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PART I

ADMINISTRATIVE

LEGISLATION

Chapter 1
GENERAL PROVISIONS

ARTICLE I
Adoption of Code

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

ARTICLE I
Adoption of Code

[An ordinance adopting the Code of the Town of Sterling and making certain substantive changes to existing ordinances of the Town is presently proposed before Town Meeting. Upon final adoption, it will be included here as Article I of this chapter.]

Chapter 7

BOARDS, COMMISSIONS AND COMMITTEES

ARTICLE I

Development and Industrial Commission

- § 7-1. Statutory authority; establishment.
- § 7-2. Membership; appointment.
- § 7-3. Terms of members.

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Planning and Zoning Commission; Zoning Board of Appeals

- § 7-4. Establishment.
- § 7-5. Membership; alternate members.
- § 7-6. Appointment; term.
- § 7-7. Vacancies.
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- § 7-9. Commission officers.
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- § 7-11. Powers and duties pursuant to statute.
- § 7-12. Designation and establishment of Planning and Zoning Commission.
- § 7-13. Commission membership; appointment; terms of office.
- § 7-14. Powers and duties of Commission.
- § 7-15. Establishment of Zoning Board of Appeals.
- § 7-16. Board membership; appointment; terms of office.
- § 7-17. Powers and duties of Zoning Board of Appeals.

ARTICLE III

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- § 7-18. Establishment.

- § 7-19. Functions and duties.

- § 7-20. Composition.

- § 7-21. Vacancies.

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ARTICLE V

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- § 7-26. Establishment; appointment; membership; terms.

- § 7-27. Meetings.

- § 7-28. Election of officers.

- § 7-29. Powers and duties.

ARTICLE VI

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- § 7-30. Establishment.

- § 7-31. Appointment; membership; terms; meetings and officers.

- § 7-32. Powers and duties.

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- § 7-33. Establishment.

- § 7-34. Policy and purpose.

- § 7-35. Composition.

- § 7-36. Duties.

- § 7-37. Records and reports.

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

ARTICLE I

Development and Industrial Commission [Adopted 9-13-1962]

§ 7-1. Statutory authority; establishment.

The Town of Sterling hereby accepts the provisions of C.G.S. § 7-136, 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.

§ 7-2. Membership; appointment.

Such Commission shall be composed of 10 members to be appointed by the Board of Selectmen of the Town of Sterling.

§ 7-3. Terms of members.

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.

ARTICLE II

Planning and Zoning Commission; Zoning Board of Appeals [Adopted 6-10-1971]

§ 7-4. Establishment.

In accordance with Chapter 126 of the General Statutes of the State of Connecticut, 1958 revision, as amended, a Planning Commission shall be created in and for the Town of Sterling.

§ 7-5. Membership; alternate members. [Amended 2-3-1988]

- A. The Planning Commission shall consist of five regular members and three 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.
- B. Initial appointments of alternate members shall be one for three years, one for two years and one for one year. Upon the expiration of each of these terms, new

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appointments shall be for three years. Any vacancies shall be filled in the same manner as vacancies among the regular members.

§ 7-6. Appointment; term.

The Board of Selectmen shall appoint the duly qualified members of said Commission within 60 days of the passage of this article, and of those appointed, two shall serve for two years, two shall serve three years and one shall serve five 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.

§ 7-7. Vacancies.

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.

§ 7-8. Ex officio members.

The chief executive officer of the Town of Sterling and the Town Engineer shall be ex officio members of the Commission without voting privileges.

§ 7-9. Commission officers.

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.

§ 7-10. Regulations.

The Commission is authorized to promulgate regulations in accordance with the provisions of Chapter 126 of the Connecticut General Statutes, revision 1958, as amended.

§ 7-11. Powers and duties pursuant to statute.

Subject to and in 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.

§ 7-12. Designation and establishment of Planning and Zoning Commission.

Pursuant to C.G.S. § 8-4a, the Town of Sterling hereby designates its Planning Commission as the Planning and Zoning Commission of the Town of Sterling.

§ 7-13. Commission membership; appointment; terms of office.

The Planning and Zoning Commission shall consist of five regular members and three 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 article 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, nonappealable 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.

§ 7-14. Powers and duties of 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.

§ 7-15. Establishment of Zoning Board of Appeals.

Pursuant to C.G.S. § 8-5, the Town of Sterling hereby establishes a Zoning Board of Appeals.

§ 7-16. Board membership; appointment; terms of office.

- A. The Zoning Board of Appeals shall be appointed by the Board of Selectmen and shall consist of five regular members and three 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 shall be appointed for a term of two years, and three shall be appointed for a term of three years. The initial terms of the three alternate members shall be as follows: Two shall be appointed for a term of two years, and one shall be appointed for a term of three years. Following the initial terms, each regular and alternate member shall be appointed or reappointed for a term of three 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.

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- B. 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, nonappealable discretion to determine whether such good and reasonable cause exists.

§ 7-17. Powers and duties of Zoning Board of Appeals.

The Zoning Board of Appeals shall have all of the powers and duties provided under C.G.S. §§ 8-5 through 8-8, inclusive, 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.

ARTICLE III

Inland Wetlands Commission

[Adopted 2-3-1988]

§ 7-18. Establishment.

There shall be an Inland Wetlands Commission established in accordance with C.G.S. §§ 22a-36 through 22a-45, commonly known as the "Inland Wetlands and Watercourses Act."

§ 7-19. Functions and duties.

Said Commission shall have all the powers and responsibilities authorized under said General Statutes.

§ 7-20. Composition.

The Commission shall be composed of seven members and two alternates, to be appointed by the Board of Selectmen.

§ 7-21. Vacancies. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any vacancy in the membership of said Commission 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.

§ 7-22. Terms of office.

- A. The initial terms of office of the members of the Commission shall be as follows: [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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- (1) The first three persons shall serve for a period of three years.
 - (2) The second two and one alternate person named shall for a period of two years.
 - (3) The third two and one alternate persons named shall serve for a period of one year.
- B. Thereafter, new appointments shall be for three years, unless filling a vacancy as specified above.

ARTICLE IV

Flood and Erosion Control Board
[Adopted 4-14-1992]

§ 7-23. Established.

Pursuant to C.G.S. § 25-84, 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."

§ 7-24. Composition.

Pursuant to the authority contained in C.G.S. § 25-84, 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.

§ 7-25. Powers and duties.

The Town of Sterling Flood and Erosion Control Board shall be vested with all the powers and duties specified in C.G.S. §§ 25-84 to 25-98, as amended.

ARTICLE V

Family Day Committee
[Adopted 9-1-2006]

§ 7-26. Establishment; appointment; membership; terms.

- A. The Committee shall consist of 15 voting members, each of whom shall be appointed by the Board of Selectmen.
- B. The term of appointment of the five of the 15 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 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 15 terms of office to expire every two years. Vacancies in any position may be filled by appointment by the Board of Selectmen

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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.

§ 7-27. Meetings.

The Commission shall meet as often as it deems necessary.

§ 7-28. Election of officers.

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.

§ 7-29. 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.

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ARTICLE VI

**Agriculture Commission
[Adopted 2-24-2010]****§ 7-30. Establishment.**

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 article.

§ 7-31. Appointment; membership; terms; meetings and officers.

- A. Appointment and membership. The Agriculture Commission shall consist of five regular members and three 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 C.G.S. § 1-1(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 consecutive meetings of the Commission shall constitute cause for the Board of Selectmen to remove the member and fill the position thus vacated.

§ 7-32. Powers and duties.

- 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 nonprofit 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.

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- (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 nonprofit 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.

ARTICLE VII
Energy Committee
[Adopted 8-13-2014]

§ 7-33. Establishment.

There is hereby established a committee to be known as the "Energy Committee."

§ 7-34. 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.

§ 7-35. Composition.

- A. Membership number and requirements; terms of office.
- (1) The Committee shall consist of nine 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 shall be appointed for a term of three years, three shall be appointed for a term of two years, and three shall be appointed for a term of one year. Following the initial terms, each member shall be appointed or reappointed for a term of three 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.
 - (2) 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 additional members, at least four 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.

§ 7-36. 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.

§ 7-37. 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 of each year or as may be directed by the Board of Selectmen.

Chapter 12

BUDGET

§ 12-1. Board of Finance report.

[HISTORY: Adopted by the Town Meeting of the Town of Sterling 1-16-1991. Amendments noted where applicable.]

§ 12-1. Board of Finance report.

Pursuant to C.G.S. § 7-344, 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.

Chapter 23
ELECTIONS

ARTICLE I
Biennial Elections

§ 23-1. Frequency of elections.

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

ARTICLE I
Biennial Elections
[Adopted 8-24-1951]

§ 23-1. Frequency of elections.

It was voted to change the present annual election of Town offices to biennial.

Chapter 34

FIRE DISTRICT

[HISTORY: Adopted by the Town Meeting of the Town of Sterling 2-25-1964. Amendments noted where applicable.]

[On February 25, 1964, the Town voted: "To establish a fire district for the purpose 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." The Town also voted "To choose a name for said district, Sterling Fire District" and "To choose necessary officers for said district to hold office until the first annual meeting thereof."]

Chapter 41
JUSTICES OF THE PEACE

§ 41-1. Number of Justices.

[HISTORY: Adopted by the Town Meeting of the Town of Sterling 8-18-1993. Amendments noted where applicable.]

§ 41-1. Number of Justices.

The Town of Sterling hereby adopts the provisions of C.G.S. Chapter 146, § 9-183a(a), to limit the number of Justices of the Peace to 15.

Chapter 56
OFFICERS AND EMPLOYEES

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| <p style="text-align: center;">ARTICLE I</p> <p style="text-align: center;">Town Clerk and Registrar of Vital Statistics, Tax Collector and Treasurer</p> <p>§ 56-1. Appointment and terms of office.</p> | <p>§ 56-2. Powers and duties.</p> <p>§ 56-3. Removal.</p> <p>§ 56-4. Reappointment.</p> <p>§ 56-5. Repealer.</p> |
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[HISTORY: Adopted by the Town Meeting of the Town of Sterling as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Clerk and Registrar of Vital Statistics, Tax Collector and Treasurer
[Adopted 3-28-2011]

§ 56-1. Appointment and terms of office.

Pursuant to C.G.S. §§ 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-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 article, or the occurrence of a vacancy in said office, whichever first occurs.

§ 56-2. 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 article.

§ 56-3. 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.

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§ 56-4. Reappointment.

The Board of Selectmen's failure to make a reappointment shall result in the renewal of a four-year term of the then-serving Town Clerk and Registrar of Vital Statistics, Tax Collector and Treasurer.

§ 56-5. Repealer.

All provisions of any ordinance of the Town of Sterling that are inconsistent with this article are hereby repealed.

Chapter 62
PUBLIC HEALTH

ARTICLE I
Nursing Services

**§ 62-2. Grants for public health
nursing program.**

§ 62-3. When effective.

§ 62-1. Contract for nursing services.

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

ARTICLE I
Nursing Services
[Adopted 5-8-1968]

§ 62-1. Contract for nursing services.

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.

§ 62-2. Grants for public health nursing program.

To authorize the Board of Selectmen and/or the Town Health Officer to obtain grants-in-aid for a public health nursing program from the State Department of Health.¹

§ 62-3. When effective.

This chapter shall take effect 15 days after publication in accordance with General Statutes.

1. Editor's Note: The State Department of Health is now the State Department of Public Health.

Chapter 66
PUBLIC NOTICES

§ 66-1. Posting and publication.

§ 66-3. Prior signposts discontinued.

§ 66-2. Signpost locations.

[HISTORY: Adopted by the Town Meeting of the Town of Sterling 2-19-1997. Amendments noted where applicable.]

§ 66-1. Posting and publication.

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.

§ 66-2. Signpost locations.

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.

§ 66-3. Prior signposts discontinued.

All other signposts previously erected in the Town of Sterling shall be discontinued and shall have no further legal effect.

Chapter 70

PURCHASING

§ 70-1. Scope.

§ 70-2. Quotations required for purchases of \$10,000 or more but less than \$25,000.

§ 70-3. Sealed bids required for purchases of \$25,000 or more.

§ 70-4. Award of purchase or contract to purchase.

§ 70-5. Bid and proposal forms and contract documents.

§ 70-6. Written contract required for purchases of \$25,000 or more.

§ 70-7. Exemptions.

§ 70-8. Penalties for offenses.

[HISTORY: Adopted by the Town Meeting of the Town of Sterling 4-13-2023. Amendments noted where applicable.]

§ 70-1. Scope.

The purpose of this chapter 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.

§ 70-2. Quotations required for purchases of \$10,000 or more but less than \$25,000.

With respect to any purchase for goods and/or services for which the amount would be \$10,000, or more but less than \$25,000, the Town, by and through its Board of Selectmen or Board of Education, as may be appropriate, shall invite quotations. Public notice of the invitation for quotations shall be published at least 10 days prior to the 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 (for Board of Education purchases) and/or an internet posting via the State of Connecticut Department of Administrative Services state contracting portal.

§ 70-3. Sealed bids required for purchases of \$25,000 or more.

With respect to any purchase, contract to purchase, or contract for goods and/or services for which the amount would be \$25,000 or more, the Town, by and through its Board of Selectmen or Board of Education, as may be appropriate, shall invite sealed bids or proposals. Public notice of the invitation of sealed bids or proposals shall be published at least 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 bid proposals will be opened publicly. All construction-related bids and associated documents, whether or not

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the bids were accepted, shall be retained for a period of six years after all work on the project has been completed or, if the project is not commenced, six years after the bids were filed or for any longer period that may be required by state law. All bids and related documents for services or supplies, whether or not the bids were accepted, shall be retained for a period of three years after audit or for any longer period that may be required by state law.

§ 70-4. Award of purchase or contract to purchase.

The Board of Selectmen or Board of Education, as may be appropriate, 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 shall 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 factors the Board of Selectmen or Board of Education may deem relevant. The Board of Selectmen or 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 Board of Education, prior obligations to the Town.

§ 70-5. Bid and proposal forms and contract documents.

All invitations to bid, requests for proposals, bid specifications, contract documents and related documents, including but not limited to bond requirements and insurance requirements, related to Town government other than the Board of Education shall be approved by the First Selectman. All invitations to bid, requests 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 same period of time as bid documents under § 70-3 of this chapter.

§ 70-6. Written contract required for purchases of \$25,000 or more.

For any purchase, contract to purchase or contract for services for which the amount would be \$25,000 or more, a written contract between the Town or its Board of Education, as may be appropriate, and the successful bidder shall be drafted and executed. Under no circumstances shall a contract be deemed to exist unless and until a written contract is signed by a person duly authorized to act on behalf of the Town or its Board of Education, as may be appropriate, and by an authorized representative of the successful bidder.

§ 70-7. Exemptions.

- A. The Board of Selectmen or Board of Education may exempt any purchase from the requirements of this chapter upon a determination that such exemption would 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

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Education. The resolution giving rise to such vote must affirmatively state why the exemption is in the best interests of the Town.

- B. Nothing in this chapter shall prevent the Town or Board of Education from entering into joint purchasing agreements with other towns or boards of education, the State of Connecticut, or another organization.
- C. The following purchases shall be exempt from the bid-requirement provisions of this chapter without requiring a determination by the Board of Selectmen or Board of Education that such exemption is in the best interests of the Town:
 - (1) Services of attorneys, physicians, architects, or other professionals, when the extent and cost of such services cannot be readily determined or when such services are rendered on an as-required basis and paid by the hour; and
 - (2) Any purchase or contract to purchase any replacement parts for any Town-owned piece of equipment, when such parts are supplied by the original supplier of the piece of equipment; and
 - (3) 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 program or 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
 - (4) Any purchase made through a State of Connecticut contract, including contracts administered by the Department of Administrative Services;
 - (5) Any purchase of goods which is deemed necessary by the Town or Board of Education, as may be appropriate, and for which there is only one available supplier.

§ 70-8. Penalties for offenses.

- A. Any payment made in violation of the requirements of this chapter 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.
- B. Any contract entered into in violation of the requirements of this chapter may be deemed null and void, by a vote of the Board of Selectmen or the Board of Education.

Chapter 74
REGIONAL AGENCIES

ARTICLE I
Regional Council of Governments

§ 74-1. Establishment.

§ 74-2. Repealer.

ARTICLE II
Regional Resource Recovery Authority

§ 74-3. Designation of resource recovery authority.

§ 74-4. Town delegate and representatives.

§ 74-5. Appropriation.

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

ARTICLE I
Regional Council of Governments
[Adopted 3-31-1987]

§ 74-1. Establishment.

The Town of Sterling does hereby adopt C.G.S. § 4-12b¹ by not less than 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.

§ 74-2. Repealer.

When the regional council of governments is duly established and the transition period called for in C.G.S. § 4-124-1c, as amended,² 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.

ARTICLE II
Regional Resource Recovery Authority
[Adopted 1-30-1990]

§ 74-3. Designation of resource recovery authority.

The Town of Sterling hereby adopts the provisions of Chapter 103b of the Connecticut General Statutes and designates the Northeastern Connecticut Regional Resource Recovery

1. Editor's Note: See C.G.S. § 4-124i et seq.

2. Editor's Note: See C.G.S. § 4-124i et seq.

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Authority as its municipal resource recovery authority, with all authorities, duties and powers provided for under C.G.S. §§ 7-273aa to 7-273oo, inclusive, effective January 2, 1990.

§ 74-4. Town delegate and representatives.

The Town of Sterling shall have one 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. The representative and alternate shall be appointed by the Board of Selectmen, which shall fill any vacancies.

§ 74-5. Appropriation.

The Town of Sterling hereby appropriates the sum of \$1,272 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.

Chapter 82
SELECTMEN, BOARD OF

§ 82-1. Terms of office; repealer; when effective.

[HISTORY: Adopted by the Town Meeting of the Town of Sterling 6-27-2001. Amendments noted where applicable.]

§ 82-1. Terms of office; repealer; when effective.

Pursuant to C.G.S. §§ 9-187, 9-187a, 9-189 and 9-189a, commencing with the next regular election after this chapter 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.

Chapter 87

SEWER AUTHORITY

§ 87-1. Establishment; membership; appointment; removal.

[HISTORY: Adopted by the Town Meeting of the Town of Sterling 1-25-1972. Amendments noted where applicable.]

§ 87-1. Establishment; membership; appointment; removal.

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.

Chapter 93

SURPLUS PROPERTY

§ 93-1. Authority to dispose Town-owned property.

§ 93-2. Method of property disposal.

[HISTORY: Adopted by the Town Meeting of the Town of Sterling 3-31-1988. Amendments noted where applicable.]

§ 93-1. Authority to dispose Town-owned property.

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.

§ 93-2. Method of property disposal.

The preferred method of disposal of property having a value in excess of \$1,000 shall be by sealed bid.

PART II

GENERAL

LEGISLATION

Chapter 109

ADULT-ORIENTED ESTABLISHMENTS

§ 109-1. Findings and purpose.

§ 109-4. Penalties for offenses.

§ 109-2. Definitions.

§ 109-5. Severability.

§ 109-3. Requirements for adult-oriented establishments.

[HISTORY: Adopted by the Town Meeting of the Town of Sterling 5-5-1998. Amendments noted where applicable.]

§ 109-1. Findings and purpose.

The Town of Sterling Connecticut finds:

- A. 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.
- B. Statistics and studies performed by a substantial number of cities and towns in the United States indicates that:
 - (1) 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 videotapes or live entertainment; and
 - (2) 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
 - (3) 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
 - (4) Doors, curtains, blinds and/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
 - (5) The reasonable regulation and supervision of such adult-oriented establishments tends to discourage such sexual acts and prostitution and thereby promotes the

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health, safety and welfare of the patrons, clients and customers of such establishments.

- C. The unregulated operation of adult-oriented establishments, including, without limitation, those specifically cited in § 109-2 hereof, would be detrimental to the general welfare, health and safety of the citizens of sterling.
- D. 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.
- E. It is not the intent of the Town, in enacting this chapter, to deny to any person rights to speech protected by the United States 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, videotapes, 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.

§ 109-2. Definitions.

For the purpose of this chapter, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

ADULT BOOKSTORE — An establishment having a substantial or significant portion of its stock-in-trade in books, films, videocassettes, 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.

ADULT ENTERTAINMENT — 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.

ADULT MINI MOTION-PICTURE THEATER — And enclosed building with a capacity of fewer than 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.

ADULT MOTION-PICTURE THEATER — An enclosed building with a capacity of fewer than 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.

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ADULT-ORIENTED ESTABLISHMENTS

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ADULT-ORIENTED ESTABLISHMENT — Includes, 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.

EMPLOYEE — Any person who provides entertainment within any 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.

ENTERTAINER — 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.

INSPECTOR — 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 chapter and to take the required actions authorized by this chapter in case of violations being found on such premises, and to require corrections of unsatisfactory conditions found on said premises.

MINOR — Shall be deemed to refer to a person under the age of 18 years.

OPERATOR — Any person, partnership or corporation operating, conducting or maintaining an adult-oriented establishment.

SEXUAL ACTIVITIES — As used in this chapter, 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% 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 report or describe current events and which, from time to time, publish photographs of nude or seminude 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 seminude persons when describing cultures in which nudity or seminudity is indigenous to the population.

SPECIFIED SEXUAL ACTIVITIES — 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.

TOWN — The Town of Sterling, Connecticut.

§ 109-3. 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 footcandle 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 chapter 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 licensed premises, and any act or omission of any employee constituting a violation of the provisions of this chapter 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 chapter.
- 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.

§ 109-4. Penalties for offenses.

- A. Any persons, partnership or corporation who is found to have violated this chapter shall be fined a definite sum not exceeding \$100 for each such violation.
- B. Each violation of this chapter shall be considered a separate offense, and any violation continuing more than one hour of time shall be considered a separate offense for each hour of violation.

§ 109-5. Severability.

Should any court of competent jurisdiction declare any section, clause or provision of this chapter 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 chapter.

Chapter 113

ALCOHOLIC BEVERAGES

ARTICLE I
Hours of Sale

§ 113-3. Consumption on public property.

§ 113-4. Consumption on private premises.

ARTICLE II
Public Consumption

§ 113-5. Prohibiting consumption on private property.

§ 113-1. Definitions.

§ 113-6. Exception.

§ 113-2. Consumption on public rights-of-way.

§ 113-7. Penalties for offenses.

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

ARTICLE I
Hours of Sale
[Adopted 6-30-1942]

[On June 30, 1942, the Town voted: "To allow the sale of alcoholic liquors on Sunday between the hours of 12:00 noon and 9:00 in the evening, in hotels, restaurants, and clubs with meals."]

ARTICLE II
Public Consumption
[Adopted 9-1981]

§ 113-1. Definitions.

For the purpose of this article, "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.

§ 113-2. Consumption on public rights-of-way.

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 20 feet of the bounds of any said street.

§ 113-3. Consumption on public property.

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

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general public, including but not limited to parks, playgrounds, public buildings and parking areas.

§ 113-4. Consumption on private premises.

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 § 113-5 of this article.

§ 113-5. Prohibiting consumption on private property.

Any person wishing to prohibit the consumption of alcoholic beverages on property owned by him in accordance with § 113-3 of this article may post upon said premises a sign plainly visible containing a warning "Consumption of Alcoholic Beverages Prohibited by Authority of Sterling Town Ordinance."

§ 113-6. Exception.

This article 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.

§ 113-7. Penalties for offenses.

A violation of this article shall be punishable by a fine of not more than \$25.

Chapter 122
BAZAARS AND RAFFLES

§ 122-1. Adoption of standards.

[HISTORY: Adopted by the Town Meeting of the Town of Sterling 8-18-1993. Amendments noted where applicable.]

§ 122-1. Adoption of standards.

The Town of Sterling hereby adopts the provisions of C.G.S. Chapter 146, §§ 7-170 to 7-186, revision of 1958, allowing for bazaars and raffles in the Town of Sterling.

Chapter 127

BINGO

[HISTORY: Adopted by the Town Meeting of the Town of Sterling 2-1-1950. Amendments noted where applicable.]

[On February 1, 1950, the Town voted: "To authorize the playing of bingo in the Town of Sterling."]

Chapter 131

BOATING

ARTICLE I Sterling Pond

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

ARTICLE I Sterling Pond [Adopted 10-11-1954]

[On October 11, 1954, the Town voted: "To prohibit the use of outboard motors in Sterling Pond."]

Chapter 136

BUILDING CONSTRUCTION

**ARTICLE I
Location and Costs**

- § 136-1. **Enactment.**
- § 136-2. **Penalties for offenses.**

**ARTICLE II
Building Code and Board of Appeals**

- § 136-3. **Adoption of standards.**
- § 136-4. **Appointment of Board of Appeals.**

**ARTICLE III
Building Lots**

- § 136-5. **Purpose.**
- § 136-6. **Minimum building lot area.**
- § 136-7. **Building permit requirement.**
- § 136-8. **Exceptions.**
- § 136-9. **Enforcement.**
- § 136-10. **Appeal.**

**ARTICLE IV
Building Permits**

- § 136-11. **Review of application.**
- § 136-12. **Conditions for issuance of permit.**

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

**ARTICLE I
Location and Costs
[Adopted 10-14-1957]**

§ 136-1. Enactment.

It was voted to adopt the following article concerning building construction: Before the erection, construction, alteration or extension of any building, the cost of which is in excess of \$200, 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.

§ 136-2. Penalties for offenses.

Any person who shall violate the terms of this article shall be fined not more than \$100.

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ARTICLE II

**Building Code and Board of Appeals
[Adopted 9-22-1970]**

§ 136-3. Adoption of standards.

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, shall be adopted as the building code of the Town of Sterling.

§ 136-4. Appointment of Board of Appeals.

The Board of Selectmen appoints a Board of Appeals in accordance with the provisions of said chapter, consisting of five members.

ARTICLE III

**Building Lots
[Adopted 9-10-1981]**

§ 136-5. Purpose.

The purpose of this article 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 overcrowding of land; to facilitate adequate provision for transportation, water and sewerage and to promote health and general welfare.

§ 136-6. Minimum building lot area.

All building lots must contain a minimum lot area of 80,000 square feet per single-family dwelling unit.

§ 136-7. Building permit requirement.

No building permit shall be issued until the building lot conforms to § 136-6.

§ 136-8. Exceptions.

This article shall not apply to any building lot in existence at the effective date of this article.

§ 136-9. Enforcement.

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 article.

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§ 136-10. Appeal.

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.

ARTICLE IV

Building Permits
[Adopted 3-20-1996]

§ 136-11. Review of application.

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.

§ 136-12. Conditions for issuance of permit.

No building permit may be issued for any property unless and until the Tax Collector certifies that there are no past-due taxes assessed against such property.

Chapter 144
CITATIONS

ARTICLE I
**Violations of Inland Wetlands and
Watercourses Regulations**

- § 144-1. Authority and method of issuance for citations.
- § 144-2. Penalties for offenses.
- § 144-3. Contents of citation.
- § 144-4. Notice after nonpayment.

- § 144-5. Admission of liability; payment of fine and fee.
- § 144-6. Hearing.
- § 144-7. Procedure for failure to pay assessment.
- § 144-8. Appointment of hearing officer.
- § 144-9. Requirements for issuance of citation.

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

ARTICLE I
Violations of Inland Wetlands and Watercourses Regulations
[Adopted 12-10-2008]

§ 144-1. Authority and method of issuance for citations.

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 article. 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.

§ 144-2. Penalties for offenses.

The fine for the first such citation issued to any person with respect to any specific parcel of land shall be \$250. The fine for the second citation issued to any person with respect to any specific parcel of land shall be \$500. The fine for any subsequent citation shall be \$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.

§ 144-3. Contents of citation.

The citation shall inform the person cited:

- A. Of the allegations against him or her and the amount of the fines due; and

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- 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 of the day of receipt of the citation.

§ 144-4. Notice after nonpayment.

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 § 144-3 of this article, 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 § 144-5;
- B. That the person cited may contest liability before a hearing officer appointed by the First Selectman, as provided in § 144-8 of this article, by delivering, in person or by mail, within 10 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.

§ 144-5. Admission of liability; payment of fine and fee.

If the person who is sent notice pursuant to § 144-4 of this article 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 \$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 10 days of the date of the notice described in § 144-4 of this article 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 article and shall follow the procedures set forth in § 144-7 of this article.

§ 144-6. Hearing.

Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than 15 days nor more than 30 days from the date of the mailing of notice, provided the hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. The presence of the Wetlands 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 accept written information by mail from

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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 article, including an additional hearing fee of \$50.

§ 144-7. Procedure for failure to pay assessment.

Is 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 30 days nor more than 12 months after such mailing, a certified copy of the notice of assessment with the Clerk of the Superior Court facility designated by the Chief Court Administrator, together with an entry fee of \$8 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.

§ 144-8. Appointment of hearing officer.

The First Selectman shall appoint one or more citation hearing officers to conduct the hearings provided by this article. 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 article. The rate of compensation of the hearing officer shall be determined by the Board of Selectmen.

§ 144-9. Requirements for issuance of citation.

No citation shall be issued pursuant to this article unless the Wetlands Agent has provided notice of the violation to the person who would receive the citation; the notice specifies a reasonable time for the violation to be corrected; and 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.

Chapter 153

DRIVEWAYS

§ 153-1. Definitions.

§ 153-5. Additional standards.

§ 153-2. Purpose.

§ 153-6. Inspection fees.

§ 153-3. Procedure.

§ 153-7. Penalties for offenses.

§ 153-4. Standards.

[HISTORY: Adopted by the Town Meeting of the Town of Sterling 1-29-2013. Amendments noted where applicable.]

§ 153-1. Definitions.

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

AMENDMENT DATE — The effective date of the amendments adopted to this chapter on March 20, 2008.

APPLICANT — The person proposing to construct a driveway or to obtain a building permit.

BOARD — The Board of Selectmen of the Town of Sterling or its 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: 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; 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 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.

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ROAD — Same as "street."

STANDARDS — 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.

§ 153-2. Purpose.

It is the declared purpose of this chapter to regulate driveways for the purpose of providing safe and structurally adequate access onto streets.

§ 153-3. 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 chapter have been met. The Board must be notified two 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 \$35 must accompany the application. The Board will not issue a driveway construction permit unless the applicant provides a performance bond in the amount of \$1,500 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 of 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

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permit unless the applicant complies with all chapter standards in existence at the time of the subsequent application.

§ 153-4. Standards.

The following standards shall apply to all new driveway construction:

- A. One residential unit (Figure 1, Figure 2 and Figure 3).
- B. Two residential units (Figure II, Figure 2 and Figure 4).
- C. Three residences (Figure 1, Figure 2 and Figure 5).
- D. Business/commercial (Figure 6 and Figure 7).
- E. Industrial (Figures 6 and 8).

§ 153-5. Additional standards.

The following standards shall also apply to all new driveway construction:

- A. Driveways shall intersect at an angle of approximately 90° 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 275 feet when entering a Town road.
- B. Driveways shall be designed to prevent stormwater 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 stormwater flows to the greatest extent possible. Culverts, with a minimum diameter of 15 inches, shall be used when crossing Town drainageways. 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 chapter for the appropriate category of use.
- E. The Board of Selectmen may waive one or more of the standards in § 153-4 of this chapter 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.

§ 153-6. 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 \$50 for driveways serving two residences.
- C. There shall be an inspection fee of \$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 nonresidential 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 90 days of the date that the Board issues its final written driveway approval.

§ 153-7. Penalties for offenses.

The failure of any person constructing or creating any new driveway, as defined in this chapter, to first obtain such a driveway construction permit shall constitute a violation of the chapter, and any such person shall be subject to a fine of \$90. Each day such driveway is allowed or suffered to remain without a driveway construction permit shall constitute a separate violation.

Chapter 160

EXCAVATIONS

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| <p>§ 160-1. Title, authority, purpose.</p> <p>§ 160-2. Definitions.</p> <p>§ 160-3. Enforcement and administration.</p> | <p>§ 160-4. Site plan requirements.</p> <p>§ 160-5. Site plan evaluation and standards for review.</p> <p>§ 160-6. Severability.</p> |
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[HISTORY: Adopted by the Town Meeting of the Town of Sterling 9-1-1999. Amendments noted where applicable.]

§ 160-1. Title, authority, purpose.

- A. Title. This chapter shall be known and may be cited as the excavation regulations, Town of Sterling, Connecticut, and are referred to herein as "these regulations."
- B. Authority. These regulations have been promulgated in accordance with and under the authority prescribed by C.G.S. Chapter 98, § 7-148(c)(8)(C), and pursuant to that subsection, these regulations will not be enforced so long as a zoning commission exists in the Town. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- C. Purpose. The purpose of this chapter include providing for the protection and improvement of the environment, including, but not limited to, air quality, wetlands, groundwater quality, and areas adjacent to waterways; and 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. This chapter will regulate the orderly removal, movement and/or processing of earth while providing provisions for the reestablishment of finished grades and the placement of suitable cover to allow revegetation while regrading in such a manner to allow for reasonable future use of the land being disturbed.

§ 160-2. Definitions.

For the purpose of this section of these regulations, certain words or terms are defined as follows:

EARTH MATERIALS — All natural mineral materials, including, but not limited to, loam, topsoil, sand, gravel, clay, rock, bedrock, and/or stone.

EXCAVATION — The removal, processing and/or grading of 100 or more cubic yards of earth materials from any lot or parcel during any twelve-month period.

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

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following the day of submission to such Board or its agent of such application or 35 days after such submission, whichever is sooner.

§ 160-3. Enforcement and administration.

- A. 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.
- (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 approvals 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 detailed 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 500 cubic yards in any one twelve-month period.
- (b) Excavation, grading or removal of not more than 500 cubic yards of 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 100 cubic yards of earth materials during any twelve-month period.
- B. Enforcement. These regulations shall be enforced by the Board of Selectmen, its designated agent, 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.
- (1) 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 scheduled 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.

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- C. Inspection. The Board of Selectmen, or its 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.
- D. 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 Selectmen's office and shall be accompanied by such site plans, documentation and information as provided elsewhere in this chapter. The applicant shall submit three copies of their application, including any additional information. Upon receipt of a completed application, the Board of Selectmen shall hold a public hearing on the application no later than 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 days to 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 90 days of its commencement. Failure to submit additional information requested by the Board of Selectmen under this Subsection D or § 160-4B 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 its designated agent; such information may include but not be limited to traffic, noise, environmental, hydrogeological, and/or air quality information and analysis.
- E. Decision. Within 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 15 days of such action or decision. No such permit shall be valid until it has been filed or recorded by the applicant in the office of the Town Clerk within 90 days of the publication of the notice of decision; any excavation permit not so filed or recorded within the prescribed time shall become null and void without any further action by the Board, except that the Board may extend the time for such filing by one additional period of 90 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 ninety-day period for filing or the plans will not remain valid.
- F. Time limit. Each permit granted under these regulations 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 10 years when the applicant presents to it 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

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professional engineer licensed in the State of Connecticut, showing that the excavation, processing, grading and/or removal is progressing as approved.

- G. Existing operations. Any lawful existing operation involving the excavation of earth materials as defined in this chapter may be continued with the present limits of the area excavated prior to the effective date of this chapter for a period of two years after such effective date, but thereafter such operation shall comply with the provisions of this chapter.
- H. 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 Town's 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.
- I. 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 revegetated 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.
- J. Municipal operations. The Board of Selectmen may by resolution waive the application requirements of § 160-3D, the procedure set forth in § 160-4, the bond requirements of § 160-3H and the application and inspection fees required in § 160-3K 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 §§ 160-4D and 160-5A through J.
- K. 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.

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- (1) The Town shall charge an application fee of \$250 and a review fee of \$500 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) At the time of issuance of an excavation permit under this section, the applicant shall pay an annual inspection fee of \$250. The applicant shall also pay the cost for the Board of Selectmen's designated agent to supervise any public improvements and/or remediation mandated by the Board of Selectmen pursuant to this chapter.
- L. 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, the Board of Selectmen shall give due consideration to the report of the Sterling Inland Wetlands and Watercourses agency.
- M. 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.
- N. 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, setbacks and/or erosion and sediment control, shall constitute a violation of the regulations and be subject to the above provisions.

§ 160-4. Site plan requirements.

- A. 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.
- B. Site plan ingredients. Site plans shall be drawn at a scale of at least one inch equals 40 feet and shall be on sheets 36 inches by 24 inches and shall clearly show, to the satisfaction of the Board of Selectmen, the following information:
 - (1) Name and address of the applicant.
 - (2) Address of the property and name of the owner(s) of record.

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- (3) Scale, North arrow, date of drawing or its revision, and name of person preparing the site plan.
 - (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 10 feet.
 - (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.
 - (6) Contour lines. At two-inch 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 area of excavation shall be shown, including the relationship with existing groundwater 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.
 - (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.
 - (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.
 - (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.
 - (10) The boundaries of all wetlands and watercourses on the property shall be shown.
 - (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.
- C. 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 1/2 acre. The soil erosion and sediment control plan shall contain proper provisions to adequately control stormwater 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.
- (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 stormwater management facilities.
 - [4] The construction details and the installation and/or application procedures for proposed soil erosion and sediment control measures and stormwater management facilities.
 - [5] The operations and maintenance program for proposed soil erosion and sediment control measures and stormwater management facilities.
- (b) A map of at least one inch equals 40 feet, 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, roads 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 Selectman of the Board of Selectmen.

- (c) The narrative required in Subsection C(1)(a) may be included on the map of Subsection C(1)(b) if room allows it without affecting the readability of the map. The items required to be mapped in Subsection C(1)(b) may be depicted on the site plan map required in Subsection A if the readability of the site plan is not affected.
- (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 30 days of the receipt of such plan by the Windham County Soil and Water Conservation District.
- (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 § 160-3H of these regulations.
- (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.
- D. 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 adversely 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 Town's 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.
- E. 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.

§ 160-5. 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:

- A. 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.
- B. 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.
- C. At all stages of the work, proper drainage shall be provided to avoid water, soil erosion problems, excessive runoff, silting of streams and damage to public and/or private property, streets or drainage facilities.
- D. 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.
- E. 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.
- F. There shall be no processing of materials such as screening, sifting, washing or crushing within 200 feet of any property line or 1,000 feet from a residential structure, whichever 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.
- G. No excavation activities shall be allowed within 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 groundwater.
- H. 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.
- I. 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.
- J. Upon completion of the work authorized, the area excavated or otherwise-disturbed ground shall be prepared or restored as follows:

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- (1) 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.
- (2) Adequate drainways of gradual slope shall be provided to assure drainage.
- (3) There shall be not excavation, grading or removal below an elevation of four feet above any ledge and/or groundwater, unless the applicant can demonstrate to the Board of Selectmen that the excavation does not adversely effect groundwater and/or reuse of the parcel.
- (4) All debris and all loose 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.
- (5) The top layer of any arable soil (classified as topsoil/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 activity.

§ 160-6. Severability.

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.

Chapter 166

FARMING

ARTICLE I Right to Farm

§ 166-3. Right to farm.

§ 166-4. Role of Agriculture Commission.

§ 166-1. Purpose and intent.

§ 166-2. Definitions.

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

ARTICLE I Right to Farm [Adopted 5-1-2013]

§ 166-1. Purpose and intent.

- A. 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 article 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.
- B. 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.

§ 166-2. Definitions.

The terms "agriculture" and "farming" shall have all those meanings set forth in C.G.S. § 1-1(q), as amended.

§ 166-3. 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 article 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,

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zoning, wetlands, life safety, environmental or building codes and regulations and shall include, without limitation:

- A. The incidental noise from livestock or farm equipment used in generally acceptable farming practices;
- B. Odors from livestock, manure, fertilizer or feed;
- C. Dust and fumes associated with normally accepted farming practices;
- D. The use of agricultural chemicals, provided such chemicals and the method of their application conform to practices approved by the State of Connecticut.;
- E. Irrigation and water management associated with generally accepted farming practices;
- F. Animal husbandry in accordance with generally acceptable farming practices; and
- G. Land management and appearance in accordance with generally acceptable farming practices.

§ 166-4. Role of 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.

Chapter 171

FEES

ARTICLE I
Land Use Applications

§ 171-1. Authorization and purposes.

§ 171-2. Definitions.

§ 171-3. Fees charged for land use applications.

§ 171-4. Appeal.

§ 171-5. Severability; when effective.

§ 171-6. Fee schedule.

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

ARTICLE I
Land Use Applications
[Adopted 8-16-1988]

§ 171-1. Authorization and purposes.

- A. To establish a schedule of fees, pursuant to C.G.S. §§ 8-1c and 22a-42a(e), 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.
- B. 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.
- C. To establish a reasonable and equitable schedule of fees for reviewing, evaluating and processing applications to the Planning Commission, and the Inland Wetlands agency.
- D. 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.
- E. To establish flat fee for minor land use applications, so that the fee system is not unduly burdensome in administration.
- F. To improve the services provided land use applicants by recouping municipal expenses for reviewing, evaluating and processing land use applications.
- G. 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.

§ 171-2. Definitions.

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

APPLICANT — Any person or entity who submits a land use application, or his or her agent or successor in interest.

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.

HOUR — An hour includes any portions of an hour, computed in one-tenths of an hour segments.

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 C.G.S. § 22a-42, application to designate or redesignate.

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.

STAFF — "Staff" includes municipal and Northeastern Connecticut Council of Government employees directly involved in the review, evaluation or processing of land use applications.

§ 171-3. Fees charged for land use applications.

- A. An applicant shall include the fees listed in Schedule A attached hereto.¹ Any application which does not include the fees as listed in Schedule A shall be determined to be incomplete and denied by the Commission.
- B. 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.
- C. Unpaid bills shall be drawn against any bond required in connection with a land use application.

1. Editor's Note: See § 171-6, Fee schedule.

§ 171-4. Appeal.

An applicant may challenge any aspect of a fee payable under this article by submitting a written appeal within 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 65 days and make a ruling within an additional 65 days.

§ 171-5. Severability; when effective.

- A. If any section, subsection, clause or phrase of this article 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 article.
- B. This article shall become effective immediately after being posted and published according to law.

§ 171-6. Fee schedule.

- A. Schedule A: planning, engineering, legal review and inspection fees. **[Added effective 5-9-2008]**
 - (1) Application for change of Subdivision Regulations: \$750.
 - (2) Subdivision/resubdivision: 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/resubdivision: 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 per linear foot, whichever is greater.
 - (4) Inspection and supervision of proposed improvements on- and/or off-site engineering/planning review and inspection: \$500 flat fee, plus 5% of estimated construction cost, as approved by the Planning Commission.
 - (5) Reinspection of proposed improvements on- and off-site: \$300 per visit.
 - (6) State fee for land use application: \$30 per application or as amended by the Connecticut General Statutes.
- B. Wetland regulations fees. **[Amended 3-28-2011]**
 - (1) Permitted and regulated uses.

- (a) Permitted uses as of right: no charge.
- (2) Regulated uses.
 - (a) Residential uses: \$60, plus \$25/lot or \$45/acre of wetlands on property, whichever is more.
 - (b) Commercial uses: \$60, plus fee from Subsection B(7).
 - (c) All other uses: \$60.
- (3) Significant activities fee: \$175.
- (4) Map amendment petitions: \$175.
- (5) Modification of previous approval: \$25.
- (6) Correcting typographical or other errors: no charge.
- (7) 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:

| Square Feet Regulated Area | Fee/1,000 feet |
|----------------------------|----------------|
| Less than 2,500 | \$18 |
| 2,500 to 50,000 | \$12 |
| More than 50,000 | \$8 |

- (8) 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 feet |
|----------------------------|----------------|
| Less than 500 | \$20 |
| 500 to 1,000 | \$15 |
| More than 1,000 | \$8 |

- (9) General conditions.
 - (a) Exemption. Boards, commissions, councils and departments of the Town of Sterling are exempt from all fee requirements.
 - (b) The application fee is not refundable.
 - (c) "Public improvements," for the purposes of this article, 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

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installation of retaining walls or other structures and erosion and sediment controls.

Chapter 177

FLOOD DAMAGE PREVENTION

- § 177-1. Statutory authorization, finding of fact, purpose and objectives.
- § 177-2. Definitions.
- § 177-3. General provisions.
- § 177-4. Administration.
- § 177-5. Provisions for flood hazard reduction.
- § 177-6. Standards for subdivision proposals.
- § 177-7. Variance procedures.
- § 177-8. Enforcement; penalties for offenses.

[HISTORY: Adopted by the Town Meeting of the Town of Sterling 1-16-1991; amended in its entirety 8-10-2023. Subsequent amendments noted where applicable.]

§ 177-1. Statutory authorization, finding of fact, purpose and objectives.

- A. Statutory authorization. The legislature of the state of Connecticut has in C.G.S. § 7-148(c)(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 Town meeting of the Town of Sterling, Connecticut, does ordain as follows:
- B. Finding of fact.
 - (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.
 - (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, floodproofed, or otherwise unprotected from flood damages.
- C. Statement of purpose.
 - (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;
 - (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - (3) Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters;

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- (4) Control filling, fading, dredging and other development which may increase erosion or flood damage; and
- (5) Prevent or regulate the construction of flood barriers which may increase flood hazards to other lands.

D. Objectives.

- (1) To protect human life and health;
- (2) To minimize expenditures 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 facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (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
- (7) To ensure that potential home buyers are notified that property is in the flood area.

§ 177-2. Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

APPEAL — A request for a review of the Building Inspector's interpretation of any provision of this chapter or a request for a variance.

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. The area of special flood hazard is also called the "special flood hazard area" (SFHA). SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on a Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A, A1-30, AE, AO, AH on a FIRM.

BASE FLOOD — The flood having a 1% chance of being equaled or exceeded in any given year, also referred to as the "100-year flood," as published by the Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM).

BASE FLOOD ELEVATION (BFE) — The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

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BASEMENT — That portion of a building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL — 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 — Any structure built for support, shelter or enclosure for any occupancy or storage.

COST — As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure. Cost shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to, the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include cost of plans and specifications; survey costs; permit fees; outside improvements such as landscaping, sidewalks, fences, yard lights, irrigation systems; and detached structures such as garages, sheds, and gazebos.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining; dredging; filling; grading; paving; excavating; drilling operations; storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities located within the area of special flood hazard.

ELEVATED BUILDING — A nonbasement 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 — 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, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before March 4, 1985.

EXPANSION TO EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — 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).

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — The federal agency that administers the National Flood Insurance Program (NFIP).

FINISHED LIVING SPACE — As related to fully enclosed areas below the base flood elevation (BFE), a space that, without limitation, is heated and/or cooled, contains finished floors, has sheetrock walls that may or may not be painted or wallpapered, or has other

amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace. Unfinished enclosed areas below the BFE should comply with FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements.

FLOOD INSURANCE RATE MAP (FIRM) — An official map of a community, on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) — The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOOD or FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland water;
- B. The unusual and rapid accumulation or runoff to surface waters from any source.

FLOODWAY — 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. For the purposes of these regulations, the term "regulatory floodway" is synonymous in meaning with the term "floodway".

FLOOR — 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 USE OR FACILITY — A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HISTORIC STRUCTURE — Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily 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 in 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 — 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, provided that such an area meets the design requirements specified in § 177-5B(3) of this chapter.

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

MANUFACTURED HOME PARK OR SUBDIVISION — A parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.

MARKET VALUE — As related to substantial improvement and substantial damage, the market value of the structure as shall be determined by the Tax Assessor's appraised value minus land value prior to the start of the initial repair or improvement or, in the case of damage, the value of the structure prior to the damage occurring.

MEAN SEA LEVEL (MSL) — The North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

NEW CONSTRUCTION — Structures for which the "start of construction" commenced on or after March 4, 1985, and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION — 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 March 4, 1985.

RECREATIONAL VEHICLE — A vehicle which is:

- A. Built on a single chassis;
- B. Four hundred 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),¹ includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erections 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. 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 alteration affects the external dimensions of the building.

STRUCTURE — A walled and roofed building that is principally aboveground, a home, a gas or liquid storage tank, or any other man-made facilities or infrastructures.

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

SUBSTANTIAL IMPROVEMENT — Any combination of repairs, reconstruction, alteration, rehabilitation, additions or other improvements of a structure taking place within a one-year period, where the cumulative cost equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed. The market value of the structure should be the Tax Assessor's appraised value of the structure, minus land value, prior to the start of the initial repair or improvement; or, in the case of damage, the value of the structure prior to the damage occurring. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

1. Editor's Note: See 16 U.S.C. § 3501 et seq.

- B. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

VARIANCE — A grant of relief from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter and where specific enforcement would result in unnecessary hardship.

VIOLATION — A failure of a structure or other development to be fully compliant with this chapter. A structure or other development without required permits, lowest-floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION — The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

§ 177-3. General provisions.

- A. Land to which this chapter applies. This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of Sterling.
- B. Basis for establishing the areas of special flood hazard.
- (1) The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its scientific and engineering report entitled Flood Insurance Study (FIS) for Windham County, Connecticut, dated September 7, 2023, and accompanying Flood Insurance Rate Maps (FIRM), dated September 7, 2023, and other supporting data applicable to the Town of Sterling, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this chapter. Since mapping is legally adopted by reference into this chapter, it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA.
 - (2) The areas of special flood hazard include any area shown on the FIRM as Zones A, AE, AO, and AH, including areas designated as a floodway on a FIRM. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on the Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. Also included are areas of potential, demonstrable or historical flooding, including any area contiguous with but outside the areas of special flood hazard identified by FEMA, and where the land surface elevation is lower than the base flood elevation (BFE) as shown in the FIS, and the area is not protected from flooding by a natural or man-made feature. The FIRM and FIS are on file at the Town Hall, Town of Sterling, 1183 Plainfield Pike, Oneco, Connecticut.
- C. Establishment of floodplain management administration. A development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities.

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- D. Compliance. No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.
- E. Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another Town ordinance or regulation conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. Interpretation. In the interpretation and application of this chapter, all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted under state statutes.
- G. Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on some occasions. Flood heights may be increased by man-made or natural causes. This chapter 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 chapter 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 chapter or any administrative decision lawfully made thereunder.
- H. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this chapter should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter, which shall remain in full force and effect; and to this end, the provisions of this chapter are hereby declared to be severable.

§ 177-4. Administration.

- A. The designation of the chapter administrator. The Building Inspector is hereby appointed to administer and implement the provisions of this chapter.
- B. 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. The following specific information, at a minimum, shall be required:
 - (1) Application stage.
 - (a) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures.
 - (b) Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed.
 - (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 meet the criteria of the definition of "substantial improvement."
- (e) A statement as to whether there will be a dry access to the structure during the 100-year storm event.
- (f) Where applicable, the following certifications by a Connecticut-licensed 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.
 - [1] Nonresidential flood proofing: must meet the provisions of § 177-5B(3).
 - [2] Enclosed areas below the base flood elevation: If the minimum design criteria in § 177-5B(3) are not used, then the design and construction methods must be certified as explained in that section.
 - [3] No increase in floodway heights may be allowed. Any development in a floodway must meet the provisions of § 177-5C.
 - [4] Breakaway walls. Nonsupporting breakaway wall, latticework or mesh screening shall be allowed below the base flood elevation, provided it is designed so as to break away, 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:
 - [a] Design safe loading resistance of each wall shall not be less than 10 pounds per square foot nor more than 20 pounds per square foot; or, if more than 20 pounds per square foot, a Connecticut-licensed 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 1% chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
 - [b] If breakaway walls, latticework 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.
 - [c] Prior to construction, plans for any structures that will have breakaway walls, latticework 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, latticework or screening.

- (g) Structural anchoring. All construction or substantial improvement shall be securely anchored on pilings or columns.
 - (h) 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 (1%-annual-chance floods and winds).
 - (i) A Connecticut-licensed 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.
- (2) Construction stage. Upon completion of the applicable portion of construction, the applicant shall provide verification to the Building Inspector of the lowest floor elevation of the construction, as defined in this chapter.
- C. Duties and responsibilities of the Building Inspector.
- (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 of all development permits to assure that the permit requirements of this chapter have been satisfied;
 - (c) Review of all development permits to determine if the proposed development would adversely affect the flood-carrying capacity of the area of special flood hazard. When base flood elevations have been determined within Zone AE on the community's Flood Insurance Rate Map but a regulatory floodway has not been designated, the Building Inspector must require that no new construction, substantial improvements, repair to structures which have sustained substantial damage, or other development, including fill, shall be permitted which will increase the water surface elevation of the base flood more than one foot at any point within the community when all existing and anticipated development is considered cumulatively with the proposed development;
 - (d) Advise the 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 federal wetlands and watercourse permits;

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- (e) If any change of regulation or use of a flood zone will affect an area within 500 feet of another municipality, notify the council of governments/regional planning agency and the affected municipality at least 35 days prior to the public hearing;
- (f) Notify adjacent communities and the Department of Energy and Environmental Protection, Land and Water Resources Division, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;
- (g) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
- (h) Record the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;
- (i) Record the elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed;
- (j) When floodproofing is utilized for a particular structure, the Building Inspector shall obtain certification from a Connecticut-licensed professional engineer or architect that all applicable requirements of this chapter have been satisfied;
- (k) Where interpretation is needed as to the exact location of 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 chapter;
- (l) 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 § 177-5; and
- (m) All records pertaining to the provisions of this chapter shall be maintained in the office of the Building Inspector.

§ 177-5. Provisions for flood hazard reduction.

- A. General standards. In all areas of special flood hazard, the following provisions are required:
 - (1) Anchoring. All new construction, substantial improvements, and repair to structures that have sustained substantial damage shall be anchored to prevent flotation, collapse or lateral movement of the structure, resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (2) Construction materials and methods. New construction, substantial improvements, and repairs to structures that have sustained substantial damage shall be constructed using methods and practices that minimize flood damage and shall be

constructed with materials and utility equipment that are flood-damage-resistant and conform to the provisions of FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements. This includes, but is not limited to, flooring, interior and exterior walls, wall coverings and other materials installed below the base flood elevation plus one foot.

- (3) Utilities. The bottom of all electrical, heating, plumbing, ventilation and air-conditioning equipment, appliances, fixtures and components, HVAC ductwork and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure shall be elevated at least one foot above the base flood elevation (BFE). This includes, but is not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation ductwork, washer and dryer hookups, electrical junction boxes, and circuit breaker boxes. Connections or other equipment that must be located below the BFE plus one-foot elevation are permitted only when no other elevation alternative is available and provided they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of the base flood event. Electrical wiring systems that must be located below the BFE plus one foot shall conform to the standards for wet locations.
- (4) Subdivision proposals. Base flood elevation (BFE) data shall be provided for all subdivision proposals, including manufactured home parks and subdivisions. In all special flood hazard areas where base flood elevation (BFE) data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis performed by a Connecticut-licensed professional engineer that generates BFEs for all subdivision proposals and other proposed development, including manufactured home parks and subdivisions.
- (5) Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood. The bottom of aboveground storage tanks which are located outside or inside of a structure must be elevated one foot above the base flood elevation or shall be securely anchored to prevent flotation, collapse or lateral movement under conditions of the base flood. Where elevated on platforms, the platforms shall be cantilevered from or knee-braced to the building or shall be supported on elevated foundations that conform to the standards for the particular flood zone as described in § 177-5B and C. Anchored tanks must have the top of the fill pipe located at least one foot above the BFE and have a screw fill cap that does not allow for the infiltration of floodwater.
- (6) New construction, substantial improvements and repairs to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless they are a functionally dependent use or facility.
- (7) If any portion of a structure lies within the area of special flood hazard, the entire structure is considered to be located within the area of special flood hazard and must meet the construction requirements of the flood zone. The structure includes any structurally attached additions, garages, decks, porches, sunrooms, patios or any other structure attached to the main structure.

- (8) If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., the structure must be built to the highest base flood elevation). The structure includes any structurally attached additions, garages, decks, porches, patios, sunrooms, or any other structure attached to the main structure.
- (9) Compensatory storage. The water-holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of floodwater at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.
- (10) Equal conveyance. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure are prohibited unless the applicant provides certification by a Connecticut-licensed professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage, shall not be constructed in such a way as to cause an increase in flood stage or flood velocity.

B. Specific standards.

- (1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation plus one foot.
- (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 or above the base flood elevation plus one foot or, together with attendant utility and sanitary facilities, shall be dry-floodproofed so that below the base-flood-elevation-plus-one-foot level, the structure is watertight with walls substantially impermeable to the passage of water.
- (3) Elevated buildings. All new construction, substantial improvements, or repairs to structures that have sustained substantial damage, whether residential or nonresidential, that include fully enclosed areas formed by a foundation and other exterior walls shall have the lowest floor elevated to one foot above the base flood elevation (BFE). The elevated building shall be designed to preclude

finished living space below the lowest floor and be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls (wet floodproofing). Designs for complying with this requirement must either be certified by a Connecticut-licensed professional engineer or architect as meeting the requirements of ASCE 24 Section 2.6.2.2, or meet the following minimum criteria listed in Subsection B(3)(a) through (h) below:

- (a) Provide a minimum of two openings (hydraulic flood vents) having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding. The enclosed area is measured on the exterior of the enclosure walls. These hydraulic openings must be located on at least two different exterior walls of each enclosed area. If the structure has more than one enclosed area, openings must be installed in the exterior walls of each enclosed area so that floodwaters can enter directly from the outside;
- (b) The bottom of all openings shall be no higher than one foot above the higher of either the final interior grade or floor elevation, or the finished exterior grade adjacent to the outside of the foundation wall. At least one side of the structure's fully enclosed area must be at or above grade. Fill placed around the foundation walls must be graded so that the elevation inside the enclosed area is equal to or higher than the adjacent outside elevation on at least one side of the building. The finished floor of the enclosed area shall be no lower than the bottom of the foundation openings. The foundation slab of a residential structure, including the slab or a crawl space, must be set equal to the outside finished grade on at least one side of the building;
- (c) The openings may be equipped with screens, louvers, valves or other coverings or devices, provided they permit the automatic entry and exit of floodwaters in both directions without any external influence or control such as human intervention, including the use of electrical and other nonautomatic mechanical means. These coverings must not block or impede the automatic flow of floodwaters into and out of the enclosed area. Other coverings may be designed and certified by a Connecticut-licensed professional engineer or approved by the Building Official;
- (d) Openings shall not be less than three inches in any direction in the plane of the wall;
- (e) The area cannot be used as finished living space. Use of the enclosed area shall be the minimum necessary and shall only be used for the parking of vehicles, building access or limited storage. Access to the enclosed area shall be the minimum necessary to allow for the 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). The enclosed area shall not be used for human habitation;
- (f) All interior walls, floor, and ceiling materials located below the base-flood-elevation-plus-one-foot elevation shall be unfinished and resistant to flood

damage-resistant in accordance with FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements;

- (g) Electrical, plumbing, HVAC ductwork, machinery or other utility equipment and connections that service the structure (including, but not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation, washers and dryer hookups, electrical junction boxes, circuit breaker boxes and food freezers) are prohibited in the fully enclosed area below the base-flood-elevation-plus-one-foot elevation. Utilities or service equipment located in this enclosed area, even if elevated one foot above the base flood elevation in the space, will subject the structure to increased flood insurance rates;
 - (h) A residential building with a structurally attached garage having the floor slab below the base flood elevation is considered an enclosed area below the base flood elevation and must meet the standards of Subsection B(3)(a) through (g). A garage attached to a residential structure, constructed with the garage floor slab below the base flood elevation, must be designed to allow for the automatic entry and exit of floodwaters in both directions. Flood openings or vents are required in the exterior walls of the garage or in the garage doors. Garage doors that must be manually opened do not meet the flood vent opening requirements in Subsection B(3)(a) through (c). In addition to the automatic entry of floodwaters, the areas of the garage below the base flood elevation plus one foot must be constructed with flood-damage-resistant materials per the requirements of FEMA Technical Bulletin 2. Garages attached to nonresidential structures must also meet the aforementioned requirements or be dry-floodproofed as per the requirements of Subsection B(2).
- (4) Manufactured homes and recreational vehicles.
- (a) In areas of special flood hazard, all manufactured (mobile) homes to be newly placed, undergoing a substantial improvement or repaired as a result of substantial damage, shall be elevated so that the bottom of the frame is located one foot above the base flood elevation (BFE). This includes areas of special flood hazard outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park in which a manufactured home has incurred substantial damage as a result of a flood. The manufactured home must also meet all the construction standards per § 177-5A. The foundation and anchorage of manufactured homes to be located in floodways shall be designed and constructed in accordance with ASCE 24. All manufactured (mobile) homes within areas of special flood hazard 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 hydrostatic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors. All manufactured (mobile) homes within an area of special flood hazard shall be installed using methods and practices which minimize

flood damage. Adequate access and drainage should be provided. Elevation construction standards include piling foundations placed no more than 10 feet apart, and reinforcement must be provided for piers more than six feet above ground level.

- (b) Recreational Vehicles placed on sites within areas of special flood hazard shall either (a) be on site for fewer than 180 consecutive days, and (b) fully licensed and ready for highway use, or (c) meet all the general standards of § 177-5A and the elevation and anchoring requirements of Subsection B(4)(a). 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.

C. Floodways. Located within areas of special flood hazard established in § 177-3B are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters with debris and potential projectiles, and to erosion potential, the following provisions apply:

- (1) Encroachments, including fill, new construction, substantial improvements, repairs to substantially damaged structures and other developments, are prohibited, unless certification, with supporting technical data, by a Connecticut-licensed professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge published by FEMA.
- (2) Buildings and structures meeting the standard above and located in whole or in part in the floodway shall be designed and constructed in accordance with ASCE 24. Fences in the floodway must be aligned with the flow and be of an open design. A permit may be given which allows encroachments resulting in increases in base flood elevations provided the Town of Sterling first obtains a conditional floodway revision by meeting the requirements of CFR 44, Chapter I, Subsection 65.12.
- (3) The placement of any manufactured (mobile) home as temporary living facilities or on-site construction offices, facilities or quarters is prohibited in any floodway.
- (4) The Building Official may request floodway data from an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the municipality's request or not), the Town of Sterling shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one foot at any point within the community.

§ 177-6. Standards for subdivision proposals.

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

- A. All subdivision proposals shall be consistent with the need to minimize flood damage.

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- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- D. In Zone A, base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which involve a cumulative area of five acres or a cumulative total of 50 lots, whichever occurs first.

§ 177-7. Variance procedures.

- A. Inland Wetlands Commission. The Inland Wetlands Commission as established by the Town of Sterling shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. 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 chapter.
- C. Any person aggrieved by the decision of the Inland Wetlands Commission or any person owning land which abuts or is within a radius of 100 feet of the land in question may appeal within 15 days after such decision to the State Superior Court as provided in C.G.S. § 8-8.
- D. Specific variances.
 - (1) Buildings on a historic register. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure.
 - (2) Preexisting, small-lot location. Variances may be issued by a community for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with § 177-5C(1) through (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 § 177-5C(1) through (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.
- E. Considerations for granting of variances.

- (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 chapter, and:
 - (a) The danger that materials may be swept onto and create injury to other lands;
 - (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 have a 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 floodwaters, 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.
- (2) Upon consideration of the factors listed above, and the purposes of this chapter, the Inland Wetland Commission shall attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- (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 a showing of good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship; and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety,

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extraordinary public expense, create a 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.
- (d) The Building Inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

§ 177-8. Enforcement; penalties for offenses.

- A. Each building permit shall authorize, as a condition of approval, the Building Inspector or designated agents to make regular inspections of the subject property. The Building Inspector or designated agents are also authorized to inspect any property in a special flood hazard area (SFHA) where it appears that violations of these regulations may be taking place. If the Building Inspector finds that any person is undertaking any construction, substantial improvement, filling, or any other activity or maintaining a condition which is in violation of these regulations, the Building Inspector shall:
 - (1) Issue a written order by certified mail, return receipt requested, to the subject property owner, ordering that the prohibited activity cease and ordering the property owner to either seek to obtain a building permit prior to continuing with the activity or, if appropriate, ordering that all violations and/or obstructions be removed from the special flood hazard area (SFHA) immediately.
 - (2) Notify the Planning and Zoning Commission and request that any zoning permit(s) in force be revoked or suspended and that a stop-work order be issued.
 - (a) The Building Inspector may suspend or revoke a building permit if it is found that the applicant has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of work as set forth in the application, including application plans. Prior to revoking any permit, the Building Inspector shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action.
 - (b) Failure to comply with any written order issued under this section shall be considered a violation of these regulations and is subject to the penalties described in § 177-8B.
 - (c) In the event violations or obstructions are not promptly removed from the special flood hazard area (SFHA), the Building Inspector may cause such removal and remediation work to be performed utilizing bond money held in escrow pursuant to this chapter, or may direct the Director of Public Works to cause such work to be done and to place a lien against the property.

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- (d) Any person subject to enforcement action pursuant to this chapter may appeal any requirement, decision, or determination of the Building Inspector to the Inland Wetlands Commission, in accordance with this chapter. Such person shall provide such information as necessary, including appropriate certifications from a Connecticut-licensed professional engineer or architect, in order to substantiate the claim that the requirement, decision, or determination of the Building Inspector was in error or unwarranted.
- B. Penalties for violation. Any violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with granting of variances or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined a penalty of \$250 per day 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 lawful action as is necessary to prevent or remedy any violation.

Chapter 188

HAWKERS, PEDDLERS AND ITINERANT VENDORS

§ 188-1. License required.

§ 188-2. Application; fee; penalties for offenses.

[HISTORY: Adopted by the Town Meeting of the Town of Sterling 10-3-1932. Amendments noted where applicable.]

§ 188-1. License required.

Subject to the provisions of Sec. 457 of the General Statutes, revision of 1930, and Section 464A of the Public Acts of 1931,¹ 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.

§ 188-2. Application; fee; penalties for offenses.

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 of \$10 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 30 days of the receipt of license fees, deduct \$0.25 for each license issued and pay the balance to the Town Treasurer. Any person violating any provision of this chapter shall be fined not more than \$5, and costs.

1. Editor's Note: See now C.G.S. § 21-36 et seq.

Chapter 215

LITTERING AND DUMPING

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| <p>§ 215-1. Illegal dumping, littering, mixing of recyclables prohibited.</p> <p>§ 215-2. Appointment of environmental protection official.</p> <p>§ 215-3. Citation, abatement, civil penalty.</p> <p>§ 215-4. Hearing officers, appointment.</p> | <p>§ 215-5. Appeal form.</p> <p>§ 215-6. Setting hearing date, stay of enforcement.</p> <p>§ 215-7. Appeal decisions.</p> <p>§ 215-8. Enforcement of orders.</p> <p>§ 215-9. Funds deposited in general fund.</p> |
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[HISTORY: Adopted by the Town Meeting of the Town of Sterling 3-20-1996. Amendments noted where applicable.]

§ 215-1. Illegal dumping, littering, mixing of recyclables prohibited.

- A. No person shall engage in any activity which violates: C.G.S. § 22a-250(a); a Town ordinance adopted pursuant to C.G.S. § 22a-220(f); or C.G.S. § 22a-220a(f) or (i).
- B. Any activity which violates Subsection A is considered to be a nuisance.

§ 215-2. Appointment of environmental protection official.

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 § 215-4.

§ 215-3. Citation, abatement, civil penalty.

- A. The environmental protection official may issue citations for any violation of § 215-1 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 § 215-1 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 C.G.S. § 22a-220(f) or C.G.S. § 22a-250(f) shall be assessed a civil penalty for the first offense of up to \$250 and for a second or subsequent offense a civil penalty of up to \$1,000. Any person who engages in an activity which violates C.G.S. § 22a-220a(i) shall be assessed a civil penalty of up to \$1,000. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

§ 215-4. 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.

§ 215-5. 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 10 days of 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.

§ 215-6. Setting hearing date, stay of enforcement.

- A. After receipt of any appeal filed pursuant to § 215-5, 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 15 days nor more than 30 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.
- B. The rules of evidence for hearings pursuant to § 215-6 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) The hearing officer shall give effect to the rules of privilege recognized by law;

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- (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.
- C. 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.
- D. The hearing officer shall surrender a written decision within 10 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.

§ 215-7. Appeal decisions.

- 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 30 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 30 days of the date of such order, the hearing officer, upon certification from the

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environmental protection official that the abatement has not been completed, shall forthwith enter and assess against each such appellant a fine not to exceed \$100 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 30 days or more than 12 months after such mailing, file a certified copy of the notice of assessment with the Town Clerk.

§ 215-8. Enforcement of orders.

The chief elected official of each municipality may take whatever means necessary to enforce the orders of the hearing officer.

§ 215-9. Funds deposited in general fund.

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

Chapter 226

MOBILE HOMES AND TRAILERS

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| § 226-1. Applicability. | § 226-8. Exceptions. |
| § 226-2. Occupancy permit conditions. | § 226-9. Summer recreational campsites. |
| § 226-3. Certification by health officer. | § 226-10. Definitions. |
| § 226-4. Term and contents of permit. | § 226-11. Enforcement. |
| § 226-5. Distance from public ways. | § 226-12. Appeal. |
| § 226-6. Compliance with provisions. | § 226-13. Severability. |
| § 226-7. Temporary occupancy permit. | |

[HISTORY: Adopted by the Town Meeting of the Town of Sterling 2-16-1967. Amendments noted where applicable.]

§ 226-1. Applicability.

The rules and regulations of this chapter 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 chapter, except as herein specifically provided.

§ 226-2. Occupancy permit conditions.

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 occupancy 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 days without an occupancy permit issued by the Town Clerk.

§ 226-3. Certification by health officer.

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.

§ 226-4. Term and contents of permit.

No such occupancy permit shall be issued for an initial period exceeding 30 days, and such permit shall be renewable for a period not exceeding an additional 30 days; the permit shall state the location of the vehicle and the maximum number of persons occupying such vehicle.

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§ 226-5. Distance from public ways.

No such vehicle shall be parked or occupied within 50 feet of a public highway unless concealed from view from such highway, and not less than 50 feet from neighboring property lines.

§ 226-6. Compliance with provisions.

The Town Clerk shall issue such permit if the provisions of this chapter are complied with.

§ 226-7. Temporary occupancy permit.

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 it feels is necessary in each application but in no case shall exceed one year from date of application.

§ 226-8. Exceptions.

This chapter 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 chapter nor to the replacement of such vehicle on the same lot.

§ 226-9. Summer recreational campsites. [Amended 9-10-1981]

This chapter shall not apply to the establishment of summer recreational campsites within the geographical boundaries of the Town of Sterling. Summer recreational campsites shall be areas designated by the Board of Selectmen to be used solely for that purpose. In said designated areas, no trailer, tent, mobile home or camping vehicle shall be parked or occupied within 25 feet of neighboring property lines. In said designated areas, no disposal systems shall be located within 25 feet of neighboring property lines. Any summer recreational campsites lawfully existing at the effective date of this amendment may be continued, provided a site plan showing the present status of campsites is filed with the Selectmen's office within 60 days of the effective date of this amendment.

§ 226-10. Definitions.

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

HEALTH OFFICER — The duly appointed health officer of the Town of Sterling or his deputy.

MOBILE HOME — A unit similar to a trailer coach but which is equipped with running water, bath facilities, flush toilet and appropriate sanitary conditions.

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PERSONS — Includes individuals, partnerships, corporations, owners, lessees, licensees and the agents of them.

SUMMER RECREATIONAL CAMPSITES — Areas open for vacationers during the period from the first day of April to the last day of September. **[Amended 5-8-1968]**

TRAILERS — A trailer coach not equipped with running water, bath facilities, flush toilets and appropriate sanitary conditions.

§ 226-11. Enforcement. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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 chapter. Pursuant to C.G.S. § 7-148(c)(7)(A)(iv), the provisions of this chapter regarding trailers and mobile homes will not be enforced so long as there exists a zoning commission in the Town.

§ 226-12. Appeal.

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.

§ 226-13. Severability.

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.

Chapter 250
RACETRACKS

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| § 250-1. Vehicle racetracks prohibited. | § 250-3. Penalties for offenses. |
| § 250-2. Racing of gas- or battery-driven vehicles prohibited. | § 250-4. Enforcement. |

[HISTORY: Adopted by the Town Meeting of the Town of Sterling 11-28-1967. Amendments noted where applicable.]

§ 250-1. Vehicle racetracks prohibited.

No racetrack 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.

§ 250-2. Racing of gas- or battery-driven vehicles prohibited.

No exhibitions, meets, rodeos or other form of racing involving gas- or battery-driven vehicles shall be permitted in the Town of Sterling.

§ 250-3. Penalties for offenses.

Any person or corporation violating this chapter shall be fined not more than \$100. Each race or any exhibition, meet, rodeo or contest shall constitute a separate offense.

§ 250-4. Enforcement.

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 chapter.

Chapter 255

RENTAL PROPERTY

ARTICLE I Multiple-Dwelling Units

§ 255-1. Definitions.

§ 255-2. Tenant list.

§ 255-3. Permit for multiple-dwelling-unit occupancy.

§ 255-4. Permit application; fee.

§ 255-5. Term of permit.

§ 255-6. Inspection and approval.

§ 255-7. Time limit for inspection.

§ 255-8. Penalties for offenses.

§ 255-9. Exemptions.

§ 255-10. Appeal.

§ 255-11. Notification of fire.

§ 255-12. Severability.

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

ARTICLE I Multiple-Dwelling Units [Adopted 10-10-1989]

§ 255-1. Definitions.

For the purpose of this article, a "multiple-dwelling unit" is defined as a building or structure containing two or more rental housing units.

§ 255-2. Tenant list.

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 working days of the time a vacancy occurs.

§ 255-3. Permit for multiple-dwelling-unit occupancy.

No dwelling unit, once vacated, shall be reoccupied 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.

§ 255-4. Permit application; fee.

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 per unit at the time of application.

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§ 255-5. Term of permit.

Any such permit so obtained for a particular unit shall be valid until the particular unit is vacated.

§ 255-6. Inspection and approval.

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.

§ 255-7. Time limit for inspection.

Such inspection by the Building Inspector or his designate must be completed within three working days of the date the application for a permit for multiple dwelling unit occupancy is filed or the permit shall be considered granted.

§ 255-8. Penalties for offenses.

Any violation of a provision of this article shall require, upon conviction, a fine of \$99 for each day that such violation occurs.

§ 255-9. Exemptions.

Exempted from the application of this article shall be buildings less than five years old, hotels, motels, inns, lodging houses and rooming houses.

§ 255-10. Appeal.

Any person aggrieved by the action of the Building Inspector's office in enforcing this article shall have the right to appeal to the Superior Court as provided by the Connecticut General Statutes.

§ 255-11. Notification of fire.

Any owner of a multiple-dwelling unit which is not exempted from the application of this article shall notify the Building Inspector's office within three days of any fire and obtain a new permit or permits for multiple dwelling unit occupancy, as applicable, upon payment of a \$15 fee for each rental dwelling unit and not to exceed \$50 per fire in said building.

§ 255-12. Severability.

Each section, provision or requirement of this article shall be considered separable, and the invalidity of any portion of this article shall not affect the validity or enforceability of any other portion.

Chapter 262

SAND OR GRAVEL PITS AND QUARRIES

§ 262-1. Requirements for stone, sand and gravel removal. § 262-2. Enforcement.

[HISTORY: Adopted by the Town Meeting of the Town of Sterling 7-23-1964. Amendments noted where applicable.]

§ 262-1. Requirements for stone, sand and gravel removal.

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:

- A. Operations shall not affect the health and general welfare of the Town.
- B. Such removal of material shall not depreciate the land or surrounding property values.
- C. Consideration must be given to assure adequate surface gravity, drainage after such removal.
- D. The Board of Selectmen may require the filing of a development plan.

§ 262-2. Enforcement. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Pursuant to C.G.S. § 7-148(c)(8)(C), these regulations will not be enforced so long as a zoning commission exists in the Town.

Chapter 268

SEWAGE DISPOSAL

§ 268-1. Approval of sewage facilities for new construction.

§ 268-3. Permit to reconstruct or alter private sewage disposal system.

§ 268-2. Application for approval.

[HISTORY: Adopted by the Town Meeting of the Town of Sterling 8-18-1970. Amendments noted where applicable.]

§ 268-1. Approval of sewage facilities for new construction.

No dwelling, apartments, boardinghouses, 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.

§ 268-2. Application for approval.

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 \$25, payable to the Town sanitary inspector. This fee shall include required seepage testing and inspection of the sewerage system by the sanitary inspector.

§ 268-3. Permit to reconstruct or alter private sewage disposal system.

- A. 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 \$10, 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.
- B. If, in the opinion of the sanitary inspector, a seepage test is required, an additional fee of \$15 will be assessed for the completion of this test by the sanitary inspector.

Chapter 271

SEWERS

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| <p>§ 271-1. Intent; applicability.</p> <p>§ 271-2. Definitions.</p> <p>§ 271-3. Use of public sewers required.</p> <p>§ 271-4. Building sewers and connections.</p> <p>§ 271-5. Use of public sewers.</p> <p>§ 271-6. Protection from damage.</p> | <p>§ 271-7. Powers and authority of inspectors.</p> <p>§ 271-8. Penalties for offenses.</p> <p>§ 271-9. Repealer; severability.</p> <p>§ 271-10. Effects of transfer of property use change.</p> |
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[HISTORY: Adopted by the Town Meeting of the Town of Sterling 10-19-1982. Amendments noted where applicable.]

§ 271-1. Intent; applicability.

- A. This chapter 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.
- B. This chapter is intended to:
 - (1) 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;
 - (2) Prevent the introduction of pollutants into the sanitary sewer system which will interfere with the collection and/or treatment system;
 - (3) Prevent the introduction of pollutants into the treatment system which will pass through the system, inadequately treated, into the waters of the state, or the atmosphere, or otherwise be incompatible with the system.
- C. This chapter 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 (WPCA) shall otherwise implement and enforce the provisions of this chapter.

§ 271-2. Definitions.

Unless the context specifically indicates otherwise, the meaning of the terms used in this chapter shall be as follows:

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BOD (denoting **BIOCHEMICAL OXYGEN DEMANDS**) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

BUILDING DRAIN — 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 feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER — The extension from the building to the public sewer or other place of disposal.

COMBINED SEWER — The sewer receiving both surface runoff and sewage.

COMMISSIONER — The Commissioner of Environmental Protection for the State of Connecticut.

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

DOMESTIC SEWAGE — Sewage that consists of water and human excretions or other waterborne wastes incidental to the occupancy of a residential building or nonresidential building but no wastewater from water softening equipment, commercial laundry wastewater, and blowdown from heating and cooling equipment.

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

GARBAGE — Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

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

INDUSTRIAL WASTE — The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

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

NATURAL OUTLET — Any outlet in a watercourse, pond, ditch, lake or other body of surface water or groundwater.

PERSON — Any individual, firm, company, association, society, corporation, or group.

pH — The logarithm of the reciprocal the concentration of hydrogen ions in moles per liter of solution.

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

§ 271-3. Use of public sewers required.

- A. 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.
- B. 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 chapter.
- C. 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 chapter, within 90 days of the date of official notice to do so, provided that said public sewer is within 100 feet (305 meters) of the property line.
- D. 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 chapter; any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned for use as a sewer system.
- E. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Director of Health.
- F. When a public sewer becomes available, the building sewer shall be connected to said sewer within 90 days of 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.

§ 271-4. Building sewers and connections.

- A. 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.
- B. There shall be two classes of building sewer permits: for residential and commercial service, and 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 judgment of the superintendent. A permit and inspection fee of \$10 for a residential or commercial building sewer permit and \$25, 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

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shall notify the superintendent at least 45 days prior to the proposed change or connection.

- C. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. 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.
- E. Old building sewers may be used in connection with new building only when they are found on examination and test approved by the Sterling WPCA to meet all requirements of this chapter. All costs incurred by tests to be borne by owner.
- F. 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 Society for Testing and Materials (ASTM) and Water Pollution Control Federation (WPCF) Manual of Practice No. 9 shall apply.
- G. 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.
- H. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to public sanitary sewer.
- I. No building sewer may be located within 25 feet of a private well, nor within 100 feet of a public well.
- J. Building sewers shall not be located within 25 feet to 75 feet distance from a private well except as approved by the local Director of Health.
- K. Building sewers which must be located within 25 feet to 75 feet of 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 50 gallons per mile, per inch diameter, per day, tested a minimum hydraulic head of at least two feet. Building sewers which must be located within 25 feet to 75 feet of a private well shall be installed in strict accordance with the latest state plumbing code.

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- L. 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 ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. 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.
- M. Building sewers shall be installed without ninety-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-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.
- N. The applicant for the building sewer permit shall notify the Sterling WPCA 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 WPCA or its representative.
- O. 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.

§ 271-5. Use of public sewers.

- A. No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.
- B. Stormwater 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 WPCA. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Sterling WPCA, to stormwater combined sewers or natural outlets.
- C. No persons shall discharge any of the following described waters or wastes to any public sewers:
 - (1) Any gasoline, benzene, naphtha, fuel oil, or flammable or explosive liquid, solid, or gas.
 - (2) 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.
 - (3) Any waters or wastes having pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

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- (4) 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, unground garbage, whole blood, paunch manure, hair and fleshing, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- D. 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 WPCA 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 WPCA 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:
- (1) Any liquid or vapor having a temperature higher than 150° F. or 65° C.
 - (2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° F. and 150° F. or 0° C. to 65° C.
 - (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Sterling WPCA.
 - (4) Any waters or wastes containing strong-acid iron-pickling wastes or concentrated plating solution, whether neutralized or not.
 - (5) 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 WPCA for such materials.
 - (6) Any waters containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the Sterling WPCA 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.
 - (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Sterling WPCA in compliance with all applicable state and federal regulations.
 - (8) Any waters of waste having a pH lower than 5.5.
 - (9) Materials which exert or cause:

- (a) Unusual concentrations of inert suspended solids such as, but not limited to, fuller's earth, lime slurries, and lime residues, or dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (d) Unusual volume of flow or concentration of wastes constituting slugs as defined herein.
- (10) 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(VI)] | 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.

- (11) 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.

- E. If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in Subsection D of this section and which, in the judgment of the Sterling WPCA, may have a deleterious effect upon the sewage works, process, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Sterling WPCA may:
- (1) Reject the wastes;
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - (3) Require additional payment to cover the added cost of handling and treating the wastes under the provisions of Subsection L of this section; and/or
 - (4) Require control over the quantities and rates of discharge. If the Sterling WPCA 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 WPCA and subject to the requirements of all applicable codes, ordinances and laws.
- F. Permit for discharge of certain wastes.
- (1) In accordance with C.G.S. § 24-431, as amended,¹ a permit from the Commissioner of Environmental Protection is required prior to the initiation of a discharge of any of the following wastewaters to a public sewer:
 - (a) Industrial wastewater of any quantity.
 - (b) Domestic sewage in excess of 5,000 gallons per day through any individual building sewer to a public sewer.
 - (2) A potential discharger must submit a permit application to the Department of Environmental Protection not later than 90 days prior to the anticipated date of initiation of the proposed discharge.
- G. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited material shall be provided and maintained at the owner or user's expense.
- (1) 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 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 WPCA, fish kills, aquatic plants, or any other damage to persons

1. Editor's Note: See C.G.S. § 22a-430.

or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

- (2) A notice shall be permanently posted on the user's bulletin board or other prominent place, advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees are advised of the emergency notification procedure.
- H. Where preliminary treatment of flow-equalizing studies are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- I. When required by the Sterling WPCA, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances, in the building sewer to facilitate 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.
- J. All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this chapter 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 to life, limb and property. (The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls on a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids and an analysis are obtained from twenty-four-hour composites of all outfalls, whereas pH is determined from periodic grab samples.)
- K. 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 C.G.S. § 25-54i, as amended,² 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.
- L. No statement contained in this section 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.

2. Editor's Note: See C.G.S. § 22a-430(i).

§ 271-6. Protection from damage.

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.

§ 271-7. Powers and authority of inspectors.

- A. The Sterling WPCA 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 chapter. The Sterling WPCA 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.
- B. While performing the necessary work on private properties referred to in § 271-7A above, the Sterling WPCA 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 § 271-5I.
- C. The Sterling WPCA 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 work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

§ 271-8. Penalties for offenses.

- A. Any person found to be violating any provisions of this chapter except § 271-7 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.
- B. Any person who shall continue any violation beyond the time limit provided for in § 271-8A shall be fined in the amount not exceeding \$25 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- C. Any person violating any of the provision of this chapter shall become liable to the Town for any expense, loss or damage occasioned the Town by reasons of such violation.

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§ 271-9. Repealer; severability.

- A. All ordinances or parts of ordinances in conflict herewith are repealed.
- B. The invalidity of any section, clause, sentence or provision of this chapter shall not affect the validity of any other part of this chapter which can be given effect without such invalid part or parts.

§ 271-10. Effects of transfer of property use change. [Added 4-25-1989]

- A. 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.
- B. 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.

Chapter 277

SIGNS AND BILLBOARDS

§ 277-1. General provisions.

§ 277-3. Severability.

§ 277-2. Definitions.

[HISTORY: Adopted by the Town Meeting of the Town of Sterling 10-26-2000. Amendments noted where applicable.]

§ 277-1. General provisions.

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 chapter. The purpose and intent of this chapter is to accommodate the installation of signs that are necessary for identification, direction and reasonable commercial promotion. All signs shall conform to this chapter.

- 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 15 square feet in size shall be allowed without application to the Board of Selectmen and shall be exempt from the provisions of this chapter except that they shall conform to § 277-1H below [except off-premises directional signs. See § 277-1G(2)].
 - (2) Signs larger than 15 square feet and up to 32 square feet shall conform to all of the provisions of this chapter and shall be permitted only by application to and approval of the Board of Selectmen.
 - (3) No sign larger than 32 square feet shall be permitted within the Town of Sterling.
- C. Existing signs. Signs existing at the time of the adoption of this chapter shall be allowed to remain. Existing signs or billboards which are (or will be enlarged to) 15 square feet or larger shall be replaced, reconstructed, extended, moved and/or structurally altered only in accordance with all of the provisions of this chapter.
- D. Wetlands. No signs larger than 15 square feet shall be permitted within a watercourse, wetland or wetland setback, except with approval by the Sterling Inland Wetlands and Watercourses Commission.
- E. Distance apart. Signs larger than 15 square feet shall be spaced at least 40 feet from any other sign larger than 15 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

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that such condition is not remedied within 30 days after posting such notice, the Board of Selectmen is authorized to remove such sign on behalf of the Town of Sterling and 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, nonprofit and political organizations and activities are exempt from the provisions of this chapter, 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 § 277-1H or larger than 30 square feet or is to be up for more than 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 chapter.

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 C.G.S. § 7-148, the owner of any building or premises where a violation of any provision of this chapter 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 \$50 nor more than \$100 for each day that such violation continues; but if the offense is willful, the person convicted thereof

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shall be fined not less than \$100 nor more than \$250 for each day that such violation continues or imprisoned not more than 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 30 days of receipt of notice of such violation.

§ 277-2. Definitions.

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

BILLBOARD — A freestanding sign larger than 15 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 illumination, 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.

§ 277-3. Severability.

In any part of this chapter is declared invalid or unconstitutional by a Connecticut court, the remainder of this chapter shall continue to be applied and shall not be considered invalid as a whole.

Chapter 284

STREETS AND SIDEWALKS

ARTICLE I

Street Construction and Acceptance

- § 284-1. Definitions:
- § 284-2. Procedure and layout for acceptance.
- § 284-3. Construction specifications.

ARTICLE II

Snow and Ice on Public Sidewalks

- § 284-4. Adoption of standards.
- § 284-5. Town liability for injury due to snow or ice.
- § 284-6. Removal by property owner.

ARTICLE III

Road Work

- § 284-7. Definitions.
- § 284-8. Purpose.
- § 284-9. Procedure.

- § 284-10. Construction permits.

- § 284-11. Inspection.

- § 284-12. Town acceptance.

- § 284-13. Standards.

- § 284-14. Penalties for offenses.

ARTICLE IV

Street Names and Lot Numbers

- § 284-15. Street connections to other municipalities.

- § 284-16. Streets with multiple names.

- § 284-17. Renamed Town ways.

- § 284-18. Official street names on file.

- § 284-19. Designation and record of lot address numbers.

- § 284-20. Display of lot numbers.

- § 284-21. Building permit issuance requirement.

- § 284-22. Lot number establishment not to constitute street acceptance.

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

ARTICLE I

Street Construction and Acceptance

[Adopted 2-16-1967]

§ 284-1. Definitions:

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

BOARD — The Board of Selectmen.

STREET — A newly established project road or any abandoned or legally closed highway or road being opened for public use.

§ 284-2. Procedure and layout for acceptance.

- A. 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 of the receipt of the application. When approved by the Board, one copy of the plans shall be filed with the Town Clerk.
- B. 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 article, which final completion to be certified by the Board of Selectmen as hereinafter provided.
- C. Final acceptance by Board. Upon completion of the 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 the work has been completed according to the profile submitted and in accordance with all specifications hereinafter stated, and 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.
- D. 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.

§ 284-3. Construction specifications.

- A. Width. Any street shall contain a minimum right-of-way of 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 roadbed of any street shall have a minimum width of 30 feet. No dead-end street shall be approved by the Board except that a turnabout of 100 feet radius be constructed. There shall be no brush, trees, or boulders within six feet of the side of the roadbed. Such roadbed shall be excavated to a depth of 12 inches and be freed of boulders, and all ledge shall be cut an additional 12 inches.
- B. Grade and contour.
 - (1) 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.
 - (2) The profile of such new street shall have no abrupt change of grade.

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- (3) Slopes shall be finished in a neat manner, and where streets are cut 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.
- C. Drainage. All shoulders two feet on each side of the roadbed shall be so constructed that control of surface water and subsurface water is maintained; all shoulders and waterways shall be surfaced with bituminous concrete and compacted to two-inch thickness, installed at each corner of all intersections and catch basins at a minimum of every 300 feet on each side of the road except as may be varied by written permission of the Board. All catch basins shall be connected to cause a continuous flow of controlled surface and subsurface 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.
- D. Curbs. Curbs of curb-mix bituminous concrete shall be constructed at each side of the road to a height of six inches, such curbs to be uniformly constructed using compacting equipment identified as "curbing machine."
- E. 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 Subsection C, Drainage, shall be procured by the developer at no cost to the Town of Sterling.
- F. Utilities. All utilities shall be in place before final grading and compacting of streets.
- G. Gravel. Gravel shall be uniformly applied to a compacted depth of 12 inches on all normal areas and in wet land to a compacted depth of 24 inches. All gravel shall be processed stone or screened gravel of a uniform size of not more than five inches in diameter for subsurface and not more than two inches for finished application, top four-inch course.
- H. Initial surfacing and sealing.
- (1) The roadbed shall be graded with a crown on the average of 1/4 inch per foot. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]**
- (2) The final gravel fill grading and application of tar at one gallon per square yard with sand coverage shall be done under supervision of the Board at the developer's or owner's expense.
- I. Guardrails. Guardrail posts and railings shall be installed as directed by the Board.
- J. 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, Facilities and Incidental Construction, except that portion that covers size of gravel.
- K. Names of streets. New streets shall be named subject to approval of the Board of Selectmen.

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- L. 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.
- M. Previous street regulations and/or ordinances. This article 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.
- N. Exceptions. Any road over 50% completed may be accepted by the Board under the Town policy in effect before the passage of this article.

ARTICLE II

Snow and Ice on Public Sidewalks
[Adopted 3-31-1988]

§ 284-4. Adoption of standards.

The provisions of C.G.S. § 7-163a are hereby adopted and are set forth in §§ 284-5 and 284-6 hereof.

§ 284-5. Town liability for injury due to snow or ice.

Notwithstanding the provisions of C.G.S. § 13a-149 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.

§ 284-6. Removal by property owner.

- 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 article adopted pursuant to the provisions of C.G.S. § 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.

ARTICLE III
Road Work
[Adopted 4-21-1988]

§ 284-7. Definitions.

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

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, Connecticut, or its authorized representative.

COMMISSION — The Planning Commission of the Town of Sterling, Connecticut.

DRIVEWAY — Access onto or an egress from a street.

PERSON — Includes corporations, partnerships, firms, associations or any other entity.

ROAD STANDARDS — The standards and specifications set forth in the public improvement specifications prepared by the Northeastern Connecticut Council of Governments.

ROADWORK — 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.

§ 284-8. Purpose.

It is the declared purpose of this article to regulate roadwork on existing and proposed streets to assure safety and structural adequacy.

§ 284-9. Procedure.

- A. Application shall be made to the Board on a form provided by the Board. A plan and fee of \$25 shall accompany the application. The Board may require additional information from the applicant or changes in the plan.
- B. The Board will categorize the proposed work and take the appropriate action.
 - (1) New street: shall be referred to the Commission for conformation with the Town's subdivision regulations requirements for new streets.
 - (2) Upgrade existing street: shall be referred to the Commission for conformance with the Town's subdivision regulations requirements for upgrading existing streets.
 - (3) Minor roadwork.
 - (a) Projects of up to 200 feet will be evaluated by the Board. The Board may refer the application to the Commission or decide upon the application alone.

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- (b) Projects of 200 feet 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.

§ 284-10. 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 year from the date of issue for work in existing streets and five years for new streets and upgrading existing streets.

§ 284-11. Inspection.

Inspection by the Board shall be scheduled two 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.

§ 284-12. 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.

§ 284-13. Standards.

- A. Applications referred to the Commission shall conform to the requirements of the Town's subdivision regulations, the road standards and Article I and this article.
- B. Applications not referred to the Commission shall conform to the requirements of the road standards and Article I and this article.
- C. Safety precautions shall be the responsibility of the applicant. Warning signs, flagmen, warning lights, barricades, braces, covers and other appropriate measures shall be taken by the applicant during any road work.
- D. 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-inch layers up to 18 inches below the top of the finished surface. A compacted twelve-inch layer of gravel subbase shall be placed on the fill. A compacted four-inch processed gavel base shall be placed on the subbase. A three-inch-thick compacted bituminous concrete layer shall be placed on the base. Layer thickness shall

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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.

§ 284-14. Penalties for offenses.

Any person violating any provision of this article shall be fined not more than \$100 for each offense. Each day of any such violation shall constitute a separate offense and be subjected to separate punishment.

ARTICLE IV

Street Names and Lot Numbers

[Adopted 10-19-1988]

§ 284-15. Street connections to other municipalities.

The Town of Sterling has several streets under its jurisdiction which are connected with streets in other towns.

§ 284-16. Streets with multiple names.

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.

§ 284-17. Renamed Town ways.

The Town of Sterling hereby renames the following sections of its public roads:

- A. A section of street presently known as "Pine Hill Road No. 2," running southerly from Valley View Road to an intersection at Snake Meadow Road and Jared Hall Hill Road, shall be "Valley View Road."
- B. 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 No. 2") and Miller Road, shall be "Harris Road."
- C. 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."
- D. 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."
- E. A section of street running southerly from the Sterling-Plainfield town line to Plainfield Pike (14A) shall be "Sterling Hill Road."
- F. A street presently known as "Bailey Road No. 2," running southerly from Newport Road to Bailey Road, shall be "Woodland Road."

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- G. A street presently known as "Bailey Road No. 1" shall be "Bailey Road."
- H. A section of street presently known as "Ekonk Road No. 1," running southerly from the Plainfield-Sterling town line to Ekonk Hill Road (Rt. 49), shall be "New Road."
- I. A section of street presently known as "Ekonk Road No. 2" shall be known as "Ekonk Road."
- J. A road presently known as "Rt. 14," running easterly from the Plainfield-Sterling town line to the Rhode Island line, shall be "Sterling Road."
- K. 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."
- L. A section of street presently know as "Church Street No. 3," running westerly from Church Street to Plainfield Pike (Rt. 14A), shall be "Ledge Hill Road."

§ 284-18. Official street names on file.

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.

§ 284-19. Designation and record of lot address numbers.

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.

§ 284-20. Display of lot numbers.

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.

§ 284-21. Building permit issuance requirement.

No building permit shall be issued for any such lot until the lot number has been posted as required herein.

§ 284-22. Lot number establishment not to constitute street acceptance.

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.

Chapter 290

TAXATION

ARTICLE I Motor Vehicle Tax List

§ 290-1. Registered motor vehicles exempt.

ARTICLE II Waivers

§ 290-2. Waiver of taxes due.

ARTICLE III Dairy Farm Tax Abatement

- § 290-3. Statutory authority.
- § 290-4. Request for abatement.
- § 290-5. Application submission date.
- § 290-6. Applicability.
- § 290-7. Maximum abatement.
- § 290-8. Term of abatement.
- § 290-9. Notification of cessation of dairy operations.
- § 290-10. Reimbursement to Town upon sale of property.
- § 290-11. Waiver.
- § 290-12. Payment of taxes owed and abated.
- § 290-13. Filing of certificate for approved abatement.

ARTICLE IV Refunds

§ 290-14. Statutory authority to retain excess payments.

ARTICLE V Motor Vehicle Tax Delinquency

§ 290-15. Tax-delinquent motor vehicle fee.

§ 290-16. Effective date.

ARTICLE VI Motor Vehicles Adapted for Persons With Disabilities

§ 290-17. Statutory authority to exempt certain vehicles from taxation.

§ 290-18. Definitions.

§ 290-19. Application for exemption.

§ 290-20. Eligibility requirements.

§ 290-21. Proof of vehicle eligibility.

§ 290-22. Limitation on exemption.

§ 290-23. Unregistered vehicles not exempt.

§ 290-24. Time limit for application.

ARTICLE VII Alternative Property Tax Exemption for Veterans

§ 290-25. Adoption of standards.

§ 290-26. Exemption amounts.

§ 290-27. Construal of provisions.

§ 290-28. Forfeiture.

§ 290-29. Reimbursement entitlement.

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

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ARTICLE I
Motor Vehicle Tax List
[Adopted 6-18-1964]

§ 290-1. Registered motor vehicles exempt.

In accordance with the provisions of C.G.S. § 12-41, 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.

ARTICLE II
Waivers
[Adopted 5-26-1993]

§ 290-2. Waiver of taxes due.

Pursuant to C.G.S. § 12-144c, the Town of Sterling hereby waives all taxes due in an amount less than \$5.

ARTICLE III
Dairy Farm Tax Abatement
[Adopted 5-23-2001]

§ 290-3. Statutory authority.

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, § 35, codified as C.G.S. § 12-81m, as such statute may be amended from time to time.

§ 290-4. Request for abatement.

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.

§ 290-5. Application submission date.

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.

§ 290-6. Applicability.

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-related activities; and evidence of dairy farm or milk producing permit or dairy plant or milk dealer permit, as provided by C.G.S. § 22-172 or 22-173.¹

§ 290-7. Maximum abatement.

The Board of Selectmen may abate up to 50% of the property taxes for a qualifying dairy farm.

§ 290-8. Term of abatement.

Any abatement shall continue in force, so long as permitted by state law, until such time as the Board of Selectmen 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.

§ 290-9. Notification of cessation of dairy operations.

The property owner receiving the abatement must notify the Board of Selectmen, in writing, within 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.

§ 290-10. Reimbursement to Town upon sale of property.

Upon sale of the property, and subject to the provisions of § 290-11 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% |

¹ Editor's Note: C.G.S. § 22-173 was repealed effective 10-1-2005 by P.A. 05-175, § 25.

| Number of Years Sale Follows Original Amount of Abatement For Given Tax Year | Percentage of Taxes Abated Which Must be Paid |
|--|---|
| 5 | 60% |
| 4 | 70% |
| 3 | 80% |
| 2 | 90% |
| 1 | 100% |

§ 290-11. Waiver.

The Board of Selectmen may waive any of the amounts that would otherwise be owed pursuant to § 290-10 herein if the farm continues to be a dairy farm after the sale of the property. The Board of Selectmen may waive any of the amounts which would otherwise be owed pursuant to § 290-10 herein if the property continues to be used as "farm land," "forest land" or "open space," as those terms are defined in C.G.S. § 12-107b, , after the sale of the property.

§ 290-12. Payment of taxes owed and abated.

Payment of taxes abated and owed to the Town of Sterling pursuant to §§ 290-10 and 290-11 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 § 290-10 hereof, shall be recorded by the Town Clerk unless the funds due under the recapture provisions of § 290-10 hereof have been paid, or the other obligation to pay the recapture funds as set forth in § 290-10 hereof. Said certificate shall be recorded in the land records.

§ 290-13. Filing of certificate for approved abatement.

The Tax Assessor shall file annually, not later than 30 days after abatement is 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 § 290-10 hereof. Said certificate shall be recorded in the land records.

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ARTICLE IV

Refunds**[Adopted 6-25-2003]****§ 290-14. Statutory authority to retain excess payments.**

Pursuant to C.G.S. § 12-129, 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 \$5.

ARTICLE V

Motor Vehicle Tax Delinquency**[Adopted 12-17-2003]****§ 290-15. Tax-delinquent motor vehicle fee.**

The Town of Sterling's legislative body authorizes the Tax Collector to charge a \$5 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 C.G.S. § 14-33.

§ 290-16. Effective date.

Said policy shall take effect January 1, 2004.

ARTICLE VI

Motor Vehicles Adapted for Persons With Disabilities**[Adopted 8-13-2014]****§ 290-17. Statutory authority to exempt certain vehicles from taxation.**

Pursuant to the authority conferred by C.G.S. § 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.

§ 290-18. Definitions.

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

MOTOR VEHICLE EQUIPPED FOR THE PURPOSE OF ADAPTING ITS USE TO A DISABILITY — 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.

§ 290-19. Application for exemption.

Any person wishing to claim an exemption pursuant to this article 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 C.G.S. § 12-81(55) or shall make a successful application for the exemption concurrent with the application for the exemption under § 12-81c(3).

§ 290-20. Eligibility requirements.

To be eligible.

- A. The vehicle must be registered with the Connecticut Department of Motor Vehicles and must most frequently leave from and return to a property located in the Town of Sterling, Connecticut;
- B. The vehicle cannot be used to transport any individual for payment;
- C. 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;
- D. The modifications must have cost at least \$1,000.

§ 290-21. Proof of vehicle eligibility.

Proof of the vehicle's eligibility for the exemption may include, but is not limited to, a dated copy of the invoice showing modifications made to the vehicle; a valid special license plate for the disabled issued by the Connecticut Department of Motor Vehicles; and 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.

§ 290-22. Limitation on exemption.

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.

§ 290-23. Unregistered vehicles not exempt.

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.

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§ 290-24. Time limit for application.

Applications for the exemption must be received in the Assessor's office by the January 31 immediately following the October 1 Grand List, the same due date as for the exemption under C.G.S. § 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.

ARTICLE VII

**Alternative Property Tax Exemption for Veterans
[Adopted 3-16-2015]**

§ 290-25. Adoption of standards.

Pursuant to C.G.S. § 12-81g(b), as amended by Public Act 13-224, the Town of Sterling hereby opts for the veterans' property tax exemption in lieu of the exemption contained in C.G.S. § 12-81g(a).

§ 290-26. Exemption amounts.

- A. Pursuant to C.G.S. § 12-81g(b), as amended by Public Act No. 13-224, effective for the assessment year commencing October 1, 2015, and each assessment year thereafter, any person entitled to an exemption from property tax in accordance with Subdivision (20) of C.G.S. § 12-81, reflecting any increase made pursuant to the provisions of C.G.S. § 12-62g, who has a disability rating of 100%, as determined by the United States Department of Veterans Affairs, shall be entitled to an additional exemption from such tax.
- B. The property tax exemption shall be in an amount equal to three times the amount of the exemption provided for such person pursuant to Subdivision (20) of C.G.S. § 12-81, provided such person's total adjusted gross income individually if unmarried, or jointly with spouse if married, during the calendar year ending immediately preceding the filing of a claim for any such exemption is not more than the limits set forth in C.G.S. § 12-81g(b), as amended from time to time. For purposes of this section, "adjusted gross income" shall be that same amount determined for purposes of the federal income tax, plus any other income not included in such adjusted income, but excluding veterans' disability payments.

§ 290-27. Construal of provisions.

Pursuant to C.G.S. § 12-81g(b)(2), the provisions of this article shall not limit the applicability of the provisions of C.G.S. § 12-81g(a) for persons not eligible for the property tax exemption provided herein.

§ 290-28. Forfeiture.

Any person who, for purposes of obtaining an exemption under this article, willfully fails to disclose all matters related thereto or with intent to defraud makes any false statement shall forfeit the right to claim such additional veterans' exemption.

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§ 290-29. Reimbursement entitlement.

In accordance with C.G.S. § 12-81g(e), the Town of Sterling shall be entitled to reimbursement from the state for tax revenue loss as a result of each claimed exemption.

Chapter 312

WASTE MANAGEMENT

ARTICLE I Sanitary Landfills

- § 312-1. Purpose.
- § 312-2. Waste disposal permit application.
- § 312-3. Permit required.
- § 312-4. Site area.
- § 312-5. Landfill requirements.
- § 312-6. Operation; permit revocation; hearing.
- § 312-7. Penalties for offenses.
- § 312-8. Severability.

ARTICLE II Solid Waste and Recycling

- § 312-9. Declaration of policy.
- § 312-10. Definitions.
- § 312-11. Restriction of use of solid waste facility.
- § 312-12. Waste disposal; salvage.
- § 312-13. Collection and transport.
- § 312-14. Contractual authority and recycling.
- § 312-15. Contractual and regulatory authority of Board.
- § 312-16. Severability.
- § 312-17. Items deemed recyclable.
- § 312-18. Littering violation.

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

ARTICLE I Sanitary Landfills [Adopted 9-12-1977]

§ 312-1. Purpose.

The purpose of this article is to ensure 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.

§ 312-2. Waste disposal permit application.

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 one inch equals 100 feet, which plot plan shall show names of abutting landowners, dimensions of the total tract, and dimensions of the landfill site within the tract and the location of the site within the tract.

§ 312-3. Permit required.

After passage of this article, 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 § 312-2. 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 § 312-5 have been met.

§ 312-4. Site area.

The "site area" shall be defined as the total area, not to exceed five acres active at one time, within which the actual landfill and all related treatment shall take place.

§ 312-5. Landfill requirements.

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 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) Minimum distance of the site from state and Town roads shall be 750 feet.
- B. Entrances.
 - (1) Entrances shall not be placed within 750 feet of any presently existing residence.
 - (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. 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. The landfill shall not be operated prior to 7:30 a.m. nor later than 6:00 p.m. 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. 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.

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§ 312-6. Operation; permit revocation; hearing.

The landfill site may not be operated until all requirements of this article have been met, and the permit may be revoked at any time by the Selectmen upon 10 days' notice after finding by them that this article 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-day period the operator notifies the Selectmen, in writing, of his request to such hearing. Such hearing shall be held within 10 days of the written request, and the Selectmen shall make a decision within 10 days of said hearing.

§ 312-7. Penalties for offenses.

Any violation of this article shall be punishable by a fine not to exceed \$100 per incident. Each day that such violation continues shall be a separate offense.

§ 312-8. Severability.

Should any section or provision of this article be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this article as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE II

Solid Waste and Recycling**[Adopted 10-23-1990]****§ 312-9. 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 area where refuse generated within its boundaries shall be disposed.

§ 312-10. Definitions.

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

BOARD or SOLID WASTE BOARD — Consist of the Town of Sterling Board of Selectmen and the recycling coordinator.

COLLECTOR — 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.

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MUNICIPALITY — Includes the Town of Sterling, Connecticut, Chapter 177, § 177-5, Provisions for flood hazard reduction.

RECYCLABLES — Any item designated by this article or by the regulations adopted pursuant to this article to be separated or diverted from the solid waste stream.

RECYCLING CENTER — Any area designated by the Town where the recyclables recovered from the Town residents will be stored before going to market.

RECYCLING COORDINATOR — The person designated by the Board of Selectmen to lawfully oversee the separation, pickup, storage and marketing of recyclables in the Town.

RESIDENT — A person who resides or owns real property containing a residence in the Town of Sterling.

SOLID WASTE — Unwanted or discarded materials, including solid, liquid, semisolid, or contained gaseous materials.

SOLID WASTE FACILITY — Any solid waste disposal area, volume reduction plant, or resource recovery facility designated, owned or operated by the Town.

TOWN — The Town of Sterling, Connecticut.

§ 312-11. Restriction of use of solid waste facility.

Only residents, their collectors, Town-operated collectors, and the Town are, pursuant to this article, 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.

§ 312-12. Waste disposal; salvage.

- A. Disposal of solid waste is restricted pursuant to this article and solid waste regulations hereinafter adopted by the Board.
- B. 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 it has been placed for collection without written permission of the Board.

§ 312-13. Collection and transport.

- A. No person shall collect, haul, or transport recyclable for payment or profit within the Town without obtaining a collector's permit. This subsection shall not include any resident hauling recyclables for his own residence nor to the Town or its agencies.
- B. Collector's permit application.
 - (1) Application forms for collector's permit shall be obtained from the recycling coordinator. The form shall include the following:

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- (a) Name and address of the permittee.
 - (b) A list of all vehicles to be used for the pickup of recyclables, list to include the Connecticut registration number, capacity size of each vehicle, type of vehicle, other towns in which the 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.
- (2) The recycling coordinator shall review the application and, if it conforms to the regulations, issue the permit.
- C. Any permit issued under these provisions may be suspended, canceled or revoked by the Board on 10 days' written notice, mailed certified return receipt to the permittee at the last business address on the application, upon the following:
- (1) Any permittee fails or refuses to comply with the provisions of this article or the applicable rules and regulations of the Board.
- D. All permittees shall keep and maintain such records as the Board, by regulation, may require to comply with this article and state regulations governing solid waste.

§ 312-14. Contractual authority and recycling.

The Board is authorized to employ and/or negotiate and enter into contracts with individuals, corporations or governmental agencies for the separation, recovery, collection, removal, storage or disposition of solid waste and recyclables.

§ 312-15. Contractual and regulatory authority of Board.

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.

§ 312-16. Severability.

If any section, subsection, paragraph or phrase of this article is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decisions shall not affect the validity of the remaining portion of this article, as such other portions shall be deemed separate, distinct and independent.

§ 312-17. Items deemed recyclable.

- A. 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.
- B. The following items are to be added as mandated recyclables:

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- (1) HDPE plastic No. 2 on bottom of container; includes milk jugs, detergent bottles, etc., but excludes motor oil containers).
- (2) Junk mail (envelopes, white and colored paper, magazines, manila folders, all discarded mail and flyers).
- (3) Nickel-cadmium batteries.

§ 312-18. Littering violation. [Added 3-20-1996]

Any littering on public land or land not owned by violator shall be a violation of C.G.S. § 22a-250(a) and of Chapter 215, Littering and Dumping, of the Code of the Town of Sterling.

Chapter 318

WIRELESS TELECOMMUNICATION FACILITIES

§ 318-1. Title, authority, purpose.

§ 318-3. Site plan requirements.

§ 318-2. Enforcement and administration.

§ 318-4. Standards for review.

[HISTORY: Adopted by the Town Meeting of the Town of Sterling 7-8-1998. Amendments noted where applicable.]

§ 318-1. Title, authority, purpose.

- A. Title. This chapter shall be known and may be cited as the "Wireless Telecommunication Regulations, Town of Sterling, Connecticut," and are referred to herein as "these regulations."
- B. Authority. These regulations have been promulgated by the Sterling Board of Selectmen in accordance with and under the authority prescribed by C.G.S. Chapter 98, § 7-148(c)(7)(A)(ii); (c)(7)(E); (c)(7)(H)(ii), (xi) and (xiii); (c)(8) and (c)(10)(A).
- C. Purpose. The purpose of this chapter 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 1996¹ 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:
- (1) To encourage use of nonresidential buildings and structures, such as water storage tanks.
 - (2) To encourage joint use of new or any existing towers and facilities.
 - (3) To avoid potential damage to adjacent properties from tower failure through engineering and careful siting of towers.
 - (4) To accommodate the need for wireless communication towers and antennas while regulating their location and number.
 - (5) To protect historic and residential areas from potential adverse impacts of wireless communication facilities.

1. Editor's Note: See 47 U.S.C. § 521 et seq.

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- (6) To encourage suitable design measures to minimize adverse visual effects of wireless communication facilities.
- (7) To reduce the number of towers and/or antennas needed in the future.
- (8) To encourage the use of municipally owned sites and facilities.

D. 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 electromagnetic 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 mobile radio, and paging.

§ 318-2. Enforcement and administration.

- A. 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.
- B. 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.
 - (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) 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 65 days after such application is submitted, provided that applicant may consent to one or more extensions of such period.
- C. 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.

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- (1) The Town shall charge an initial fee of \$1,000 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.
- D. 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.
- E. Inland wetlands. If an application for a wireless telecommunication permit involves an activity regulated under the provision of C.G.S. Chapter 440, 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, the Board of Selectmen shall give due consideration the report of the Sterling Inland Wetlands and Watercourses agency.

§ 318-3. Site plan requirements.

- A. 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.
- (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.
- (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 15 days after such decision is rendered.
- B. Site plan ingredients. Site plans shall be drawn at a scale of at least one inch equals 40 feet and shall be on sheets either 36 inches by 24 inches and shall clearly show, to the satisfaction of the Board of Selectmen, the following information:
- (1) Name and address of applicant.
- (2) Address of property and name of owner of record.
- (3) Scale, North arrow, date of drawing or its revision, and name of person preparing the site plan.
- (4) Property boundaries, dimensions and area.
- (5) Locations of all existing and proposed buildings and uses, including, but not limited to, signs, sidewalks, driveways, parking and loading areas, and abutting

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streets; poles, hydrants and other utility appurtenances; areas to be used for exterior storage and the type of screening to be provided.

- (6) Contour lines at two-foot intervals. If grading is proposed, the existing and proposed contours will be shown.
- (7) Existing and proposed drainage structures on the property and those off the property that may be affected by the proposed facility.
- (8) Proposed landscaping, including the type, size and location of proposed plantings.

C. Soil erosion and sediment control plan.

- (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 1/2 acre. The soil erosion and sediment control plan shall contain proper provisions to adequately control stormwater 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 stormwater 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 stormwater management facilities.

(b) A map of at least one inch equals 50 feet, 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;

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- [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 for the date and signature of the First Selectmen of the Board of Selectmen.
- (c) The narrative required in § 318-3C(1)(a) may be included on the map of § 318-3C(1)(b) if room allows it without affecting the readability of the map. The items required to be mapped in § 318-3C(1)(b) may be depicted on the site plan map required in § 318-3A if the readability of the site plan is not affected.
- (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) 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 § 318-3F of these regulations.
 - (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.
- D. 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.
- E. Site plan evaluation. The Board of Selectmen shall determine the following in its review of a site plan:

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- (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.
- (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) All proposed traffic accessways 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.
- (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.
- (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 12 inches in diameter to the maximum extent possible shall be encouraged.
- (6) Lighting from the installation of outdoor flood- or spotlighting and illuminated signs will be properly shielded so that such lighting will not adversely affect any abutting property or public street.
- (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 § 318-4A 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 C.G.S. § 16-50aa 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.

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- (g) Consideration of future use or reuse of the site, with provisions for facility removal and site restoration.
- F. 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.

§ 318-4. Standards for review.

- A. 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 Subsection A(1) as most preferred to Subsection A(6) as least preferred:
 - (1) On existing structures such as nonresidential buildings/facades, water towers/tanks, utility poles, steeples, clock or bell towers, billboards, chimneys, bridges and silos.
 - (2) On existing or approved towers.
 - (3) On new towers located on property occupied by one or more existing towers.
 - (4) On new towers located in industrial areas.
 - (5) On new towers in commercial-industrial or commercial areas.
 - (6) On new towers located in residential areas.
- B. Application contents and review.
 - (1) 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 telecommunication 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 telecommunication site, including the location of structures greater than 40 feet in height within 1/4 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.

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- (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 co-located 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.
- (l) All of the plans and information required for wireless telecommunication facility site plan as required in § 318-3 of these regulations.
- (m) A viewshed 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 a 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 10 feet.
- (r) Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

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- (2) The Board of Selectmen may require independent engineering/technical review of submitted materials at the applicant's expense.
- C. All wireless telecommunication facilities where the antenna is mounted to an existing nonresidential building or structure shall meet these standards:
- (1) No unnecessary change shall be made to the height of the building or structure.
 - (2) Panel antennas shall not exceed 60 inches in height by 24 inches in width; whip antennas shall not exceed 48 inches in height; and dish antennas shall not exceed 36 inches in diameter.
 - (3) Equipment cabinets and sheds shall be screened with appropriate landscaping materials from abutting properties.
 - (4) 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.
 - (5) Facade-mounted antennas shall not exceed the highest point of the rooftop by more than 10 feet.
 - (6) Roof-mounted antennas shall be set back from the roof edge a minimum of 10 feet or 10% of the roof width, whichever is greater.
 - (7) Roof-mounted antennas shall be set back from the roof edge a minimum of 10 feet or 10% of the roof width, whichever is greater.
 - (8) Roof-mounted antennas shall not occupy more than 25% of the roof area in residential areas and 50% in all other areas.
- D. All wireless telecommunication facilities where the antenna is mounted to an existing nonresidential building or structure shall meet these standards:
- (1) No unnecessary change shall be made to the height of the building or structure.
 - (2) Panel antennas shall not exceed 60 inches in height by 24 inches in width; whip antennas shall not exceed 48 inches in height; and dish antennas shall not exceed 36 inches in diameter.
 - (3) Equipment cabinets and sheds shall be screened with appropriate landscaping materials from abutting properties.
 - (4) 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.
 - (5) Facade-mounted antennas shall not protrude above the building structure and shall not project more than three feet beyond the wall or facade.
 - (6) Roof-mounted antennas shall not exceed the highest point of the rooftop by more than 10 feet.
 - (7) Roof-mounted antennas shall be set back from the roof edge a minimum of 10 feet or 10% of the roof width, whichever is greater.

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- (8) Roof-mounted antennas shall not occupy more than 25% of the roof area in residential areas and 50% in all other areas.
- E. 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:
- (1) 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, groundwater, surface waters or the air; perceptible vibrations transmitted through air or ground; or noise in excess of state and local standards.
 - (2) The tower and/or antenna shall be erected to the minimum height necessary to satisfy the technical requirements of the telecommunication 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.
 - (3) A tower shall be set back 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.
 - (4) 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 telecommunication 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.
 - (5) No lights or illumination shall be permitted unless required by the FAA.
 - (6) No signs or advertising shall be permitted on any tower or antenna except "no trespassing" warning and ownership signs are permitted at ground level.
 - (7) 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.
 - (8) 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.

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- (9) A proposed tower shall be designed and constructed to all applicable standards of the American National Standards Institute, as amended.
 - (10) The Board of Selectmen may require the use of C.G.S. § 16-50aa to promote tower sharing.
 - (11) For any permits issued for a telecommunication 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.
- F. All ancillary buildings associated with wireless telecommunication facilities shall comply with the following:
- (1) 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.
 - (2) 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.
 - (3) All ground-level buildings, boxes or cabinets shall be surrounded by a landscaped buffer area 15 feet in width.
- G. 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 twelve-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.

APPENDIX

**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 10° 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.

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AN ACT CONCERNING BOUNDARY LINES OF THE TOWN OF KILLINGLY

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

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 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

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**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
CONVENED:

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 PROVIDING FOR THE BIENNIAL ELECTIONS IN THE TOWN OF STERLING

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

SECTION 1. AT THE ANNUAL TOWN ELECTION OF THE TOWN OF STERLING TO BE HELD ON THE FIRST MONDAY OF OCTOBER, 1937, AND BIENNIALLY 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.

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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.

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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 OR 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.

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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.

DISPOSITION LIST

Chapter DL

DISPOSITION LIST

§ DL-1. Disposition of legislation.

The following is a chronological listing of legislation of the Town of Sterling reviewed for codification, indicating for each its inclusion in the Code or the reason for exclusion. The last legislation reviewed for the 2024 publication of the Code was adopted August 10, 2023.

§ DL-1. Disposition of legislation.

KEY:

NCM = Not Code material (legislation is not general or permanent in nature).

| Adoption Date | Subject | Disposition |
|---------------|--|-----------------|
| 10-3-1932 | Hawkers, Peddlers and Itinerant Vendors | Ch. 188 |
| 6-30-1942 | Alcoholic Beverages: Hours of Sale | Ch. 113, Art. I |
| 10-13-1942 | Air Raids and Blackouts | NCM |
| 2-1-1950 | Bingo | Ch. 127 |
| 8-24-1951 | Elections: Biennial Elections | Ch. 23, Art. I |
| 10-11-1954 | Boating: Sterling Pond | Ch. 131, Art. I |
| 10-14-1957 | Building Construction: Location and Costs | Ch. 136, Art. I |
| 9-13-1962 | Boards, Commissions and Committees: Development and Industrial Commission | Ch. 7, Art. I |
| 2-25-1964 | Fire District | Ch. 34 |
| 6-18-1964 | Taxation: Motor Vehicle Tax List | Ch. 290, Art. I |
| 7-23-1964 | Sand or Gravel Pits and Quarries | Ch. 262 |
| 2-16-1967 | Mobile Homes and Trailers | Ch. 226 |
| 2-16-1967 | Streets and Sidewalks: Street Construction and Acceptance | Ch. 284, Art. I |
| 11-28-1967 | Racetracks | Ch. 250 |
| 5-8-1968 | Mobile Homes and Trailers Amendment | Ch. 226 |
| 5-8-1968 | Public Health: Nursing Services | Ch. 62, Art. I |

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| Adoption Date | Subject | Disposition |
|----------------------|---|----------------------|
| 8-11-1968 | Agreement for Provision of Public Health Nursing Supervision | NCM |
| 8-18-1970 | Sewage Disposal | Ch. 268 |
| 9-22-1970 | Building Construction: Building Code and Board of Appeals | Ch. 136, Art. II |
| 2-10-1971 | Moosup River: Watershed Plan | NCM |
| 6-10-1971 | Boards, Commissions and Committees: Planning Commission | Ch. 7, Art. II |
| 10-11-1971 | Reduction of October 1971 Mandatory Session Hours by Board of Admission of Electors | NCM |
| 1-25-1972 | Sewer Authority | Ch. 87 |
| 5-25-1977 | Floodplain Management | Repealed 1-30-1985 |
| 9-12-1977 | Waste Management: Sanitary Landfills | Ch. 312, Art. I |
| 9-1981 | Alcoholic Beverages: Public Consumption | Ch. 113, Art. II |
| 9-10-1981 | Mobile Homes and Trailers Amendment | Ch. 226 |
| 9-10-1981 | Building Construction: Building Lots | Ch. 136, Art. III |
| 10-19-1982 | Sewers | Ch. 271 |
| 1-30-1985 | Flood Damage Prevention | Superseded |
| 3-31-1987 | Regional Agencies: Regional Council of Governments | Ch. 74, Art. I |
| 2-3-1988 | Boards, Commissions and Committees: Inland Wetlands Commission | Ch. 7, Art. III |
| 2-3-1988 | Boards, Commissions and Committees: Planning Commission Amendment | Ch. 7, Art. II |
| 3-31-1988 | Surplus Property | Ch. 93 |
| 3-31-1988 | Streets and Sidewalks: Snow and Ice on Public Sidewalks | Ch. 284, Art. II |
| 4-21-1988 | Streets and Sidewalks: Road Work | Ch. 284, Art. III |
| 4-21-1988 | Driveways | Superseded 2-16-2013 |
| 8-16-1988 | Fees: Land Use Applications | Ch. 171, Art. I |
| 10-19-1988 | Streets and Sidewalks: Street Names and Lot Numbers | Ch. 284, Art. IV |
| 4-20-1989 | Sewers Amendment | Ch. 271 |

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| Adoption Date | Subject | Disposition |
|----------------------|---|----------------------|
| 10-10-1989 | Rental Property: Multiple-Dwelling Units | Ch. 255, Art. I |
| 1-24-1990 | Regional Agencies: Regional Resource Recovery Authority | Ch. 74, Art. II |
| 10-23-1990 | Waste Management: Solid Waste and Recycling | Ch. 312, Art. II |
| 1-16-1991 | Budget | Ch. 12 |
| 1-16-1991 | Flood Damage Prevention | Ch. 177 |
| | Recreation Authority | Repealed 4-13-2023 |
| 1-29-1992 | Town Clerk and Tax Collector Terms of Office | Superseded 4-23-2011 |
| 4-14-1992 | Boards, Commissions and Committees: Flood and Erosion Control Board | Ch. 7, Art. IV |
| 8-18-1993 | Justices of the Peace | Ch. 41 |
| 8-18-1993 | Bazaars and Raffles | Ch. 122 |
| 5-26-1993 | Taxation: Waivers | Ch. 290, Art. II |
| 3-20-1996 | Littering and Dumping | Ch. 215 |
| 3-20-1996 | Waste Management: Solid Waste and Recycling Amendment | Ch. 312, Art. II |
| 3-20-1996 | Building Construction: Building Permits | Ch. 136, Art. IV |
| 2-19-1997 | Public Notices | Ch. 66 |
| 5-5-1998 | Adult-Oriented Establishments | Ch. 109 |
| 7-8-1998 | Wireless Telecommunication Facilities | Ch. 318 |
| 9-1-1999 | Excavations | Ch. 160 |
| 10-26-2000 | Signs and Billboards | Ch. 277 |
| 5-23-2001 | Taxation: Dairy Farm Tax Abatement | Ch. 290, Art. III |
| 6-27-2001 | Selectmen, Board of | Ch. 82 |
| 6-25-2003 | Taxation: Refunds | Ch. 290, Art. IV |
| 12-17-2003 | Taxation: Motor Vehicle Tax Delinquency | Ch. 290, Art. V |
| 8-16-2006 | Boards, Commissions and Committees: Family Day Committee | Ch. 7, Art. V |
| 11-1-2006 | Land Use Regulations | Expired |
| 12-10-2008 | Citations: Violations of Inland Wetlands and Watercourses Regulations | Ch. 144, Art. I |

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| Adoption Date | Subject | Disposition |
|----------------------|---|----------------------|
| 7-14-2009 | Boards, Commissions and Committees: Planning and Zoning Commission Amendment; Zoning Board of Appeals | Ch. 7, Art. II |
| 2-24-2010 | Boards, Commissions and Committees: Agriculture Commission | Ch. 7, Art. VI |
| 3-28-2011 | Officers and Employees: Town Clerk and Registrar of Vital Statistics, Tax Collector and Treasurer | Ch. 56, Art. I |
| 1-29-2013 | Driveways | Ch. 153 |
| 5-1-2013 | Farming: Right to Farm | Ch. 166, Art. I |
| 4-23-2014 | Purchasing | Superseded 4-13-2023 |
| 8-13-2014 | Boards, Commissions and Committees: Energy Committee | Ch. 7, Art. VII |
| 8-13-2014 | Taxation: Motor Vehicles Adapted for Persons With Disabilities | Ch. 290, Art. VI |
| 3-16-2015 | Taxation: Alternative Property Tax Exemption for Veterans | Ch. 290, Art. VII |
| 4-13-2023 | Purchasing | Ch. 70 |
| 8-10-2023 | Flood Damage Prevention Amendment | Ch. 177 |

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