITHOUT MAJOR PHYSICAL ALTERATIONS OF THE LAND. THE BUILDABLE AREA MUST EXIST AND MUST BE PHYSICALLY ACCESSIBLE FROM A STREET AT THE TIME OF APPLICATION. FOR LOTS REQUIRING A MINIMUM BUILDABLE AREA OF 50,000 SQUARE FEET, A RECTANGLE HAVING DIMENSION OF 200 FEET BY 250 FEET MUST BE CAPABLE OF FITTING WITHIN THE DESIGNATED BUILDABLE AREA.

SECTION 5. DIMENSIONAL REQUIREMENTS

A. FRONTAGE

WHENEVER ANY DWELLING IS ESTABLISHED OR EXPANDED, OR ANY NONRESIDENTIAL USE IS ESTABLISHED OR EXPANDED, AFTER JULY 23, 2004, ON ANY LOT OTHER THAN A REAR LOT, THE LOT MUST HAVE NO LESS THAN 250 FEET OF CONTINUOUS FRONTAGE ALONG A STREET. WHENEVER ANY DWELLING IS ESTABLISHED OR EXPANDED, AFTER JULY 23, 2004, ON A REAR LOT CONTAINING NO OTHER DWELLING, THE REAR LOT MUST HAVE NO MORE THAN 50 FEET AND NO LESS THAN 25 FEET OF CONTINUOUS FRONTAGE ALONG A STREET. WHENEVER ANY NONRESIDENTIAL USE IS ESTABLISHED OR EXPANDED AFTER JULY 23, 2004, ON A REAR LOT, OR WHEN AN ADDITIONAL DWELLING IS TO BE ESTABLISHED OR EXPANDED ON A REAR LOT CONTAINING ANOTHER DWELLING, THE REAR LOT MUST HAVE NO MORE THAN 50 FEET AND NO LESS THAN 40 FEET OF CONTINUOUS FRONTAGE ALONG A STREET. THERE SHALL BE NO MORE THAN TWO REAR LOTS PER 500 FEET OF CONTINUOUS FRONTAGE ON A STREET.

**B. SETBACKS:** NO BUILDING, STRUCTURE OR USE SHALL BE LOCATED WITHIN THE FOLLOWING REQUIRED YARD AREAS, EXCEPT AS EXPRESSLY PROVIDED ELSEWHERE IN THESE REGULATIONS:

<u>LAND USE</u>	<u>FRONT YARD SETBACK</u>	<u>REAR YARD SETBACKS</u>
RESIDENTIAL	50 FEET (TOWN STREET); 75 FEET (STATE HIGHWAY)	25 FEET
NON-RESIDENTIAL	60 FEET (TOWN STREET);	25 FEET

75 FEET (STATE HIGHWAY)}

NOTWITHSTANDING THE PROVISIONS ABOVE, IF A LOT IS ABUTTED ON BOTH SIDES BY LOTS CONTAINING A PRINCIPAL STRUCTURE, THE CLOSEST PART OF WHICH IS 200 FEET OR LESS FROM THE BOUNDARY OF THE CENTER LOT, THE MINIMUM FRONT YARD SETBACK FOR THE CENTER LOT MAY BE REDUCED TO THE AVERAGE OF THE ACTUAL FRONT YARD SETBACKS OF THE EXISTING, ADJACENT PRINCIPAL STRUCTURES.

1. DRIVEWAYS SHALL NOT BE LOCATED WITHIN TEN FEET OF ANY SIDE OR REAR LOT LINE EXCEPT IN AN ACCESSWAY. DRIVEWAYS SHALL NOT BE LOCATED WITHIN FIVE FEET OF THE BOUNDARY OF ANY ACCESSWAY.

2. EXCEPT AS PROVIDED HEREAFTER PARKING AREAS, PARKING SPACES AND INTERNAL ACCESS DRIVES MAY NOT BE LOCATED WITHIN ANY REQUIRED SETBACK AREA. PARKING AREAS, PARKING SPACES AND INTERNAL ACCESS DRIVES FOR RESIDENTIAL AND NON-RESIDENTIAL USES MAY BE LOCATED WITHIN HALF OF ANY REQUIRED SETBACK AREA FARTHEST FROM THE RELEVANT LOT LINE, PROVIDED THAT THE REMAINDER OF THE SETBACK AREA CONTAINS SUFFICIENT SCREENING BY TREES, SHRUBS, EARTHEN BERMES OR OTHER LANDSCAPE MATERIALS TO PREVENT THE PARKING AREAS, PARKING SPACES, OR INTERNAL ACCESS DRIVES FROM BEING READILY VISIBLE FROM THE ABUTTING PROPERTY LINE OR STREET OF WHICH THE RELEVANT SETBACK APPLIES.

C. BUILDING AND IMPERVIOUS SURFACE COVERAGE

BUILDING COVERAGE: THE FOLLOWING IS THE MAXIMUM PORTION OF THE LOT THAT MAY BE COVERED BY BUILDINGS:

RESIDENTIAL	10%
NON-RESIDENTIAL	40%

IMPERVIOUS SURFACE COVERAGE: THE FOLLOWING IS THE MAXIMUM PORTION OF THE LOT THAT MAY BE COVERED BY IMPERVIOUS SURFACES, INCLUDING BUILDINGS:

RESIDENTIAL	20%
NON-RESIDENTIAL	60%

D. LIGHTING

NO SITE FEATURE OR ACTIVITY SHALL CREATE GLARE OR ILLUMINATION THAT EXTENDS BEYOND A SITE'S PROPERTY LINES AND CREATES A HAZARD OR NUISANCE TO NEIGHBORING PROPERTY OWNERS OR ON ADJACENT ROADWAYS. LIGHTING SHALL BE DESIGNED TO PROVIDE THE SECURITY OF THE PROPOSED ACTIVITY. LAMP POSTS SHALL BE THE MINIMUM HEIGHT NECESSARY TO PROVIDE THE ADEQUATE ILLUMINATION, AND IN NO CASE SHALL THEY EXCEED 20 FEET IN HEIGHT. LIGHTING SHALL BE DESIGNED SUCH THAT THE LIGHT SOURCE IS SHIELDED AND THE LIGHT IS DIRECTED DOWNWARD.

LIGHTING FIXTURES SHALL BE OF A DESIGN APPROPRIATE TO THE USE AND AREA. PARKING AND LOADING AREAS AND WALKWAYS SHALL BE PROVIDED WITH ADEQUATE LIGHTING.

1. THE TOWN OF STERLING SHALL BE EXEMPT FROM THE SECTION D ABOVE, FOR THE PURPOSES OF LIGHTING TOWN OWNED AND OPERATED ATHLETIC SPORTS FIELDS (i.e. BASEBALL, SOCCER, FOOTBALL, TENNIS). HOWEVER LIGHTING FOR THESE FACILITIES SHALL BE DESIGNED PER NATIONAL STANDARDS FOR SUCH FACILITIES.

SECTION 6. WELL AND SEPTIC SYSTEM LOCATIONS

IN ORDER TO HELP PROTECT THE QUALITY OF DRINKING WATER IN THE TOWN OF STERLING, NO WELL SHALL BE DRILLED, DUG OR OTHERWISE INSTALLED FOR THE PURPOSES OF SUPPLYING DRINKING WATER UNLESS SUCH WELL IS LOCATED 75 FEET OR MORE FROM ALL LOT BOUNDARIES AND EXISTING SEPTIC SYSTEMS, WHETHER OR NOT THE SEPTIC SYSTEM IS LOCATED ON THE SAME LOT. FOR THE SAME REASON, NO PORTION OF ANY SUBSURFACE SEWAGE DISPOSAL SYSTEM SHALL BE CONSTRUCTED WITHIN 75 FEET FROM ANY EXISTING WELL, WHETHER OR NOT SUCH WELL IS LOCATED ON THE SAME LOT. NO SEPTIC SYSTEM SHALL BE CONSTRUCTED WITHIN 25 FEET OF ANY LOT BOUNDARY UNLESS (i) THE PORTION TO BE CONSTRUCTED IS NEEDED TO REPAIR OR REPLACE A SUBSURFACE SEWAGE DISPOSAL SYSTEM THAT WAS CONSTRUCTED PRIOR TO JULY 23, 2004, AND (ii) THE TOWN'S SANITARIAN, DIRECTOR OF HEALTH OR OTHER APPROPRIATE OFFICIAL DETERMINES THAT THERE IS NO OTHER FEASIBLE LOCATION FOR THE REPAIR OR REPLACEMENT.

SECTION 7. LOT REVIEW

NO BUILDING PERMIT SHALL BE ISSUED FOR ANY NEW BUILDING OR STRUCTURE UNLESS THE LOT ON WHICH SUCH BUILDING OR STRUCTURE IS TO BE ESTABLISHED EITHER (i) IS A LOT OF RECORD, AS DEFINED IN SECTION 2 OF THESE REGULATIONS; OR (ii) HAS BEEN REVIEWED BY THE STERLING PLANNING COMMISSION AND DETERMINED TO BE A LOT THAT DOES NOT REQUIRE SUBDIVISION APPROVAL.

SECTION 8. APPLICATIONS FOR BUILDING PERMIT

IN ADDITION TO ANY REQUIREMENTS OF THE STATE BUILDING CODE, ALL APPLICATIONS FOR A BUILDING PERMIT FOR ANY NEW BUILDING OR STRUCTURE, OR FOR THE EXPANSION OF ANY NONRESIDENTIAL BUILDING OR STRUCTURE, SHALL BE ACCOMPANIED BY A COPY OF THE MOST RECENTLY RECORDED DEED OR SUBDIVISION PLAN ON WHICH THE SUBJECT LOT IS DESCRIBED OR SHOWN AS A SEPARATE AND DISCRETE PARCEL OF LAND AND BY A PLOT PLAN, DRAWN TO SCALE, SHOWING (i) THE TOTAL AREA OF THE LOT AND THE AREA OF EACH AND EVERY ACCESS WAY, INLAND WETLAND AND WATERCOURSE; (ii) THE AMOUNT OF STREET FRONTAGE; (iii) THE LOCATIONS OF ALL EXISTING AND PROPOSED BUILDINGS, STRUCTURES, WELLS AND SUBSURFACE SEWAGE DISPOSAL SYSTEMS; AND (iv) THE DISTANCES OF ALL PROPOSED WELLS AND SUBSURFACE SEWAGE DISPOSAL SYSTEMS FROM ALL PROPERTY BOUNDARIES. THE TOWN BUILDING OFFICIAL MAY REQUIRE THE PLOT PLAN TO BE DRAWN BY A PROFESSIONAL SURVEYOR AND/OR ENGINEER, AND MAY FURTHER REQUIRE

THAT THE PLOT PLAN BE DRAWN TO ANY LEVEL OF ACCURACY THE BUILDING OFFICIAL DETERMINES IS REASONABLY NECESSARY TO CONFIRM THAT THE PROPOSED USES WILL COMPLY WITH THESE REGULATIONS.

SECTION 9 ENFORCEMENT

THESE REGULATIONS SHALL BE ENFORCED BY THE BOARD OF SELECTMEN, WHO MAY APPOINT AND DELEGATE ALL OR ANY PORTION OF THIS AUTHORITY TO A LAND USE ENFORCEMENT OFFICER. IF ANY BUILDING OR STRUCTURE HAS BEEN ERECTED, CONSTRUCTED, ALTERED, CONVERTED OR MAINTAINED, OR ANY BUILDING, STRUCTURE OR LAND HAS BEEN USED, IN VIOLATION OF ANY PROVISION OF THESE REGULATIONS, THE BOARD OF SELECTMEN OR THE LAND USE ENFORCEMENT OFFICER MAY, IN ADDITION TO OTHER REMEDIES, INSTITUTE AN ACTION OR PROCEEDING TO PREVENT SUCH UNLAWFUL ERECTION, CONSTRUCTION, ALTERATION, CONVERSION, MAINTENANCE OR USE OR TO RESTRAIN, CORRECT OR ABATE SUCH VIOLATION OR TO PREVENT THE OCCUPANCY OF SUCH BUILDING, STRUCTURE OR LAND OR TO PREVENT ANY ILLEGAL ACT, CONDUCT, BUSINESS OR USE IN OR ABOUT SUCH PREMISES. THE BOARD OF SELECTMEN ARE AUTHORIZED, AND MAY AUTHORIZE THE LAND USE ENFORCEMENT OFFICER, TO CAUSE ANY BUILDING, STRUCTURE, PLACE OR PREMISES TO BE INSPECTED AND EXAMINED AND TO ORDER IN WRITING THE REMEDYING OF ANY CONDITION FOUND TO EXIST THEREIN OR THEREON IN VIOLATION OF ANY PROVISION OF THESE REGULATIONS OR, WHEN THE VIOLATION INVOLVES GRADING OF LAND, THE REMOVAL OF EARTH OR SOIL EROSION AND SEDIMENT CONTROL, TO ISSUE, IN WRITING, A CEASE AND DESIST ORDER TO BE EFFECTIVE IMMEDIATELY.

SECTION 10 BOARD OF APPEALS

THE BOARD OF SELECTMEN SHALL APPOINT A LAND USE BOARD OF APPEALS, TO CONSIST OF FIVE MEMBERS AND THREE ALTERNATES, WHO SHALL SERVE FOR THE DURATION OF THE TERM OF THIS ORDINANCE. THE LAND USE BOARD OF APPEAL SHALL HAVE THE SAME POWERS AND DUTIES WITH RESPECT TO THESE REGULATIONS AS A ZONING BOARD OF APPEALS WOULD HAVE PURSUANT TO SECTIONS 8-5 THROUGH 8-8, INCLUSIVE, OF THE CONNECTICUT GENERAL STATUTES, AS THEY MAY BE AMENDED. APPEALS FROM DECISIONS OF THE BOARD OF SELECTMEN OR THE LAND USE ENFORCEMENT OFFICER PURSUANT TO THESE REGULATIONS MAY BE TAKEN TO THE LAND USE BOARD OF APPEALS IN ACCORDANCE WITH THE PROCUDURES SPECIFIED FOR ZONING BOARDS OF APPEAL IN THE CONNECTICUT GENERAL STATUTES. APPEALS FROM DECISIONS OF THE LAND USE BOAD OF APPEALS MAY BE TAKEN TO THE SUPERIOR COURT IN THE SAME MANNER AS APPEALS FROM ZONING BOARDS OF APPEAL MAY BE TAKEN TO THE SUPERIOR COURT PURSUANT TO THE CONNECTICUT GENERAL STATUTES.

SECTION 11. FEES

THE FEE FOR ANY APPEAL OR APPLICATION FILED WITH THE LAND USE BOARD OF APPEALS SHALL BE TWO HUNDRED FIFTY DOLLARS (\$250.00).

SECTION 12. EFFECTIVE DATE

THE EFFECTIVE DATE OF THIS AMENDED ORDINANCE SHALL BE NOVEMBER 18, 2006. THIS ORDINANCE SHALL SUPERSEDE AND REPLACE ALL OF THE PROVISIONS OF THE LAND USE ORDINANCE ADOPTED ON JULY 23, 2004, AND AMENDED ON JANUARY 28, 2006. THIS ORDINANCE SHALL EXPIRE FIVE YEARS AFTER THE EFFECTIVE DATE.

PUBLISHED NOVEMBER 3, 2006  
EFFECTIVE NOVEMBER 18, 2006

## **AN ORDINANCE CONCERNING THE PURCHASING PROCEDURES OF THE TOWN OF STERLING**

### **I. SCOPE**

THE PURPOSE OF THIS ORDINANCE IS TO OBTAIN THE BEST AVAILABLE PRICE FOR QUALITY MATERIALS, GOODS AND SERVICES PROVIDED BY A RESPONSIBLE PARTY, BY REQUIRING QUOTATIONS OR COMPETITIVE SEALED BIDS FOR PURCHASES WHICH EXCEED A SPECIFIED AMOUNT, BY THE TOWN, INCLUDING ITS BOARD OF SELECTMEN AND BOARD OF EDUCATION.

### **II. QUOTATIONS REQUIRED FOR PURCHASES GREATER THAN TWO THOUSAND FIVE HUNDRED (\$2,500.00) BUT LESS THAN TWENTY-FIVE THOUSAND (\$25,000.00)**

WITH RESPECT TO ANY PURCHASE, FOR GOODS AND/OR SERVICES FOR WHICH THE AMOUNT EXCEEDS TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) BUT DOES NOT EXCEED TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00), THE TOWN, BY AND THROUGH IT'S BOARD OF SELECTMEN OR BOARD OF EDUCATION, SHALL INVITE QUOTATIONS. PUBLIC NOTICE OF THE INVITATION FOR QUOTATIONS SHALL BE PUBLISHED AT LEAST TEN (10) DAYS PRIOR TO PURCHASE AWARD. SUCH NOTICE, WITH AN ESTABLISHED CLOSING DATE, SHALL BE PUBLISHED IN THE FORM OF A LEGAL ADVERTISEMENT APPEARING IN A NEWSPAPER HAVING SUBSTANTIAL CIRCULATION IN THE TOWN, IN THE FORM OF AN INTERNET POSTING ON THE TOWN'S WEBSITE, THE SCHOOL DISTRICT WEBSITE AND/OR AN INTERNET POSTING VIA THE STATE OF CONNECTICUT DEPARTMENT OF ADMINISTRATIVE SERVICES STATE CONTRACTING PORTAL.

### **III. SEALED BIDS REQUIRED FOR PURCHASE GREATER THAN TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00)**

WITH RESPECT TO ANY PURCHASE, CONTRACT TO PURCHASE, OR CONTRACT FOR GOODS AND/OR SERVICES FOR WHICH THE AMOUNT EXCEEDS TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00), THE TOWN, BY AND THROUGH IT'S BOARD OF SELECTMEN OR BOARD OF EDUCATION, SHALL INVITE SEALED BIDS OR PROPOSALS. PUBLIC NOTICE OF THE INVITATION OF SEALED BIDS OR PROPOSALS SHALL BE PUBLISHED AT LEAST TEN (10) DAYS PRIOR TO CONTRACT AWARD. SUCH NOTICE, WITH AN ESTABLISHED CLOSING DATE, SHALL BE PUBLISHED IN THE FORM OF A LEGAL ADVERTISEMENT APPEARING IN A NEWSPAPER HAVING SUBSTANTIAL CIRCULATION IN THE TOWN OR IN THE FORM OF

AN INTERNET POSTING VIA THE STATE OF CONNECTICUT DEPARTMENT OF ADMINISTRATIVE SERVICES STATE CONTRACTING PORTAL. SUBMITTED BIDS PROPOSALS WILL BE OPENED PUBLICLY. WRITTEN CONSTRUCTION BID SUBMISSION (ACCEPTED AND NOT ACCEPTED) SHALL BE RETAINED FOR A PERIOD OF SIX (6) YEARS AFTER COMPLETION OF PROJECT; OR SIX (6) YEARS AFTER FILING IF NOT BUILT. WRITTEN SERVICE OR SUPPLY BID SUBMISSION (ACCEPTED AND NOT ACCEPTED) SHALL BE RETAINED FOR A PERIOD OF THREE (3) YEARS AFTER AUDIT.

**IV. PURCHASE OR CONTRACT TO PURCHASE AWARD**

THE BOARD OF SELECTMEN OR BOARD OF EDUCATION SHALL AWARD A PURCHASE OR CONTRACT TO PURCHASE TO THE LOWEST RESPONSIBLE BIDDER. THE LOWEST RESPONSIBLE BIDDER SHALL BE THE INDIVIDUAL WHOSE GOODS OR SERVICES WERE OFFERED FOR THE LOWEST AMOUNT AND WHOSE GOODS AND SERVICES ARE OF SUFFICIENT QUALITY. BIDDER QUALIFICATIONS WILL BE POSTED IN THE REQUEST FOR THE PROPOSAL (RFP). THE QUALITY DETERMINATION SHALL BE MADE AT THE SOLE DISCRETION OF THE BOARD OF SELECTMEN OR BOARD OF EDUCATION ON THE BASIS OF THE TOWN'S PAST EXPERIENCE WITH THE BIDDER, THE SUITABILITY OF THE BIDDER'S GOODS OR SERVICES TO THE IDENTIFIED NEEDS, AND OTHER RELEVANT FACTORS THE BOARD OF SELECTMEN OR BOARD OF EDUCATION DEEMS NECESSARY. THE BOARD OF SELECTMEN OR THE BOARD OF EDUCATION SHALL NOT AWARD A PURCHASE OR CONTRACT TO PURCHASE TO ANY BIDDER THAT HAS NOT FULLY SATISFIED, IN THE VIEW OF THE BOARD OF SELECTMEN OR THE BOARD OF EDUCATION, PRIOR OBLIGATIONS TO THE TOWN.

**V. BID AND PROPOSAL FORMS AND CONTRACT DOCUMENTS**

ALL INVITATIONS TO BID, REQUEST FOR PROPOSALS, BID SPECIFICATIONS, CONTRACT DOCUMENTS AND RELATED DOCUMENTS, INCLUDING BUT NOT LIMITED TO BOND REQUIREMENTS AND INSURANCE REQUIREMENTS RELATED TO TOWN GOVERNMENT, SHALL BE APPROVED BY THE FIRST SELECTMAN. ALL INVITATIONS TO BID, REQUEST FOR PROPOSALS, BID SPECIFICATIONS, CONTRACT DOCUMENTS AND RELATED DOCUMENTS, INCLUDING INSURANCE REQUIREMENTS RELATED TO THE BOARD OF EDUCATION, SHALL BE APPROVED BY THE BOARD OF EDUCATION OR ITS DESIGNEE. ALL QUOTES, BIDS AND CONTRACT DOCUMENTS WILL BE RETAINED FOR THE REQUIRED PERIOD OF TIME.

**VI. WRITTEN CONTRACT REQUIRED FOR PURCHASES GREATER THAN TWENTY-FIVE THOUSAND (\$25,000.00)**

FOR ANY PURCHASE, CONTRACT TO PURCHASE OR CONTRACT FOR SERVICES FOR WHICH THE AMOUNT EXCEEDS TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00), A WRITTEN CONTRACT BETWEEN THE TOWN, INCLUDING ITS BOARD OF SELECTMEN AND BOARD OF EDUCATION, AND THE SUCCESSFUL BIDDER, SHALL BE DRAFTED AND EXECUTED. UNDER NO CIRCUMSTANCES SHALL A WRITTEN CONTRACT EXIST UNLESS AND UNTIL SUCH CONTRACT IS SIGNED BY A DESIGNATED TOWN OFFICIAL FOR ITEMS RELATED TO THE TOWN GOVERNMENT AND THE SUCCESSFUL BIDDER. UNDER NO CIRCUMSTANCES SHALL A WRITTEN CONTRACT EXIST UNLESS AND UNTIL SUCH CONTRACT IS SIGNED BY A BOARD OF EDUCATION DESIGNEE FOR ITEMS RELATED TO THE BOARD OF EDUCATION.

## **VII. EXEMPTIONS**

THE BOARD OF SEKECTMEN OR BOARD OF EDUCATION MAY EXEMPT ANY PURCHASE FROM THE REQUIREMNTS OF THIS ORDINANCE UPON A DETERMINATION THAT SUCH EXEMPTIONWOULD BE IN THE BEST INTERESTS OF THE TOWN, DUE TO AN EMERGENCY OR FOR ANY OTHER PROPER REASON. SUCH DETERMINATION MUST BE MADE BY A MAJORITY VOTE OF THE BOARD OF SELECTMEN OR BOARD OF EDUCATION. THE RESOLUTION GIVING RISE TO SUCH VOTE MUST AFFIRMATIVELY STATE WHY THE EXEMPTION IS IN THE BEST INTERESTS OF THE TOWN.

NOTHING IN THIS ORDINANCE SHALL PREVENT THE TOWN FROM ENTERING INTO JOINT PRCHASING AGREEMENTS WITH OTHER TOWNS, THE STATE OF CONNECTICUT OR ANOTHER ORGINAZATION.

THE FOLLOWING PURCHASES SHAL BE EXEMPT FROM THE BID REQUIREMENT PROVISIONS OF THIS ORDINANCE WITHOUT REQUIRING A DETERMINATION BY THE BOARD OF SELECTMEN OR BOARD OF EDUCATION THAT SUCH EXEPTION IS IN THE BEST INTERESTS OF THE TOWN.

- A) SERVICES OF ATTORNEYS, PHYSICIANS, ARCHITECTS, OR OTHER PROFESSIONALS, WHEN THE EXTENT AND COST OF SUCH SERVICES CAN NOT BE READILY DETERMINED; AND
- B) THE PURCHASE OF OR CONTRACT TO PURCHASE ANY REPLACEMENT PARTS FOR A SINGLE PIECE OF EQUIPMENT, WHEN SUCH PART IS SUPPLIED BY THE ORIGINAL SUPPLIER OF THE PIECE OF EQUIPMENT; AND
- C) EXPENDITURES ARISING FROM GOODS OR SERVICES PROVIDED OR OFFERED TO BE PROVIDED BY THE STATE OF CONNECTICUT UNDER THE STATE OF CONNECTICUT TOWN AID PROGRAM OR OTHER STATE PROGRAM. ANY STATE OF CONNECTICUT PROPOSAL ACCEPTED BY THE TOWN FOR THE PROVISION OF GOODS OR SERVICES UNDER THE STATE OF CONNECTICUT TOWN AID PROGRAMOR OTHER STATE PROGRAM MAY BE MADE AT APPLICABLE STATE-APPROVED PRICES. THE BOARD OF SELECTMEN AND BOARD OF EDUCATION, WHEN CONTRACTING WITH THE STATE, SHALL FOLLOW ANY APPLICABLE STATE BID PROCEDURES; AND
- D) ANY PURCHASE MADE THOUGH A STATE OF CONNECTICUT CONTRACT, INCLUDING CONTRACTS ADMINISTERED BY THE DEPARTMENT OF ADMINISTRATIVE SERVICES;
- E) ANY PURCHASE WITH ONLY ONE EXISTING SUPPLIER.

## **VIII. PENALTIES FOR VIOLATIONS**

ANY PAYMENT MADE IN VIOLATION OF THE REQUIREMENTS OF THIS ORDINANCE SHALL BE DEEMED ILLEGAL. EVERY TOWN OFFICIAL AUTHORIZING OR MAKING SUCH PAYMENT AND ANY PERSON RECEIVING SUCH PAYMENT IN WHOLE OR IN PART SHALL BE JOINTLY AND SEVERALLY LIABLE TO THE TOWN FOR THE FULL AMOUNT PAID OR RECEIVED.

ANY CONTRACT ENTERED INTO IN VIOLATION OF THE REQUIREMENTS OF THIS ORDINANCE MAY BE DEEMED NULL AND VOID, BY A VOTE OF THE BOARD OF SELECTMEN OR THE BOARD OF EDUCATION.

Approved: April 23, 2014

Published: April 30, 2014

Effective: May 15, 2014

## **AN ORDINANCE ESTABLISHING A FAMILY DAY COMMITTEE**

IT IS HEREBY ORDAINED by the electors and qualified voters of the Town of Sterling, acting at a duly called Town Meeting that

### **1. Establishment of Committee**

### **2. Appointment; Membership; Terms.**

A. The Committee shall consist of fifteen (15) voting members, each of whom shall be appointed by the Board of Selectmen.

B. The term of appointment of the five of the fifteen initial members shall expire on December 31, 2007. The term of appointment of five other initial members shall expire on December 31, 2009. The term of appointment of the five remaining initial members shall expire on December 31, 2011. Following the initial terms, each member shall be appointed or reappointed for a term of four (4) years, each such term to commence upon the day immediately following the day on which the previous term expired, the intention being to cause five of the fifteen terms of office to expire every two years. Vacancies in any position may be filled by appointment by the Board of Selectmen only for the balance of the term for which the vacant member was or may have been appointed. The Board of Selectmen may, for good cause, terminate the membership of any person on the Commission and replace that person with another for the balance of the relevant term. Good cause shall include, but shall not be limited to, frequent absences from Commission meetings.

### **3. Meetings.**

The Commission shall meet as often as it deems necessary.

### **4. Chairman and Vice-Chairman**

At the first meeting of the Commission, the Commission members shall elect a chairman and vice-chairman for a term of office to expire on December 31, 2007. The Commission shall thereafter elect a chairman and vice-chairman for subsequent two-year terms (each to commence on January 1 and expire on December 31) at the last regularly scheduled meeting of the Commission prior to the

expiration of the terms of the current chairman and vice-chairman. If the position of chairman or vice-chairman should become vacant for any reason, the Commission shall elect a replacement for the balance of the relevant term as soon as possible after the vacancy occurs. The vice-chairman shall act in place of the chairman whenever the chairman is absent or the chairman's position is vacant. If the Commission should fail to elect a chairman or vice-chairman in accordance with this section, the Board of Selectmen may appoint such office for the relevant term.

**5. Powers and Duties.**

The Family Day Committee shall be an advisory committee to the Board of Selectmen. The powers and duties of the Family Day Committee shall be as follows:

- A. To plan, organize, assemble and conduct appropriate activities for the Town of Sterling's annual Family Day celebration.
- B. By January 31 of each year, to prepare and deliver to the Board of Selectmen:
  - 1. A written report on the Family Day activities of the prior year;
  - 2. Make any recommendations the Committee may deem desirable to the Board of Selectmen for future Family Day activities; and
  - 3. Prepare a proposed budget for the Family Day celebration to be Included in the Board of Selectmen's budget recommendations to the Board of Finance.
- C. To make such expenditures as may be approved by the Board of Selectmen in carrying out the foregoing duties.

**6. This ordinance shall take effect fifteen days after publication.**

Publication Date: August 18, 2006  
Effective Date: September 1, 2006

**ORDINANCE ESTABLISHING CITATION PROCEDURES AND FINES FOR INLAND WETLAND AND WATERCOURSES VIOLATIONS**

It is hereby ORDAINED by the Town Meeting of the Town of Sterling under authority granted by Connecticut General Statutes Section 21-42g, that:

- 1. The Wetlands agent is authorized to issue citations for violations of the Inland Wetlands and Watercourses Regulations of the Town of Sterling, to the extent and in the manner provided by this Ordinance. Any such citation may be served either by hand delivery or by certified mail, return receipt requested, to the persons named in such citation. If the person named in a citation sent by certified mail refuses to accept such mail, the citation may be sent by regular United States mail. If sent by

regular mail, the day of receipt of the citation shall be deemed to be three business days after the day of mailing. The Wetlands Agent shall file and retain an original or certified copy of the citation.

2. The fine for the first such citation issued to any person with respect to any specific parcel of land shall be Two Hundred Fifty Dollars (\$250). The fine for the second citation issued to any person with respect to any specific parcel of land shall be Five Hundred Dollars (\$500). The fine for any subsequent citation shall be One Thousand Dollars (\$1,000). A separate citation may be issued for each day of a continuing violation. All fines shall be made payable to the Treasurer of the Town of Sterling.

3. The citation shall inform the person cited:

- a. Of the allegations against him or her and the amount of the fines due, and
- b. That if the person cited does not wish to contest his or her liability, he or she must pay the fine to the Town Treasurer within 30 days after the day of receipt of the citation.

4. If a person who has been issued a citation does not make uncontested payment of the fine specified in the citation to the Treasurer within the time allowed under paragraph 3 of this Ordinance, the Wetlands Agent or other Town official shall send a notice of the person cited, informing such person:

- a. Of the allegations against him or her, the amount of the fines, and the imposition of the administrative fee set forth in paragraph 5;
- b. That the person cited may contest liability before a Hearing Officer appointed by the First Selectman, as provided in paragraph 8 of this Ordinance, by delivering, in person or by mail, within ten days of the date of the notice, a written demand for a hearing;
- c. That if the person cited does not demand such a hearing, assessment and judgment shall be entered against him or her; and
- d. That such judgment may issue without further notice.

5. If the person who is sent notice pursuant to paragraph 4 of this Ordinance wishes to admit liability for any alleged violations, her or she may, without requesting a hearing, pay the full amount of the fine, together with an additional administrative fee of Twenty-Five Dollars (\$25), whether in person or by mail. All fines and fees shall be made payable to the treasurer of the Town of Sterling. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten days of the date of the notice described in paragraph 4 of this Ordinance shall be deemed to have admitted liability, and the Wetlands Agent shall certify to the Hearing Officer that such person has failed to respond. The Hearing Officer shall thereupon enter and assess the fines and

fees provided for this Ordinance and shall follow the procedures set forth in paragraph 7 of this Ordinance.

6 Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen days nor more than thirty days from the date of the mailing of notice, provided the Hearing Officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. The presence of the Wetlands Agent shall be required at the hearing if requested by the person who was issued the citation. A person wishing to contest liability shall appear at the hearing and may present evidence in his or her behalf. The Wetlands Agent may present the evidence on behalf of the municipality. If the person who received the citation fails to appear, the Hearing Officer may enter an assessment by default against him or her upon a finding of proper notice and liability under the applicable provisions of the Inland Wetlands and Watercourses Regulations. The Hearing Officer may enter an assessment by default against him or her upon a finding of proper notice and liability under the applicable provisions of the Inland Wetlands and Watercourses Regulations. The Hearing Officer may accept written information by mail from the person who received the citation and may determine thereby that the appearance of such person is unnecessary. The Hearing Officer may accept written information by mail from the person who received the citation and may determine thereby that the appearance of such person is unnecessary. The Hearing Officer shall conduct the hearing in the order and from and with such methods of proof as he or she deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath of affirmation. If the Hearing Officer determines that the person who received the citation is not liable, the Hearing Officer shall dismiss the matter and enter that determination in writing accordingly. If the Hearing Officer determines that the person who received the citation is liable for the violation, the Hearing Officer shall forthwith enter and assess the fines against such person as provided by this Ordinance, including an additional hearing fee of Fifty Dollars (\$50)

7. If such assessment is not paid on the date of its entry, the Hearing Officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty days nor more than twelve months after such mailing, a certified copy of the notice of assessment with the clerk of the Superior Court facility designated by the Chief Court Administrator, together with an entry fee of Eight Dollars or such other amount as may be required by state law. Further proceedings may then be held pursuant to the applicable provisions of the Connecticut General Statutes.

8. The First Selectman shall appoint one or more citation Hearing Officers to conduct the hearings provided by this Ordinance. Neither the Wetlands Agent, the Land Use Enforcement Officer, nor any official or employee of the Town of Sterling may be appointed as a Hearing Officer pursuant to this Ordinance. The rate of compensation of the Hearing Officer shall be determined by the Board of Selectmen.

9. No citation shall be issued pursuant to this Ordinance unless (i) the Wetlands Agent has provided notice of the violation to the person who would receive the citation; (ii) the notice specifies a reasonable time for the violation to be corrected; and (iii) the violation is not corrected within the time

required. The Hearing Officer shall not uphold the issuance of any citation if he or she determines that the time provided for the violation to be corrected was unreasonable under all the circumstances.

10. This Ordinance shall become effective fifteen (15) days after publication of notice hereof:

Adoption Date: 12/10/08

**AN ORDINANCE DESIGNATING THE PLANNING COMMISSION AS THE PLANNING AND ZONING COMMISSION AND ESTABLISHING A ZONING BOARD OF APPEALS**

It is hereby ORDAINED by the Town of Sterling, acting by vote of its Town Meeting:

I. Designation and Establishment of Planning and Zoning Commission

Pursuant to Connecticut General Statutes Section 8-4a, the Town of Sterling hereby designates its Planning Commission as the Planning and Zoning Commission of the Town of Sterling.

II. Commission Membership; Appointment; Terms of Office

The Planning and Zoning Commission shall consist of five (5) regular members and three (3) alternate members, each of whom shall be electors of the Town of Sterling holding no salaried municipal office. Members of the Planning Commission on the effective date of this Ordinance shall be deemed to be members of the Planning and Zoning Commission on such effective date and shall be entitled to serve the remainder of the respective terms for which they were appointed to the Planning Commission. Thereafter, new appointments for both regular and alternate members of the Planning and Zoning Commission shall be for terms of three years, except that persons appointed to fill vacancies in any position shall be appointed only for the duration of the term of the member or alternate member who is being replaced. All appointments shall be made by the Board of Selectmen. The Board of Selectmen shall have the power to declare the position of any member or alternate member to be vacant if that member or alternate member, without good and reasonable cause, fails to attend three consecutive, regular meetings of the Commission. The Board of Selectmen shall have full, non-appeal able discretion to determine whether such good and reasonable cause exists. The First Selectman shall be an ex-officio member of the Planning and Zoning Commission, without voting privileges. There shall be no other ex-officio members of the Commission.

III. Powers and Duties of the Commission

The Commission shall have such powers and duties as are, or may hereafter be, provided by the Connecticut General Statutes, including, but not limited to, Chapters 124 and 126. The Commission shall elect a chairman and a secretary from its regular members and may adopt rules for the transaction of its business. The Commission shall maintain records of its activities.

IV. Establishment of Zoning Board of Appeals

Pursuant to Connecticut General Statutes Section 8-5, the Town of Sterling hereby establishes a Zoning Board of Appeals.

V. Board Membership; Appointment; Terms of Office

The Zoning Board of Appeals shall be appointed by the Board of Selectmen and shall consist of five (5) regular members and three (3) alternate members, each of whom shall be electors of the Town. No regular or alternate member of the Planning and Zoning Commission may simultaneously serve as a member of the Zoning Board of Appeals. The initial terms of the regular members shall be as follows: two (2) shall be appointed for a term of two (2) years and three (3) shall be appointed for a term of (3) years. The initial terms of the three (3) alternate members shall be as follows: two (2) shall be appointed for a term of two (2) years; and one (1) shall be appointed for a term of three (3) years. Following the initial terms, each regular and alternate member shall be appointed or reappointed for a term of three (3) years, each term to commence upon the day immediately following the day on which the previous term expired, the intention being to maintain the staggered term expiration dates.

All appointments shall be made by the Board of Selectmen. The Board of Selectmen shall have the power to declare the position of any member or alternate member to be vacant if that member or alternate member, without good and reasonable cause, fails to attend three consecutive, regular meetings of the Zoning Board of Appeals. The Board of Selectmen shall have full, non-appeal able discretion to determine whether such good and reasonable cause exists.

VI Powers and Duties of the Zoning Board of Appeals

The Zoning Board of Appeals shall have all of the powers and duties provided under Sections 8-5 through 8-8, inclusive, of the Connecticut General Statutes, as they may be amended. The Board shall elect a chairman and a secretary from its regular members and may adopt rules for the transaction of its business in accordance with state law. The Board shall maintain records of its activities.

VII. Effective Date

This Ordinance shall take effect fifteen days after notice of its adoption is published in accordance with Connecticut General Statutes Section 7-157.

**ORDINANCE ESTABLISHING AN AGRICULTURE COMMISSION**

It is hereby ORDAINED by the Town of The Town of Sterling:

1. Establishment of Agriculture Commission

The Town of Sterling hereby establishes an Agriculture Commission, which shall serve as an advisory board to the Board of Selectmen and other Town agencies and officials, as set forth in this Ordinance.

## II. Appointment, Membership, Terms, Meetings and Officers

### A. Appointment and Membership

The Agriculture Commission shall consist of five (5) regular members and three (3) alternate members, all of whom shall be appointed by the Board of Selectmen. Insofar as practical, members appointed shall be representative of all groups interested in the management, protection and regulation of agriculture as defined by Connecticut General Statutes Section 101(q), particularly those directly involved in agriculture. Members shall serve without compensation. Any vacancy in office, arising for any reason, shall be filled by the Board of Selectmen for the balance of the term of the vacant position.

### B. Terms of Office

The initial terms of office of all regular members and alternate members shall begin on the same date, to be chosen by the Board of Selectmen. Three regular members and one alternate member shall be appointed for initial terms of three years. Two regular members and two alternate members shall be appointed for initial terms of two years. Thereafter, all terms of regular members and alternate members shall be three years.

### C. Meetings and Officers

The initial organizational meeting of the Agriculture Commission shall be held within one month after the official date of appointment of its members, which date shall be chosen by the Board of Selectmen. Thereafter, the Agriculture Commission shall hold an annual organizational meeting in January of each year. The Commission shall elect a chairman, vice chairman and secretary at each organizational meeting. Such officers shall serve until the conclusion of the organizational meeting following the meeting at which they were elected. The failure of any regular member to attend four (4) consecutive meetings of the Commission shall constitute cause for the Board of Selectmen to remove the member and fill the position thus vacated.

## III. Powers and Duties of Agriculture Commission

### A. Information and Education

1. To serve as a conduit of agricultural information among local farmers and Town boards, commissions, and officials, as well as non-profit agencies, civic organizations, and other governmental agencies and officials.
2. To serve as a source of information to the public about local agricultural enterprises, for example, by creating an informational website and maps of local farms.

3. To provide information to Town agencies and officials about agricultural laws and legal issues regarding farm machinery, buildings and operations.
4. To provide information and guidance to Town agencies and officials on agriculture-related issues, including but not limited to zoning, inland wetlands and public works.

#### B. Agricultural Support

1. To support young farmers and new farmers.
2. To support local, regional and state vocational agriculture education programs.

#### C. Conflict Resolution

1. To review regulatory language and practices among Town agencies and, if appropriate, recommend changes to help assure a consistent definition and treatment of agriculture, farming and farms.
2. To act as a sounding board and offer guidance, as it deems appropriate, to Town agencies and officials concerning the impact of proposed Town ordinances, regulations and policies on farms.

#### D. Economic Opportunities

1. To identify innovative opportunities for farming additional lands in Sterling.
2. To promote opportunities for residents and local businesses to support and value farming.
3. To serve as a conduit between non-profit agencies, funders, and local farmers.
4. To work to create a climate that supports the economic viability of farming as a career in Sterling.
5. To create a sustainable agriculture community in Sterling.

Adoption Date: 2/24/10

Publication Date: 3/2/10

Effective Date: 3/12/10

### **AN ORDINANCE AUTHORIZING THE APPOINTMENT OF THE TOWN CLERK AND REGISTRAR OF VITAL STATISTICS, THE TAX COLLECTOR AND THE TREASURER**

1. **Appointment and Terms of Office.** Pursuant to Connecticut General Statutes Sections 9-185, 9-187, and 9-189 as amended, the Board of Selectmen shall appoint, by majority vote, the Town Clerk and Registrar of Vital Statistics, the Tax Collector, and the Treasurer. The Board of Selectmen shall make a good faith effort to appoint qualified persons who are Town residents. Each such office shall have a four (4) year term of office, which term shall not expire on the termination date of the term of the

Board of Selectmen appointing such officer. Unless removed as set forth below, each such officer shall serve until his or her successor has been appointed and qualified. The term of the first person appointed to each such office shall commence on the expiration of the term of office of the official in office on the effective date of this ordinance, or the occurrence of a vacancy in said office, whichever first occurs.

**2. Powers and Duties.** The Town Clerk and Registrar of Vital Statistics, the Tax Collector, and the Treasurer shall have all the powers and duties conferred by the General Statutes, as amended, and this ordinance.

**3. Removal.** The Board of Selectmen may remove the Town Clerk and Registrar of Vital Statistics, the Tax Collector, and the Treasurer during their terms of office only for :cause: and only upon the Board of Selectmen’s unanimous vote. As used in this section, “cause” means, but is not limited to misconduct in office; willful and material neglect of duty; incompetence in the conduct of office; felony conviction; dishonesty or other unethical behavior; violation of law; and excessive absence.

**4. Reappointment.** The Board of Selectman’s failure to make a reappointment shall result in the renewal of a four (4) year term of the then-serving Town Clerk and Registrar of Vital Statistics, Tax Collector and treasurer.

**5. Repeal of Inconsistent Ordinances.** All provisions of any ordinance of the Town of Sterling that are inconsistent with this ordinance are hereby repealed.

**6. Effective Date.** This ordinance shall take effect fifteen (15) days after notice of its adoption is published in accordance with Connecticut General Statutes Section 7-157.

**Effective: April 23, 2011**

## **TOWN OF STERLING RIGHT-TO-FARM ORDINANCE**

Be it ORDAINED that the electors of the Town of Sterling at a duly warned Special Town Meeting to be held on May 1, 2013:

### **Section I: Purpose and Intent**

Agriculture plays a significant role in Sterling’s heritage and future. The Town officially recognizes the importance of farming to its rural quality of life, heritage, public health, scenic vistas, tax base, wetlands and wildlife and local economy. This Right to Farm ordinance encourages the pursuit of agriculture, promotes agriculture-based economic opportunities and protects farmland within Sterling by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies.

It is the declared policy of the Town of Sterling to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food and other agricultural products and for

its natural and ecological value. It is hereby further determined that whatever impact may be caused to others through generally accepted agricultural practices, such impact is offset and ameliorated by the benefits of farming to the neighborhood, community and society in general.

## **Section II: Definitions**

The terms “agriculture” and “farming” shall have all those meanings set forth in Section 1-1(q) of the Connecticut General Statutes, as amended.

## **Section III: Right to Farm**

No present or future agricultural operation conducted or maintained in a manner consistent with accepted agricultural practices, which is engaged in the act of farming as defined in this ordinance shall become or be considered a nuisance solely because such activity resulted or results in any changed condition of the use of adjacent land. Agricultural operations may occur any day or night provided such activities do not violate applicable health, safety, fire, zoning, wetlands, life safety, environmental or building codes and regulations and shall include, without limitation:

1. The incidental noise from livestock or farm equipment used in generally acceptable farming practices;
2. Odors from livestock, manure, fertilizer or feed;
3. Dust and fumes associated with normally accepted farming practices;
4. The use of agricultural chemicals provided such chemicals and the method of their application conform to practices approved by the State of Connecticut.;
5. Irrigation and water management associated with generally accepted farming practices;
6. Animal husbandry in accordance with generally acceptable farming practices; and
7. Land management and appearance in accordance with generally acceptable farming practices.

## **Section IV Role of the Agriculture Commission**

The role of the Sterling Town Agriculture Commission is to advocate on behalf of town agriculture producers and to consult with town commissions and citizens on matters concerning agriculture.

Approved: May 1, 2013, Published May 3, 2013, Effective May 18, 2013.

# **ORDINANCE ESTABLISHING A PERMANENT ENERGY COMMITTEE**

## **Section 1. Establishment**

There is hereby established a committee to be known as the "Energy Committee."

## **Section 2. Policy and Purpose**

It is in the best interest of the Town of Sterling and its citizens to actively pursue feasible means of lowering our energy consumption and costs. The purpose of the Energy Committee is to provide advice to the Board of Selectmen regarding ways to promote clean power options, encourage the development of renewable energy in Sterling, and make recommendations for energy conservation.

## **Section 3. Composition**

A. The Committee shall consist of nine (9) members who shall be appointed by the Board of Selectmen and shall be electors of the Town. The initial terms of the members shall be as follows: three (3) shall be appointed for a term of three (3) years, three (3) shall be appointed for a term of two (2) years, and three (3) shall be appointed for a term of one (1) year. Following the initial terms, each member shall be appointed or reappointed for a term of three (3) years, each term to commence upon the day immediately following the day on which the previous term expired, the intention being to maintain the staggered term expiration dates.

The members of the Committee shall include at least one member of the Board of Selectmen, the Director of Public Works, the Superintendent of Schools, or his or her designee, and six (6) additional members, at least four (4) of whom shall be members of the public representing diverse interests as property and/or business owners, and at least one of which shall be experienced in the fields of energy management, clean energy, renewable energy, public outreach, architecture, building construction, or building trades.

B. The Energy Committee shall select a Chairperson, Vice-Chairperson and Secretary at its first meeting following the start of the calendar year.

## **Section 4. Duties**

The Energy Committee shall have the following duties and responsibilities:

A. Investigate appropriate and cost-effective opportunities for implementing energy efficiency measures in all aspects of Sterling's public buildings, including operational changes and changes in maintenance or capital improvements. These recommendations shall be forwarded to the Board of Selectmen or appropriate municipal agency or official as designated by the Board of Selectmen.

B. Research and facilitate the use of clean, renewable energy within the Town of Sterling.

C. Educate Sterling residents about clean energy options, energy efficiency and energy conservation.

D. Identify appropriate Federal and State incentive and grant programs that provide opportunities for clean, renewable energy, energy efficiency or energy conservation.

E. Take advantage of unique opportunities and resources within Sterling for providing clean, renewable energy to help fulfill local energy needs.

## **Section 5. Records and Reports**

All meetings and records of the Committee shall be in compliance with applicable state statutes. A status report shall be provided by the Committee to the Board of Selectmen no later than December 30<sup>th</sup> of each year or as may be directed by the Board of Selectmen.

Adopted: 8/13/2014; Published: 8/21/2014; Effective: 9/5/2014

Revised: 12/17/2014; Published 12/24/2014; Effective 1/8/2015

### **TAX EXEMPTION FOR CERTAIN MOTOR VEHICLES SPECIALLY ADAPTED FOR PERSONS WITH DISABILITIES**

Pursuant to the authority conferred by CGS §12-81c(3), the following type of vehicle shall be exempt from local taxation: any motor vehicle owned by a person with disabilities, or owned by the spouse, parent, child or guardian of such person, which vehicle is equipped for purposes of adapting its use to the disability of such person.

For the purpose of this ordinance, a “motor vehicle...equipped for the purpose of adapting its use to a disability” is defined as a vehicle modified from stock specifications by the addition of hydraulic lifts, specialized steering or braking apparatus, or similar alterations, solely for the purpose of equipping said vehicle to adapt its use to the disability of the owner, the owner’s spouse, parent, child or ward.

Any person wishing to claim an exemption pursuant to this ordinance shall make application to the town’s assessor on a form prescribed by the assessor. If the vehicle is owned by a person with disabilities, that person shall already be receiving the Totally Disabled Tax Exemption under CGS §12-81(55) or shall make a successful application for the exemption concurrent with the application for the exemption under §12-81c(3).

To be eligible:

- the vehicle must be registered with the CT Department of Motor Vehicles and must most frequently leave from and return to a property located in the Town of Sterling, Connecticut;
- the vehicle cannot be used to transport any individual for payment;

- the vehicle must be inspected by the assessor before the exemption is granted. The assessor may inspect the vehicle at least once every Grand List year but is not required to;
- the modifications must have cost at least \$1,000.

Proof of the vehicle's eligibility for the exemption may include, but is not limited to: 1) a dated copy of the invoice showing modifications made to the vehicle, 2) a valid special license plate for the disabled issued by the Connecticut Department of Motor Vehicles and 3) a letter from a physician or a licensed health care professional dated within the two years prior to the application date, which attests to the applicant's need for a specially manufactured or modified motor vehicle due to that person's medical condition.

The exemption will be available for only one vehicle owned by or used to transport a disabled person. It will be available for only one vehicle owned by a guardian of two or more disabled persons, whether or not they are living in the same household.

The exemption will be removed when the vehicle becomes unregistered; the assessor is notified that the vehicle has been sold, junked, declared a total loss by the insurance company or is registered out of state; or the assessor determines that the disabled person is no longer being transported in the vehicle.

Applications for the exemption must be received in the assessor's office by the January 31st immediately following the October 1 Grand List, the same due date as for the exemption under §12-81(55). The exemption will be available starting with the October 1, 2014 Grand List. Initial applications must be received by January 31, 2015.

Adopted: 8/13/2014  
Published: 8/21/2014  
Effective: 09/05/2014

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