

ORDINANCES
and
SPECIAL ACTS
Pertaining to the Town of
CHESTER, CONNECTICUT

4th Edition

March 1, 1984

Sec. 7-148a 1959 Supplement to General Statutes
of Connecticut Revision of 1958

Municipalities to compile ordinances and special acts.

Each town, city and borough in this state shall, on or before December 31, 1960, compile and publish in permanent form all ordinances adopted by it and all special acts concerning it. All amendments to such ordinances, all new ordinances and all special acts adopted thereafter shall be printed at least biennially and published as a cumulative supplement to such compilation. Such compilation and all supplements thereto shall be available for sale to the public at the office of the clerk or other similar office in such municipality at a reasonable cost to be determined by such municipality and a copy of each compilation and supplement shall be deposited by the clerk of the municipality in the office of the Secretary of the State. (1959, P.A. 430.)

SPECIAL ACTS

Spec. Acts. V.2 p. 1143

RESOLVE INCORPORATING THE TOWN OF CHESTER

Passed, May 1836

RESOLVE, That all that part of the town of Saybrook, which constitutes, and is called the 4th school society, being the north part of the present town of Saybrook, with all the inhabitants residing therein, be, and the same is hereby incorporated into a separate town, by the name of "Chester", and the inhabitants aforesaid, and their successors forever residing within said limits, shall have and enjoy all the powers, privileges and immunities, which are enjoyed by other towns in this State, with the privilege of sending one Representative to the General Assembly of this State. And said new town shall pay its proportion, according to the list of 1835, of all debts, charges, expenses, suits, petitions and claims already due and commenced, or which may exist against said town of Saybrook, on the 1st day of October A.D. 1836, and for which said town shall hereafter be rendered liable, by force of any claim now existing; and the poor of said town of Saybrook who were born within the limits hereby incorporated, and have not gained a settlement elsewhere in this State than in said town of Saybrook, or who have gained a settlement in said town of Saybrook, by residence or otherwise, within said limits, shall be deemed inhabitants of said town of Chester, and shall be maintained accordingly, and said town of Chester, shall be liable to maintain all such poor of said town of Saybrook, as are or may be absent therefrom, provided such persons at the time of departure, belonged to that part of the town of Saybrook hereby incorporated; provided, however that all persons born in said town of Saybrook, and who have not gained a settlement elsewhere, and are not now, nor have been supported, either in whole or in part, by said town of Saybrook, and shall at the time of passing this act, be domiciled within the limits hereby incorporated, shall be taken and deemed to be inhabitants of said town of Chester. The collectors of State and town taxes, in the town of Saybrook, are hereby authorized to collect their respective taxes already laid, due, and in their respective rate books contained, in the same manner as though this resolve had not passed.

The first town meeting of said new town of Chester, shall be holden at the Presbyterian meeting house in said Chester, on the first Monday of October A.D. 1836, and Joel Pratt, or in case of his failure, Samuel Colt, shall be moderator thereof, and shall warn said meeting by setting up a notification of the same, on the public sign post of said town, and such other places as either of said persons may deem proper, at least six days before said first meeting. Said town shall have all the powers at said first meeting incident to other towns in the State, and full right to act accordingly; and the officers elected at said first meeting, shall hold their offices until others are chosen and sworn in their stead.

CONFIRMING DOINGS OF SCHOOL SOCIETY OF CHESTER

Upon the petition of sundry inhabitants of the School Society of Chester in Middlesex county, showing to this Assembly that by pure mistake the annual school society meeting of said society, for 1845, was warned and held at the south school house in said district, on the 6th day of October of that year, when by a previous vote of said society (which was overlooked by the committee warning said meeting) it had been directed to be warned and held at another place; that the annual officers of said society, including the prudential committee, were appointed at said meeting and performed their duties throughout the year; that said committee subsequently warned a meeting of said society, which was held at said school house on the 15th day of said October, at which said district was divided, &c.,-and praying that the doings of said meeting held on the 6th of October may be established and confirmed; as per petition on file, dated the 18th of May, 1846. This Assembly having inquired into said facts find them true and grant the prayer of said petition. Whereupon,-

RESOLVED BY THIS ASSEMBLY, That the doings of said school society meeting held on the 6th day of October, 1845, at the said south school house, shall not for the reason that the said meeting was warned and held at that time and place instead of the place designated by the previous vote as aforesaid, be adjudged void, but the same, (being legal in other respects,) with the appointment of officers, and all other acts of said meeting be and the same are hereby from that day established, ratified and confirmed.

**CONFIRMING THE VOTES OF THE TOWN OF CHESTER,
AUTHORIZING A SUBSCRIPTION OF STOCK TO THE
CONNECTICUT VALLEY RAILROAD COMPANY**

WHEREAS, the legal voters of the town of Chester, at a special town meeting duly called for that purpose, and held on the, 1869, and in said meeting duly assembled, passed the following resolution, viz:

VOTED, that the town of Chester will take and subscribe for one hundred sixty-seven (167) shares of the capital stock of the Connecticut Valley Railroad Company, in pursuance of the authority given in the charter of the said Connecticut Valley Railroad Company, passed at the May session of the general assembly of Connecticut, A.D. 1868, and the amendment thereto passed May session A.D. 1869, and that George Jones, be, and he is thereby appointed agent to subscribe, in the name and behalf of this town, for the said shares of stock, and also to vote upon the same at all stockholders' meetings of said corporation, which may be held within one year from the day of its organization:

PROVIDED, that such subscription shall be made on the day designated by the corporation for the meeting of stockholders to chose directors and perfect the organization of said corporation according to the third section of the act incorporating said company, and previous to the choice of said directors: AND PROVIDED FURTHER, that such subscription shall not be made until other towns, corporations or responsible persons shall have subscribed for at least ten thousand (10,000) shares of said stock, including the amount which may be authorized to be subscribed by the town of Chester, and that the avails of said subscription shall be expended on said railroad south of the City of Middletown, Connecticut, therefore,

RESOLVED BY THIS ASSEMBLY: - That the said action and vote of said meeting is hereby validated and confirmed to all intents and purposes, and that the same have the same force and effect as if the action of said meeting had been authorized by act of the legislature of this state; and all acts of said agent under and in pursuance of said vote shall be valid and binding upon said town of Chester and the inhabitants thereof, in the same manner and to the same extent, as if authorized by the prior act of the legislature.

Approved July 1st 1870.

Vol. IV 1836-1856 p. 1161
ANNEXING PART OF SCHOOL SOCIETY OF CHESTER
TO SCHOOL SOCIETY OF SAYBROOK
Passed 1856

RESOLVED, That all that part of the school society of Chester, which lies within the town of Saybrook, be and it is hereby annexed to and shall constitute part of the school society of Saybrook.

Vol. IV 1836-1856 p. 1229
ESTABLISHING THE MILEAGE OF THE TOWNS OF
CHESTER AND LEDYARD
Passed 1837

Vol. IV 1836-1856 p. 1230
ANNEXING PART OF TOWN OF CHESTER TO
TOWN OF SAYBROOK
Passed 1856

Upon the petition of Simon W. Shailer and others, praying for alteration of the town lines between the towns of Chester and Saybrook:

RESOLVED BY THIS ASSEMBLY, That all that part of the town of Chester lying southerly and easterly of a line commencing in Sawmill Cove (so called) on Deep River, at a point in the line between the towns of Saybrook and Chester, where the north line of the lumber yard of Stevens, Starky & Co., produced, intersects the same; thence south forty-one degrees west, about fifty rods to the thirty-two mile stone of the Middlesex turnpike road; thence the same course about one hundred rods till it intersects the line of the school societies of Chester and Saybrook; thence on said school society's line and following the same westerly till said line intersects the present town line between the towns of Saybrook and Chester, be and hereby is incorporated in and made part of said town of Saybrook, and that the aforesaid lines and boundaries be the boundaries between said towns of Chester and Saybrook. That this act shall take effect from the time of its passage, but nothing herein contained shall affect any tax heretofore laid.

Vol. XV 1907 & 1909 p. 643

(House Joint Resolution No. 357)

(46)

**PAYING THE TOWN OF CHESTER
FOR BURIAL OF A STATE PAUPER**

Vol. XXI p. 755

(House Bill No. 665)

(29.)

**AN ACT AUTHORIZING THE TOWN OF CHESTER
TO REIMBURSE HANNAH C. ALEXANDER
FOR OVERPAYMENT OF TAXES**

Vol. XXVI 1949-53 p. 597

(House Bill No. 143)

(609)

**AN ACT CONCERNING THE ELECTION, TERM AND
METHOD OF ROTATION OF MEMBERS OF THE BOARD
OF EDUCATION IN THE TOWN OF CHESTER**

Section 1. The town of Chester shall continue to have a board of education consisting of nine members. At the biennial election to be held in said town on the first Monday in October, 1951, three members shall be elected for a term of six years beginning on the day of their election and one member shall be elected for a term of four years beginning on the day of his election. At the biennial election to be held in said town on the first Monday in October, 1953, three members shall be elected for a term of six years beginning on the day of their election, and two members shall be elected for a term of two years beginning on the day of their election.

At the biennial election to be held on the first Monday of October, 1955, and at each biennial

election to be held subsequent thereto, three members shall be elected for a term of six years beginning on the day of their election.

Section 2. When, at any election, the number of members to be elected to said board for the same term is three, no party may nominate more than two candidates and no person may vote for more than two. When, at any election, the number of members to be elected to said board for the same term is two, each party otherwise entitled to make nominations for said office may nominate two candidates and each person may vote for two.

Sec. 3. If a vacancy shall occur on said board, the remaining members of the board may fill it until the next biennial election, when the vacancy shall be filled by election.

Approved June 29, 1951.

Vol. XXVII 1955 p. 485

House Bill No. 2155

(542)

**AN ACT MAKING AN APPROPRIATION FOR
CONSTRUCTION OF CURBING AT SITE OF WAR
MEMORIAL IN THE TOWN OF CHESTER**

The sum of twenty-five hundred dollars is appropriated from the highway fund for the construction of curbing and suitable grading around the war memorial situated at the junction of route number 9 and Railroad Avenue in the town of Chester.

Approved August 5, 1955.

SPECIAL ACTS

(199.)

**AN ACT CONCERNING THE ELECTION OF THE BOARD
OF EDUCATION OF REGIONAL SCHOOL DISTRICT
NUMBER 4 AT TOWN ELECTIONS**

Members of the board of education of regional school district number 4 whose terms expire on June 30, 1959, shall continue in office to October 6, 1959, on which date the term of all members of said board shall expire. Commencing at the election to be held in the towns of Chester, Deep River and Essex, on the first Monday in October, 1959, each of said towns shall elect three members of the board of education of regional school district number 4, one for a term of two years, one for a term of four years and one for a term of six years, from said date. At the regular town election to be held in each of said towns in October, 1961, and at each regular town election biennially thereafter, one member from each of said towns shall be elected from the day of his election for a term of six years. The board of selectmen in each of said towns shall be

empowered, by a majority vote, to make interim appointments to fill any vacancy which occurs in their respective towns. The term of those so appointed shall run from the time such appointment is made until the next town election at which a successor shall be elected for the unexpired portion of the term, if any. Any provisions of section 10-46 of the general statutes inconsistent with the provisions of this act shall **not** apply to regional school district number 4.

Approved June 2, 1959.

Public Acts

January Session 1967

Page 914

Modified House Bill No. 2087.

(Public Act No 602)

**AN ACT CONCERNING A STATE GRANT IN LIEU OF
TAXES ON PROPERTY IN CHESTER.**

Section 1. Section 12-23 of the general statutes is repealed and the following is substituted in lieu thereof: The state grant awarded to the town of Chester in lieu of taxes on land owned by the state and situated in said town shall be based on a valuation of [thirty] *thirty-five* dollars per acre or shall be in the amount of [four thousand fifty] *five thousand* dollars, whichever is greater.

Section 2. This act shall take effect July 1, 1967.

Town Acts Book 3 Page 120

**AN ORDINANCE CONCERNING THE REMOVAL OF
SNOW AND ICE FROM SIDEWALKS IN THE TOWN OF
CHESTER**

Pursuant to authorization of a special Town Meeting held July 22nd 1952, the following Ordinance is hereby enacted:

Section 1. The owner, tenant or occupant of premises adjoining and fronting on any sidewalk in the Town of Chester shall be individually and collectively responsible for the removal of snow and ice from such sidewalks.

Section 2. Such snow and ice shall be removed from such sidewalks within a reasonable period of time after the same have accumulated thereon.

Section 3. A fine of not exceeding five dollars (\$5.00) shall be imposed for each violation of this ordinance.

Section 4. This ordinance shall become and be effective five (5) days after the same shall have been published in a newspaper having circulation in said Town of Chester and after it has been posted on the signpost in said Town.

Board of Selectmen, Town of Chester
Archie T. Colvin
Daniel J. Zanardi
Irwin L. Ruty

State of Connecticut
County of Middlesex ss. Town of Chester, Aug. 7, 1952

This is to certify that the foregoing ordinance was published in the New Era, a newspaper having circulation in the Town of Chester on the 7th day of August, 1952; and was posted on the signpost in said Town on the 7th day of August, 1952; and that the effective date of said Ordinance is the 12th day of August, 1952.

ATTEST: Dorothy M. Ball, Town Clerk

**ORDINANCE REGULATING THE DISPOSAL OF
GARBAGE, RUBBISH AND WASTE MATERIAL**

Published in The New Era-September 6, 1956
BE IT ENACTED:

Section 1. The transportation of garbage, rubbish or similar waste materials into town limits of the Town of Chester from anywhere outside the town limits of said Town for the purpose of dumping or disposing such garbage, rubbish or similar waste materials anywhere within the town limits of said Town is prohibited.

Section 2. All garbage, rubbish or similar waste materials transported in the Town of Chester by truck or similar vehicle shall be suitably covered so as to prevent spillage upon any public highway.

Section 3. No garbage, rubbish or similar waste materials shall be disposed of, deposited, or allowed to remain on any public highway.

Section 4. The dumping or disposal of dead animals, fowl or reptiles, or of cesspool debris at such public town dumps is prohibited.

Section 5. Penalty for the violation of this Ordinance or any section thereof shall be not less than ten dollars (\$10.00), nor more than one hundred dollars (\$100.00).

Section 6. This ordinance shall be effective thirty (30) days after publication thereof in a newspaper having circulation in the Town of Chester and in accordance with Section

249d of the 1955 Supplement to the Connecticut General Statutes.

Town Acts Vol. 3 Page 169

The following ordinance was passed at a Town Meeting in Chester, Connecticut, on September 8, 1958 and will become effective 15 days after publication hereof:

**ORDINANCE CONCERNING THE CREATION
OF A BOARD OF FIRE COMMISSIONERS
AND FIRE DEPARTMENT AND THE DUTIES
OF THE BOARD OF FIRE COMMISSIONERS:**

Section 1. Under the authority granted in Public Act No. 13 Section 18 of the January 1957 Session of the Connecticut General Assembly the Town of Chester hereby established a Board of Fire Commissioners and a Fire Department known as The Chester Fire Department.

Section 2. The management and control of said Fire Department shall be vested in the Board of Fire Commissioners which shall be composed of five members chosen as follow: The First Selectman of the Town of Chester during his term of office, the Chief of the Chester Hose Company during his term of office, and three electors of the Town of Chester elected in the following manner: In the regular town election held in the year 1959 one commissioner shall be elected to serve a two-year term, one to serve a four-year term and one to serve a six-year term. Thereafter as each of the aforesaid terms of commissioners are concluded a commissioner shall be elected to serve a six-year term.

Section 3. Said Board of Fire Commissioners shall have charge of the protection of property within the Town of Chester from fire and shall have all the powers given by law to boards of fire commissioners. Said Board shall have the general management, supervision and control of the Chester Fire Department and of all property, apparatus, equipment and supplies owned by the Town of Chester and used in connection with fire protection. It shall have the power to make regulations for the conduct of the fire department. It shall recommend the purchase of additional property, apparatus, equipment and supplies and for the repair and maintenance of same, as needed. It shall approve proper bills and turn them over to the Board of Selectmen for payment.

Section 4. Said Board of Fire Commissioners shall enter into an agreement with the Chester Hose Company for the protection of property within the Town of Chester under such terms and provisions as are mutually acceptable to the Board and the Hose Company. In general such agreement shall provide that the Board shall have the general

management and control of all town owned property used in connection with fire protection and shall recommend to the town the purchase of such additional property as is needed and shall purchase the same as approved by the town, that the Board shall make recommendations as to the operation of the Chester Hose Company and shall follow through to see that such recommendations are carried out, that the Board shall recommend to the town that any sums necessary for the operation of the Chester Hose Company and the training of its personnel be provided as needed; that the Board shall approve proper bills and turn them over to the Board of Selectmen for payment, that the officers and personnel of the Chester Hose Company shall have charge of the equipment, apparatus and supplies at the time of any fire or drill work. In the event that the Board and the Hose Company are unable to enter into an agreement which is mutually acceptable to both parties it shall be the duty of the Board of Fire Commissioners to staff the Chester Fire Department previously provided for after having first reached an agreement with the Chester Hose Company for the purchase of such property which it owns and is desirous of disposing. In such event the duly elected chief of the Chester Fire Department shall take the place of the Chief of the Chester Hose Company as a commissioner.

Section 5. Within thirty days after the enactment of this ordinance a special town meeting shall be called for the purpose of electing three persons to serve as fire commissioners until the regular town election in 1959. Vacancies occurring in the office of fire commissioner shall be filled by the remaining members of the Board of Fire Commissioners until the next regular town election at which time there shall be elected a fire commissioner to serve the unexpired term. A board Member shall hold office until his or her successor has been appointed. Members of the Board of Fire Commissioners shall serve without pay. No person other than the Fire Chief as set forth above shall serve as Fire Commissioner while he is a member of the Chester Hose Company or Chester Fire Department.

Section 6. The Board of Fire Commissioners shall, at its organizational meeting, elect a chairman and a secretary. A majority of Board Members shall constitute a quorum for the transaction of business.

Section 7. This ordinance shall become effective 15 days after publication thereof in a newspaper having a circulation in the Town of Chester.

William L. Johnson
Augustine Calamari
Malcolm Zanardi

This ordinance was published Sept. 11, 1959 in the Middletown Press.

Town Acts Book No. 3 Page 141

Motion was made and seconded that the Town adopt the provisions of Public Act 409, an act concerning bazaars and raffles. Dated at Chester, Conn., August 15, 1995.
Arnold H. Watrous
Acting Clerk

Town Acts Book No. 3 Page 203

ORDINANCE CREATING PLANNING BOARD

Pursuant to a Special Town Meeting held February 18, 1963 the following ordinance was enacted.

Section 1. The provision of Chapter 126 of the General Statutes of Connecticut 1958 as amended, are hereby adopted.

Section 2. A planning commission with all the powers and duties specified in said Chapter is hereby created and shall be named the Chester Planning Commission.

Section 3. Said commission shall consist of five members who shall be electors of the Town of Chester holding no salaried municipal offices.

Section 4. The members of said commission shall be appointed by the Board of Selectmen.

Section 5. Within 60 days after the effective date of this ordinance the Selectman shall appoint two electors to serve until April 1, 1964; two electors to serve until April 1, 1965 and one elector to serve until April 1, 1966. Thereafter as each member's term expires an elector shall be appointed for a three year term.

Section 6. This ordinance shall become effective fifteen days after publication thereof in some newspaper having circulation in the Town of Chester.

Dated at Chester this 21st. day of February, 1963.

Town Acts Book Vol. 3 Page 215

ORDINANCE CONCERNING JUSTICES OF THE PEACE

Pursuant to a Special Meeting held August 25, 1964, the following ordinance was enacted:

RESOLVED: That the number of Justices of the Peace in the Town of Chester shall be reduced from twenty-four to twelve.

Town Acts Book 3 Page 217

ORDINANCE CONCERNING ACCEPTANCE OF ROADS

Pursuant to an Annual Meeting held October 5, 1964 the following ordinance was enacted:

RESOLVED: That the following ordinance be adopted in order to establish uniformity in the method of approving roads prior to acceptance at a Town Meeting:

Section 1. The ordinance concerning the acceptance of roads passed on June 16, 1959 at a Special Town Meeting is repealed and the following is substituted in lieu thereof.

Section 2. No road shall be presented for acceptance at a Town Meeting until a majority of the Selectmen have verified in writing that the person or persons presenting said road for acceptance have complied with all the requirements set forth in the Subdivision Regulations of the Town of Chester in effect at the time of presentation for acceptance by the Chester Planning Commission pertaining to the mapping and construction of streets, turn arounds, guard posts, storm drains, sanitary sewers, catch basins, manholes, ditches, water courses, headwalls, sidewalks, curbs, gutters and other structures.

Section 3. This ordinance shall become effective fifteen (15) days after publication thereof in a newspaper having a circulation in the Town of Chester.

This ordinance was published October 15, 1964 in The New Era.

Town Acts Book 3 Page 217

**ORDINANCE ESTABLISHING
MUNICIPAL ECONOMIC DEVELOPMENT COMMISSION**

Pursuant to an Annual Meeting held October 5, 1964 the following ordinance was enacted:

RESOLVED: That the following ordinance be adopted in order to establish a municipal economic development commission in conformance with the General Statutes of the State of Connecticut:

Section 1. The provisions of Section 7-136 of the General Statutes of the State of

Connecticut are hereby accepted and a municipal economic development commission is hereby established for the promotion and development of the business and industrial resources of the Town of Chester.

Section 2. Said commission shall consist of five (5) members who shall be appointed by the Selectmen of the Town of Chester.

Section 3. On November 1, 1964 the Selectmen shall appoint five (5) members; one each to serve for a term of one, two, three, four and five years, respectively. Thereafter as each member's term expires, a member shall be appointed for a term of five years.

Section 4. Any vacancy occurring in the membership shall be filled by the Selectmen for the unexpired term.

Section 5. The Chester Industrial Development Commission as presently constituted is hereby dissolved.

Section 6. This ordinance shall become effective fifteen (15) days after publication thereof in a newspaper having a circulation in the Town of Chester.

This ordinance was published October 15, 1964 in The New Era.

Town Acts Book Vol. 3 Pages 231-232

ORDINANCE CONCERNING SEWERAGE DISPOSAL

Pursuant to authorization at the Annual Town Meeting held October 3, 1966, the following Ordinance is hereby enacted.

Section 1. No dwelling, apartment building, boarding house, hotel, or commercial building shall be constructed, additions made thereto, or its plumbing facilities used for the collecting, conveyance of disposal of waste waters altered, replaced or increased in the Town of Chester unless the sewerage facilities in connection with the same have been approved by the Director of Health of the Town, or any inspector appointed by him and a written permit issued.

Section 2. All applications for approval of the sewerage facilities shall be filed with the Director of Health or the inspector appointed by him. All applications for approval shall be accompanied by a plan and specifications of the proposed sewerage facilities. The fee which shall accompany such applications shall be Ten Dollars for a 1,000-gallon tank or less, plus an additional One Dollar for each 100 gallons of said tank in excess of 1,000 gallons, or any part thereof.

Section 3. A permit for a private sewerage disposal system shall not become effective until

the installation is completed to the satisfaction of the Director of Health. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Director of Health when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 96 hours of the receipt of notice by the applicant.

Section 4. The type, capacities, location, and layout of a private sewerage disposal system shall comply with all recommendations of the Department of Health of the State of Connecticut. No statement contained in this ordinance shall be constructed to interfere with any additional requirements that may be imposed by the Director of Health.

Section 5. The owner or agent of any building who shall violate any provision of this ordinance shall be deemed guilty of a misdemeanor punishable by a fine of not to exceed twenty-five dollars (\$25.00) for each and every day that such violation shall continue.

Section 6. The ordinance concerning sewerage disposal passed on October 5, 1964 at the Annual Town Meeting is hereby repealed and this ordinance is substituted in lieu thereof.

Section 7. This ordinance shall become effective fifteen (15) days after publication thereof in a newspaper having a circulation in the Town of Chester.

This ordinance was published October 6, 1966, in The New Era.

Town Acts Book No 3 Page 236

ORDINANCE FOR PROVIDING FOR PARTICIPATION IN THE CONNECTICUT RIVER ESTUARY PLANNING REGION

Pursuant to authorization at a Special Town Meeting held June 15, 1967, the following Ordinance is hereby enacted.

SECTION I - ADOPTION OF STATUTORY PROVISIONS AND ELECTION

The Town of Chester, being within the Connecticut River Estuary Planning Region as defined by the Connecticut Development Commission, hereby adopts the provisions of Sections 8-31a to 8-37a, inclusive, of the Connecticut General Statutes, Revision of 1958, and elects to participate in the Connecticut River Estuary Planning Agency, now or henceforth existing, under Chapter 127 of the Connecticut General Statutes, Revision of 1958.

SECTION II - APPOINTMENT OF MEMBERS AND TERM OF OFFICE

The Town of Chester, having a population of 2,520 according to the federal census of 1960, shall have two representatives, one to be appointed by the Chester Planning Commission, the other to be appointed by the Board of Selectmen. Appointees shall serve for terms of two

years, and until their successors shall have been appointed. Terms of office shall commence when the appointments are made or from the first organization meeting of the Agency, whichever is later.

SECTION III - VACANCIES

If a representative should resign, or die, or be unable to serve, or if he is removed from membership, the body which appointed that member shall fill the vacancy for the unexpired term.

SECTION IV - EFFECTIVE DATE

This Ordinance shall become effective upon passage by a town meeting and thereafter fifteen (15) days after publication thereof in some newspaper having a circulation in the Town of Chester.

This ordinance was published June 22, 1967, in The New Era.

Town Acts Book 3 Page 237

AN ORDINANCE PROVIDING FOR ALTERNATES TO THE PLANNING COMMISSION FOR THE TOWN OF CHESTER

Pursuant to authorization at a Special Town Meeting held June 15, 1967, the following Ordinance is hereby enacted:

Section 1. Under the provisions of Section 8-1b of the General Statutes of Connecticut, Revision of 1958 as amended, there shall be three alternate members to the Planning Commission for the Town of Chester.

Section 2. Said alternate members shall be electors of the Town of Chester and shall not be members of a zoning or planning commission or of a zoning board of appeals.

Section 3. The alternate members shall be appointed by the Board of Selectmen and vacancies within the alternate members shall be filled by the Board of Selectmen within thirty (30) days after the creation of said vacancy.

Section 4. Within 60 days after the effective date of this ordinance the Selectmen shall appoint one elector to serve until April 1, 1968, one elector to serve until April 1, 1969, and one elector to serve until April 1, 1970. Thereafter as each members term expires an elector shall be appointed for a three year term.

Section 5. This ordinance shall become effective fifteen (15) days after publication thereof in some newspaper having a circulation in the Town of Chester.

This ordinance was published June 22, 1967, in The New Era.

Town Acts Book 3 Page 240

**ORDINANCE CREATING RESTRICTED DISTRICTS FOR
ESTABLISHMENT OF A MOTOR VEHICLE JUNK YARD OR
MOTOR VEHICLE JUNK BUSINESS**

Pursuant to authorization at a Special Town Meeting held November 7, 1967, the following Ordinance is hereby enacted.

Section 1. In accordance with Section 21-23 of the Connecticut General Statutes, Revision of 1958 as amended, and for the purpose of promoting the health, safety and general welfare of the Town of Chester, for the purpose of conserving the value of buildings and encouraging the most appropriate use of land, and for the purpose of regulating and restricting unsightly and detrimental developments tending to depreciate the value of property and obstruct progressive improvements in the Town of Chester, the territorial limits of the Town of Chester is hereby created a restricted district within which a motor vehicle junk yard or motor vehicle junk business shall not be permitted to be established.

Section 2. This ordinance shall become effective upon filing with the Town Clerk and publication in some newspaper having a circulation in the Town of Chester in accordance with the General Statutes of Connecticut, Revision of 1958 as amended.

This ordinance was published November 9, 1967, in The New Era.

Town Acts Book 3 Pages 241-242

ORDINANCE CREATING A ZONING COMMISSION

Pursuant to authorization at a Special Town Meeting held January 11, 1968, the following Ordinance is hereby enacted:

(1) A zoning commission is hereby created for the Town of Chester for the exercise of the powers granted under Chapter 124 of the General Statutes of Connecticut, Revision of 1958, as amended.

A. The zoning commission shall consist of five (5) members who shall be electors of the Town of Chester.

B. The members of the zoning commission shall be appointed by the Board of Selectmen. Within sixty (60) days after the enactment of this ordinance, the Board of Selectmen shall appoint two (2) members to serve until November 1, 1968; two (2) members to serve until

November 1, 1969; and one (1) member to serve until November 1, 1970. Thereafter members shall be appointed by the Board of Selectmen for three-year terms.

C. Members of the commission may be removed from office by the Board of Selectmen for cause. Before removal charges shall be presented to such member in writing and he shall be given reasonable opportunity to be heard in his own defense.

D. Any vacancies in the zoning commission caused by other than expiration of the term of office shall be filled for the unexpired term within thirty (30) days after such vacancy occurs, in the manner above provided.

(2) A zoning board of appeals is hereby created for the Town of Chester, the regular members and the alternate members of which shall have all the powers and duties set forth in the General Statutes relating to zoning boards of appeals and their members.

A. The zoning board of appeals shall consist of five (5) regular members and three (3) alternate members, all of whom shall be electors of the Town of Chester and shall not be members of the zoning commission.

B. The regular members of the zoning board of appeals shall be appointed in the manner and for the term hereinabove specified for the zoning commission. Alternate members of the Zoning board of appeals shall be appointed in the same manner as regular members, one (1) member to serve until November 1, 1968, one (1) member to serve until November 1, 1969, and the third member to serve until November 1, 1970. Thereafter alternate members shall be appointed for three year terms, for the term and in the manner specified for members of the zoning commission.

C. Regular and alternate members of the zoning board of appeals may be removed from office by the Board of Selectmen for cause. Before removal, charges shall be presented to such member or alternate in writing and he shall be given reasonable opportunity to be heard in his own defense.

D. Any vacancies in the regular or alternate members of the zoning board of appeals caused by other than expiration of the term of office shall be filled for the unexpired term within thirty (30) days after such vacancy occurs, in the manner provided for members of the zoning commission.

(3) This ordinance shall become effective fifteen (15) days after publication in The Middletown Press, a newspaper having a circulation in the Town of Chester and the Town Clerk shall cause such publication to be made immediately.

This ordinance was published January 15, 1968, in The Middletown Press.

**ORDINANCE CONCERNING CONTRACTS
FOR FURNISHING WATER**

Pursuant to authorization at a Special Town Meeting held February 1, 1968, the following Ordinance is hereby enacted:

The Board of Selectmen, acting on behalf of the Town of Chester, are authorized to execute contracts for the furnishing of water to any and all sections of the Town of Chester, County of Middlesex, State of Connecticut, subject, however, to the approval of a Town Meeting as to each such contract.

This ordinance was published February 8, 1968 in The New Era.

**ORDINANCE PROVIDING FOR TWO
SHIFTS OF ELECTION OFFICIALS**

Pursuant to a Special Meeting held February 20, 1970, the following ordinance was enacted:

That the Town of Chester, pursuant to the provision of Section 9-258a of the General Statutes of Connecticut, Revision of 1958, as amended, does hereby authorize and empower each registrar of voters to appoint two shifts of any or all election officials, excepting moderators, for each polling place at each election, referendum and any vote under the provisions of Section 7-7 of said statutes, as amended. Said shifts shall serve such hours as the registrar making the appointment shall designate. This authorization shall not be construed to prevent appointment of any or all election officials to serve for the entire voting period.

Said ordinance to become effective March 1, 1970.

This ordinance was published February 27, 1970, in The Middletown Press.

ORDINANCE ADOPTING THE STATE BUILDING CODE

Pursuant to a Special Meeting held June 30, 1970, the following ordinance was enacted:

The provisions of the State Building Code pursuant to Chapter 354 of the Connecticut General Statutes, as amended, are hereby adopted.

This Ordinance shall become effective 15 days after publication in the Middletown Press, a newspaper having a circulation in the Town of Chester, and the Town Clerk shall cause such publication to be made immediately.

This ordinance was published July 3, 1970, in The Middletown Press.

Town Acts Book 3 Page 286

**ORDINANCE ESTABLISHING A MUNICIPAL
SEWERAGE COMMISSION**

Pursuant to a Special Meeting held June 30, 1970, the following ordinance was enacted:

1. A Municipal Sewerage Commission is hereby created for the Town of Chester for the exercise of the powers granted under Chapter 103 of the Connecticut General Statutes as amended.

(a) Municipal Sewerage Commission shall consist of five members, who shall be electors of the Town of Chester.

(b) The members of the Sewerage Commission shall be appointed by the Board of Selectmen. Within 60 days after the passage of this ordinance, the Board of Selectmen shall appoint two members to serve until November 1, 1970; two members to serve until November 1, 1971; and one member to serve until November 1, 1972. Thereafter, members shall be appointed by the Board of Selectmen for three-year terms.

(c) Members of the Commission may be removed from office by the Board of Selectmen for cause. Before removal, charges shall be presented to such member in writing and he shall be given reasonable opportunity to be heard in his own defense.

(d) Any vacancies in the Municipal Sewerage Commission caused by other than expiration of the term of office shall be filled for the unexpired term within 30 days after such vacancy occurs, in the manner above provided.

2. The Municipal Sewerage Commission shall have all of the powers and provisions of Chapter 103 of the Connecticut General Statutes, as amended; which powers and provisions are hereby adopted.

3. This Ordinance shall become effective 15 days after publication in the Middletown Press, a newspaper having a circulation in the Town of Chester, and the Town Clerk shall cause such

publication to be made immediately.

This ordinance was published July 3, 1970 in the Middletown Press.

Town Acts Book 3 Page 300 and 337

**ORDINANCE CREATING A PARK
AND A RECREATION COMMISSION**

Pursuant to a Special Meeting held January 19, 1971, the following ordinance was enacted, and amended at the Annual Town Meeting held February 19, 1974.

(a) A Park and Recreation Commission is hereby created by the Town of Chester for the exercise of the powers granted under the provisions of Title 7, Section 148 of the Connecticut General Statutes.

The Park and Recreation Commission, established by ordinance dated January 19th, 1971, created for the Town of Chester, for the exercise of the powers granted under the provisions of Title 7, Section 148 of the Connecticut General Statutes shall consist of seven members who shall be electors of the Town of Chester.

(b) The seven members of the Park and Recreation Commission shall be appointed by the Board of Selectmen. Within (60) days after the enactment of this ordinance, the Board of Selectmen shall appoint one member to serve until November 1st, 1974; one member to serve until November 1st, 1975. Thereafter members shall be appointed by the Board of Selectmen for three year terms. Nothing in this section shall conflict in any manner with the present terms of incumbents, which terms shall have precedence over any conflict in this Ordinance.

The above restated and amended Ordinances and any repeals thereof shall take effect fifteen (15) days subsequent to the publication thereof in a newspaper having a circulation in the Town of Chester.

(c) Subparagraphs (a) and (b) of the supplemental Ordinance enacted on February 29th, 1972 at a duly summoned Town meeting of the Town of Chester are hereby repealed and the foregoing sections are effective in substitution thereof. It being the specific intent to delete the two additional members to the Park and Recreation Commission created by said supplement to the January 19th, 1971 ordinance.

(d) Members of the Commission may be removed from office by the Board of Selectmen for cause. Before removal, charges shall be presented to such member in writing and he shall be given reasonable opportunity to be heard in his own defense.

(e) Any vacancies in said Commission caused by other than expiration, that term of office shall be filled for the unexpired term within 30 days after such vacancies occur in the manner above provided.

(f) The Commission shall elect a Chairman annually on or before December 1. In accordance with Connecticut General Statutes appertaining thereto, the Commission shall maintain a file of all of its regular meetings and shall maintain a record of all of its meetings.

(1.a) The powers and duties of the Park and Recreation Commission shall be as herinafter provided but are not limited to the powers hereinafter provided when any statute of the State of Connecticut confers additional powers to the Commission:

(a) The Commission shall establish, maintain and conduct parks, playgrounds, public and recreation places, including bathing and boating facilities and shall have the power to expend funds appropriated by the Town for such purposes.

(b) The Commission shall have the power to conduct outdoor and indoor recreation activities on the grounds and in the buildings in charge of the Board of Education, subject to the Board's consent.

(c) The Commission shall have the power to conduct at reasonable charges such facilities for amusement, refreshment or transportation of the public as are suitable for park and recreational purposes and may let privileges therefore: PROVIDED that such privileges shall be subject to the supervision and control of the Commission, and provided that any charges made by the Commission shall not subject the municipality to any tax posed by the State of Connecticut.

(d) The Commission, subject to approval of the Board of Selectmen, shall have the power to employ a Director of Parks and Recreation who is properly qualified in experience and education and otherwise, and such other personnel as may be necessary or proper, provided that any sums paid by way of compensation by any employees of the Commission shall have the prior approval of the Board of Finance and any other municipal body or agency necessary under the Connecticut General Statutes.

(e) The Commission may make all contracts, subject to Connecticut General Statutes appertaining thereto, to carry out the objectives and purposes of the Commission, and shall have such other duties as may be necessary or proper for the orderly administration of the affairs of the Commission.

(f) The Commission shall prepare and submit, periodically, plans for recreation for said Town of Chester to the Planning Commission and the Board of Selectmen and such other agencies as may be proper.

(1.b) The Park and Recreation Commission shall submit its anticipated expenditures to the Chester Board of Finance annually.

This Ordinance shall become effective, upon passage by a Town Meeting and after (15) Fifteen days subsequent to the publication thereof in a newspaper having a circulation in the Town of Chester.

This ordinance was published January 23, 1971 in The Middletown Press.

Town Acts Book 3 Page 301

**ORDINANCE PERMITTING TOWING OF PARKED
VEHICLES DURING SNOWSTORMS**

Pursuant to a Special Meeting held January 19, 1971, the following Ordinance was enacted:

(a) Any motor vehicle parked on any municipal highway(s) or portions thereof during any snow and/or ice storms in such a manner so as to interfere with the plowing or removal of snow from such highway (s) shall be towed from such highway upon the order of the First Selectman, constable & policeman or other supervisor in charge of such plowing or removal of snow.

(b) The owner of such motor vehicle shall be liable to the tower for any and all costs and expenses in removing said motor vehicle, which costs or expenses shall include but not be limited to storage charges incurred and costs of collecting such towing and storage charges.

(c) The municipality may contract with any person or private company, whom the Board of Selectmen shall deem qualified to provide such towing and storage services to the municipality as it may require. Such person or private company shall provide the municipality with casualty loss and liability insurance in such an amount as the Board of Selectmen deem appropriate to adequately indemnify such municipality from claims against it for damages incurred.

This Ordinance shall become effective 15 days after publication in a newspaper having a circulation in the Town of Chester and the Town Clerk shall cause such publication to be made immediately.

This Ordinance was published January 23, 1971, in The Middletown Press.

Town Acts Book 3 Page 309

**ORDINANCE CREATING ALTERNATE MEMBERS
TO THE ZONING COMMISSION**

Pursuant to a Special Meeting held November 29, 1971, the following Ordinance was enacted:

(1) Under the provision of Chapter 124 of the General Statutes of Connecticut, as revised, the positions of three alternates to the Zoning Commission is hereby created.

(2) There shall be three alternate members to the Chester Zoning Commission.

(3) The Alternate members of the Zoning Commission shall be appointed by the Board of Selectmen. Within sixty (60) days after the enactment of this Ordinance, the Board of Selectmen shall appoint one member to serve until November 1, 1972; one member to serve until November 1, 1973; and one member to serve until November 1, 1974. Thereafter, members shall be appointed by the Board of Selectmen for three-year terms.

(4) Said alternate members of the Commission may be removed from office by the Board of Selectmen for cause. Before removal, charges shall be presented to such members in writing, and he shall be given reasonable opportunity to be heard in his own defense.

(5) Any vacancies in the alternate members of the Zoning Commission caused by other than expiration of the term of office, shall be filled for the unexpired term within 30 days after such vacancy occurs, in the manner above-provided for appointment of the alternate members.

This Ordinance shall become effective 15 days after publication in The Middletown Press, a newspaper having a circulation in the Town of Chester, and the Town Clerk shall cause such publication to be made immediately.

This Ordinance was published December 2, 1971, in The Middletown Press.

Town Acts Book 3 Pages 311 & 312

BUILDING RECORDS ORDINANCE

Pursuant to a Special Town Meeting held on February 29, 1972, the following Ordinance is hereby enacted:

(a) Commencing on April 1, 1972, and thereafter, after publication, no construction, alteration, addition, removal, demolition, movement or restoration of any building, erection or structure, amounting in each instance to One Hundred Dollars or more in value, shall be permitted until a permit is obtained from the Building Official or his deputy by the owner of

such building, erection or structure.

(b) For the purpose of obtaining the permit as set forth in Section (a) hereof, an application must be filled in as provided and signed by the owner or his agent and setting forth a description of the work to be performed and the approximate cost thereof. The application for the permit then be submitted to the Building Official or his deputy for the issuance of the permit. Permits may be applied for by the owner or his agent, but it remains the responsibility of the owner of record to meet the requirements of this ordinance.

(c) There shall accompany the application a fee of not less than One Dollar per One Hundred Dollars up to the first One Thousand Dollars, and an additional Fifty Cents for each additional One Hundred Dollars in excess of One Thousand Dollars, or any part thereof, as such cost is stated in the application. There shall be a minimum fee charge of Three Dollars per permit.

(d) Any person who shall violate a provision of the State Building Code or shall fail to comply with any of the requirements thereof, or herein, or shall erect, construct, alter or repair a building or structure in violation of any approved plan or directive of the Building Official or his deputy, or of a permit or certificate issued under the provisions of the Code, shall be guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars or by imprisonment not exceeding one year or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

(e) Any person who shall continue any work in or about the building or structure after having been served with a stop order, except such work as he is directed to perform, to remove a violation or unsafe condition, shall be liable to a fine of not less than Twenty-five Dollars and not more than Five Hundred Dollars. Each day that a violation continues shall be deemed a separate offense.

(f) The prior ordinance is herewith repealed which ordinance may be found in Town Acts, Book 3, Page 258, and which ordinance was dated May 16, 1968.

This ordinance shall become effective April 1, 1972 after publication thereof, in a newspaper having circulation in the Town of Chester.

This ordinance was published in The Middletown Press on March 6, 1972.

Town Acts Book 3 Page 320

**ORDINANCE CREATING A
CONSERVATION COMMISSION**

Pursuant to a Special Town Meeting held on November 14, 1972, the following Ordinance is hereby enacted:

BE IT RESOLVED, that the Town of Chester hereby establishes a Conservation Commission for the exercise of the powers and the performance of duties, all as set forth in Section 7-131a of the General Statutes of Connecticut, Revision of 1959, as amended:

(1) The Conservation Commission shall consist of seven (7) members who shall be electors of the Town of Chester.

(2) The members of the conservation commission shall be appointed by the First Selectman. Within thirty (30) days after the passage of this resolution, the First Selectman shall appoint two (2) members to serve until November 1, 1973, two (2) members to serve until November 1, 1974, and one member to serve until November 1, 1975. In each year thereafter, beginning in 1973, members shall be appointed for a three-year term beginning November 1st. to fill the vacancies caused by the expiration of terms during that year.

(3) Members of the Commission may be removed from office by the first selectman for cause. Before removal, charges shall be presented to such member in writing and he shall be given reasonable opportunity to be heard in his own defense.

(4) Any vacancies in the Conservation Commission caused by other than expiration of the term of office shall be filled by appointment by the First Selectman for the unexpired term within thirty (30) days after such vacancy occurs.

This ordinance shall become effective 15 days after publication thereof, in a newspaper, have a circulation in the Town of Chester.

This ordinance was published in The Middletown Press on November 20, 1972.

Town Acts Book 3 Page 322

**ORDINANCE ENABLING THE CONSERVATION
COMMISSION TO PROMULGATE THE REGULATIONS
AND ENFORCE THE PROVISIONS OF P.A. 155**

Pursuant to a Special Town Meeting held on February 27, 1973, the following Ordinance is hereby enacted:

Be it resolved that the following ordinance be, and is hereby, adopted:

An ordinance enabling the Conservation Commission of the Town of Chester to promulgate the regulations and enforce the provisions of Public Act 155 of the C.G.S., of 1972.

Section 1: The Conservation Commission of the Town of Chester, is herewith designated and authorized to act, to promulgate and to enforce such regulations as may be necessary to conform and in conformity with the regulations promulgated by the Commissioner of Environmental Protection, State of Connecticut, under the provisions of Public Act 155 of the Connecticut General Statutes, 1972.

Section 2: The Conservation Commission of the Town of Chester, to take any such action, to enforce any such provisions, to license any such regulated activities, to do any authorized things as are set forth in Public Act 155 of the Connecticut General Statutes, 1972, and the provisions of Public Act 155, Connecticut General Statutes, 1972, are herewith adopted accordingly.

Section 3: To act as the sole agent for the licensing of regulated activities under the provisions of Public Act 155, Connecticut General Statutes, 1972.

Section 4.a: To act as the sole agent in advising and recommending to the Town of Chester, acting by and through a duly called Town Meeting of the Electors of said town, as to whether such town shall or should acquire wetlands and/or water courses within its territorial limits by gift or purchase in fee or lesser interest including, but not limited to, lease, easements or covenants. subject to such reservations and exceptions as it, the Commission, deems advisable.

b: For the purpose of acting upon the advice and recommendation of the Conservation Commission as set forth in Subsection 4.a of this Ordinance, the Board of Selectmen of said Town of Chester, shall call a Special Town Meeting on application of the Conservation Commission, which such meeting shall be held within 21 days after receipt of such application.

Section 5: Such Conservation Commission is herewith empowered and enabled to join with any other municipalities in the formation of a district for the regulations of activities affecting the wetlands and water courses within such district, all in accordance with Public Act 155 of the Connecticut General Statutes, 1972.

Section 6: All Ordinance, resolutions or parts thereof in conflict with the provisions of this ordinance are hereby repealed, and this Ordinance shall take effect 15 days after publication

thereof in some newspaper having circulation in such town, as the case may be.

This Ordinance was published in The Middletown Press on March 3, 1973.

Town Acts Book 3 Page 325

**ORDINANCE PROVIDING FOR ACCEPTANCE OF GIFTS,
GRANTS, DEVICES, BEQUESTS & ASSUME TRUSTS**

Pursuant to a Special Town Meeting held on October 9, 1973, the following Ordinance is hereby enacted:

The said municipality of Chester may accept gifts, grants, devises, bequests and assume trusts for the benefit of its inhabitants.

The foregoing Ordinance shall become effective fifteen (15) days after a publication thereof in a newspaper having a circulation in said Town of Chester.

This Ordinance was published in The Middletown Press on October 12, 1973.

Town Acts Book 3 Page 335

**ORDINANCE SUPPLEMENTING, AMENDING AND/OR REPEALING AND
RESCINDING TOWN ORDINANCES & SPECIAL ACTS**

Pursuant to the Annual Meeting held February 19, 1974, in the Town of Chester, the following Ordinance was enacted:

1. Be it ordained that the following Ordinances and special acts of the Town of Chester are supplemented, amended and/or repealed and rescinded and are to be republished specifically as hereinafter set forth:

Ref. to Chester Ordinances published March 1st, 1968, Second Edition.

Page 5.

Vol. IV 1836-1856 p. 1229

**ESTABLISHING THE MILEAGE OF
CHESTER AND LEDYARD**

Passed by General Assembly 1837

Page 6.

Vol. XV 1907-1909 p. 643

(House Joint Resolution No. 357)

(46)

**PAYING THE TOWN OF CHESTER FOR
BURIAL OF A STATE PAUPER**

Page 6.

Vol. XXI p. 755

(House Bill No. 665)

(29)

**AN ACT AUTHORIZING THE TOWN OF CHESTER TO
REIMBURSE HANNAH C. ALEXANDER
FOR OVERPAYMENT OF TAXES**

Page 7. Delete the following

Vol. XXVI 1949-53 p. 1040

(House Bill No. 1818)

(452)

**AN ACT CONCERNING STATE GRANTS IN LIEU
OF TAXES TO THE TOWN OF CHESTER**

Page 9.

Town Acts Book No. 2, Page 115-Concerning the removal of rubbish by householders is repealed and rescinded.

Page 9.

Town Acts Book No. 2, Page 171-Concerning the unnecessary pollution of streams is repealed and rescinded.

Page 9.

Town Acts Book No. 2, Page 180-Concerning the pollution of Pataconk Stream is repealed and rescinded.

Page 9.

Town Acts Book No. 2, Page 353-Concerning Sunday baseball in Chester is hereby repealed and rescinded.

Page 9.

Town Acts Book No. 3, Page 17-the following Ordinance relating to the sale of beer with meals in Chester Restaurants is hereby repealed and rescinded.

Page 9.

Town Acts Book No. 3, Page 95 and Page 96-an act concerning the construction, addition or alteration or removal of real property is hereby repealed and rescinded.

Page 10.

Town Acts Book No. 3, Page 124, Paragraph 5, an act concerning commencement of work on any property by a contractor without a permit is hereby repealed and rescinded.

Page 10.

Town Acts Book No. 3, Page 105-an Ordinance concerning the sale of liquor on Sunday is hereby repealed and rescinded.

Page 13. Ordinance regulating the disposal of garbage, rubbish, and waste material, Section 4 is hereby repealed and rescinded.

Page 15.

Town Acts Book No. 3, Page 181-Ordinance concerning use of Cedar Lake, Section 7 is amended to state as follows: No animals are allowed on any town beach or lakefront. Section 8 is amended to read: "no unauthorized person shall be present on Cedar Lake Grove, Cedar Lake Parking Lot or Cedar Lake Terrace Beach or Cedar Lake Terrace Parking Lot or any Town owned property during the hours from 10:00 p.m. to 6:00 a.m." Section 9 of the said Ordinance is amended as follows: Littering town beaches, parks or roads is prohibited and all glass containers are prohibited."

Page 16.

Town Acts Book No. 3, Page 190-An Ordinance concerning the regulation of excavation and removal of soil, loam, sand gravel and stones, etc. is repealed and rescinded.

Page 16.

Town Acts Book No. 3, Page 194-An Ordinance concerning the regulation of trailers is hereby repealed and rescinded.

Page 19.

Town Acts Book No. 3, Page 217-An Ordinance concerning the acceptance of roads. Section 2 is hereby amended in the following manner only: "Subdivision regulations of the Town of Chester in effect at the time of presentation for acceptance by the Chester Planning Commission...."

Page 22.

Town Acts Book No. 3, Page 237-An Ordinance concerning alternates to the Planning Commission for the Town of Chester. Section 3 is amended to be stated as follows: "the

alternate members shall be appointed by the Board of Selectmen and vacancies within the alternate members shall be filled by the Board of Selectmen within thirty (30) days after the creation of said vacancy."

Supplement No. 7

Town Acts Book No. 3 Page 301-Subsection (a) is amended to be stated as follows: "... shall be towed from such highway upon the order of the First Selectman, constable and policeman or other supervisor in charge of such plowing or removal of snow."

Page 19.

Town Acts Book No. 3, Page 217 - An Ordinance establishing the Development and Industrial Commission is amended to be stated as follows: "Wherever the title 'Development and Industrial Commission' appears it shall be restated to read "Municipal Economic Development Commission."

	Town Acts	Book No. 3	Page
300			

AN ORDINANCE CREATING A PARK AND RECREATION COMMISSION

Be it resolved that the Town of Chester enacts the following Ordinance:

a) The Park and Recreation Commission, established by Ordinance dated January 19th, 1971, created for the Town of Chester, for the exercise of the powers granted under the provisions of Title 7, Section 148 of the Connecticut General Statutes shall consist of seven members who shall be electors of the Town of Chester.

b) The seven members of the Park and Recreation Commission shall be appointed by the Board of Selectmen. Within sixty (60) days after the enactment of this Ordinance, the Board of Selectmen shall appoint one member to serve until November 1st, 1974; one member to serve until November 1st, 1975. Thereafter members shall be appointed by the Board of Selectmen for three year terms. Nothing in this section shall conflict in any manner with the present terms of incumbents, which terms shall have precedence over any conflict in this Ordinance.

c) Subparagraphs (a) and (b) of the supplemental ordinance enacted on February 29th, 1972, at a duly summoned Town meeting of the Town of Chester are hereby repealed and the foregoing sections are effective in substitution thereof. It being the specific intent to delete the two additional members to the Park and Recreation Commission created by said supplement to the January 19th, 1971 Ordinance.

The above restated and amended Ordinances and any repeals thereof shall take effect fifteen (15) days subsequent to the publication thereof in a newspaper having a circulation in the Town of Chester.

This Ordinance was published in The Middletown Press on February 22, 1974.

TOWN ACTS Book 3 Pages 345 & 346

**ORDINANCE PERTAINING TO
APPOINTMENT OF CONSTABLES.**

Pursuant to a Special Town Meeting held on February 25, 1975, the following Ordinance is hereby enacted:

Section 1. Under the authority of Public Act 73-655 of the Connecticut General Statutes of the State of Connecticut, Revision of 1958 as amended, constables of the Town of Chester shall henceforth be appointed by the First Selectman, the chief executive authority of the Town of Chester.

Section 2. The number of constables to be appointed, their qualifications and the terms of their office, shall be determined by the First Selectman, and the same shall be available at the office of the First Selectman of the Town of Chester; except that no term shall exceed four (4) years but may be less than that. All appointments made by the First Selectman shall be recorded as a public record and shall be available for inspection by the electors of said Town of Chester, each record shall contain the name of the appointee, the address of the appointee, the length of time for which said appointment is made, the compensation or the rate of compensation to be paid to said appointee, if any, and the appointee's resident telephone number. A constable may be appointed for any number of consecutive terms by the First Selectman.

Section 3. The First Selectman shall have the right, with cause, to terminate the term of office of any constable without regard to the length of term of his appointment. The First Selectman shall have the sole authority and jurisdiction to determine and shall make such determination as to whether or not just cause does exist for removal. However, upon a request in writing, the First Selectman shall give the appointee to be removed an opportunity to be heard, present witnesses, present such documentary and other evidence as the appointee may wish to present to the First Selectman, all within two (2) weeks of notification to him of his removal. Upon receipt of a request in writing for such hearing, the First Selectman shall schedule such hearing at a place and time convenient for said First Selectman within two (2) weeks of receipt from such appointee. The final decision of the First Selectman after such hearing is had shall be mailed to the appointee by the First Selectman in writing and shall be conclusive.

Section 4. The First Selectman shall make such appointment without regard to race, creed, color, sex or political party of the appointee.

Section 5. Constables who hold office by virtue of election at the time this Ordinance

becomes effective, shall continue in such office until their elective term has expired.

Section 6. This Ordinance shall become effective fifteen (15) days after publication in a newspaper having a circulation in the Town of Chester.

This Ordinance was published in The Middletown Press on March 3, 1975.

TOWN ACTS Book 3 Page 346

**ORDINANCE AMENDING MUNICIPAL ECONOMIC
DEVELOPMENT COMMISSION ORDINANCE**

Pursuant to a Special Town Meeting held on February 1975, the following Ordinance is hereby enacted:

BE IT RESOLVED, That the Ordinance that established the Municipal Economic Development Commission, which became effective on October 30th, 1964, is hereby amended, as follows:

(a) The Municipal Economic Development Commission, established by ordinance dated October 5, 1964, created for the Town of Chester, for the exercise of the powers granted under the provisions of section 7-136 of the Connecticut General Statutes, shall consist of ten (10) members who shall be electors of the Town of Chester.

(b) The ten (10) members of the Municipal Economic Development Commission shall be appointed by the Board of Selectmen. Within sixty (60) days after enactment of this Ordinance, the Board of Selectmen shall appoint one member to serve until November 1, 1975, one member to serve until November 1, 1976, one member to serve until November 1, 1977, one member to serve until November 1, 1978, and one member to serve until November 1, 1979. The members holding office as of the date of this Town Meeting shall continue for their term of office and this amendment shall have no effect upon their term of office.

Thereafter, members shall be appointed by the Board of Selectmen for five year terms, including those having already been appointed.

(c) Sections 2 and 3 of the Ordinance enacted on October 5, 1964, at a duly summoned Town Meeting of the Town of Chester, are hereby repealed and the foregoing Sections are effective in substitution thereof. It being the specific intent to add five additional members to the present Municipal Economic Development Commission, and in no other way to effect the validity, establishment or effectiveness of the Municipal Economic Development Commission as having

been established by said Town Meeting on October 5, 1964, or any of the incumbent members thereto and all such amendments heretofore stated are in supplement thereto, and not by way of repeal of the entire Ordinance, as stated.

This Ordinance shall become effective upon passage by Town Meeting, and after fifteen (15) days subsequent to the publication thereof, in a newspaper having a circulation in the Town of Chester.

This Ordinance was published in The Middletown on March 3, 1975.

TOWN ACTS Book 3 Page 346

**ORDINANCE AMENDING
CONSERVATION COMMISSION ORDINANCE**

Pursuant to a Special Town Meeting held on February 25, 1975, the following Ordinance is hereby enacted:

BE IT RESOLVED, that the Ordinance that established the Conservation Commission which became effective December 5, 1972, is hereby amended, as follows:

A. (1) The Conservation Commission shall consist of seven (7) members who shall be electors of the Town of Chester. The additional members not presently serving shall be appointed by the First Selectman within thirty (30) days after the effective date of the passage of this Resolution. The First Selectman shall so appoint the additional two (2) members for three year terms beginning November 1, 1975.

All other sections of said Ordinance creating the Conservation Commission shall remain in full force and effect and applicable to the additional two (2) members herinbefore referred to.

This Ordinance shall become effective fifteen (15) days after publication thereof, in a newspaper, having a circulation in the Town of Chester.

This Ordinance was published in The Middletown Press on March 3, 1975.

TOWN ACTS Book 3 Page 349

**RESOLUTION AUTHORIZING FIRST SELECTMAN
TO ACCEPT FINANCIAL ASSISTANCE
FROM AMERICAN REVOLUTION BICENTENNIAL**

Pursuant to a Special Town Meeting held on June 12, 1975, the

following Resolution is hereby enacted.:

BE IT RESOLVED, that the First Selectman of the Town of Chester, County of Middlesex and State of Connecticut is authorized and directed to file an application on forms prescribed by the American Revolution Bicentennial Commission of Connecticut for the State financial assistance in accordance with the laws of the State of Connecticut in an amount not to exceed \$550.00, and upon approval of said request to enter into and execute an Assistance Agreement with the State for such financial assistance to this organization.

This Resolution was published in The Middletown Press on June 17, 1975.

TOWN ACTS Book 3 Pages 349 & 350

**AMENDMENT TO THE TOWN OF CHESTER
PUBLIC HEALTH NURSING SERVICE
ORDINANCE DATED May 19, 1947**

Pursuant to a Special Town Meeting held on June 12, 1975, the following Ordinance is hereby enacted:

BE IT RESOLVED, that the committee established to provide public health nursing services and other related services to the municipality of Chester,

- (1) Is hereby authorized to participate in a non-stock corporation formed to provide such nursing services as may be required in such municipality in conjunction with members and directors elected from the municipality of Essex.
- (2) Said Public Health Nursing Services committee is further authorized to nominate and elect such delegates as are required from time to time to said non-stock corporation.
- (3) Such committee is further authorized and empowered to expend such financial assistance and funds as may be required from time to time, whether such expenditures are directly related to nursing services or administrative services, that such non-stock corporation may require.
- (4) The delegates and/or directors elected by said committee to such non-stock corporation shall have and exercise all of the authority and powers vested in them by the ordinance adopted on May 19th, 1947, by the municipality of Chester and shall further have and exercise all such authority and powers as are vested in municipalities for such purposes by the Connecticut General Statutes, as amended, from time to time.
- (5) Nothing herein contained shall prevent nor prohibit the committee so established by Chester Municipal Ordinance from providing such additional, emergency or supplemental services as it

deems appropriate from time to time, in the event that in its sole determination, such non-stock corporation is unable, for any reason, to provide such services.

This Ordinance was published in The Middletown Press on June 17, 1975.

TOWN ACTS Book 3 Page 350

**ORDINANCE RELATING TO
MUNICIPAL ELECTIONS**

Pursuant to a Special Town Meeting held on June 12, 1975 the following Ordinance is hereby enacted:

BE IT RESOLVED, that in accordance with Public Act 75-91, of the Connecticut General Statutes, the term of all elected municipal officials unless otherwise prescribed by law, of the Town of Chester, County of Middlesex and State of Connecticut, who are incumbent, holding any elected office for said Town on the day before the Tuesday after the first Monday of November, 1975, shall continue in such office and their respective terms shall be extended until the second Tuesday next following the day of said municipal election, at which any of such officials or new officials are elected or re-elected. Such incumbents shall continue to have and exercise all the authority vested in their respective municipal offices, without further restriction or reservation, as they had on the date preceding said municipal election, which shall continue until the second Tuesday next following the day of the said municipal elections. Nothing herein contained shall in any manner affect the commencement of the officials elected at said municipal election of their terms at such times as prescribed by Public Act 75-91 of the Connecticut General Statutes.

This amendment to an ordinance and the resolution and the ordinance shall become effective fifteen (15) days after publication in a newspaper having a circulation in the Town of Chester and the Town Clerk shall cause such publication to be made forthwith.

This Ordinance was published in The Middletown Press on June 17, 1975.

TOWN ACTS Book 3 Pages 355 & 356

**AN ORDINANCE RELATING TO
LOITERING IN THE TOWN OF CHESTER**

Pursuant to a Special Town Meeting held on December 30, 1975, the following Ordinance is hereby enacted:

BE IT RESOLVED BY THE TOWN OF CHESTER. IN MEETING CONVENED, THAT the following ordinance is hereby enacted:

SECTION I

For purposes of this Ordinance:

(1) “Loitering” shall mean remaining idle in essentially one location and shall include the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; to stand around and shall also include the colloquial expression “hanging around”.

(2) “Public Place” shall mean any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, and shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks.

SECTION II

It shall be unlawful for *any* person to loiter, loaf, wander, stand or remain idle either alone and/or in consort with others on public property within the Town of Chester or upon private property within said town where the owner has given said town permission to regulate loitering thereon in such manner so as to:

(1) Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.

(2) Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress, therein, thereon and thereto.

(3) Refuse to leave such property when so requested by a peace officer or other officer having the power of arrest, provided that such officer has exercised his discretion reasonably under the circumstances in order to preserve or promote public peace and order.

SECTION III

Any person who violates any provision of this ordinance shall be fined not more than \$50.00 for each offense.

SECTION IV

This ordinance shall become effective fifteen (15) days after publication in The Middletown Press, a newspaper having a circulation in the Town of Chester and the Town Clerk shall cause such publication to be made immediately.

This Ordinance was published in The Middletown Press on January 6, 1976.

TOWN ACTS Book 3 Page 356

ORDINANCE CONCERNING USE OF CEDAR LAKE CEDAR LAKE BEACHES AND PARKING AREAS

Pursuant to a Special Town Meeting held on December 30, 1975, the following Ordinance is hereby enacted:

1. No boat shall be operated on Cedar Lake at a speed exceeding six (6) miles per hour, but must be operated at all times in safe and orderly fashion.
2. Boats shall not be tied up on bathing beaches and shall be kept a reasonable distance from bathing areas.
3. Water skiing shall not be permitted on Cedar Lake.
4. Fishing is not permitted off Cedar Lake Cemetery.
5. Cedar Lake Terrace Beach is reserved for use of Chester residents and property owners, their tenants and guests.
6. Animals are not allowed on any town beach.
7. No unauthorized person shall be present on Cedar Lake Grove, Cedar Lake Parking Lot or Cedar Lake Terrace Beach during the hours from 10 P.M. to 6 A.M.
8. Littering town beaches, parks or roads is strictly prohibited.
9. All State of Connecticut boating and pollution regulations shall be strictly enforced.
10. The Chester Park and Recreation Commission shall establish an area restricted to boating as provided for in the State Boating Regulations Section 15-136 and such area shall be clearly marked.
11. Any person or persons violating any of the above regulations shall be subject to a fine not

exceeding Twenty-five (\$25.00) Dollars for each offense by each person.

12. This Ordinance shall supersede all prior ordinances regulating this subject matter referred to above.

13. This Ordinance shall become effective fifteen (15) days after publication thereof in a newspaper having a circulation in Chester.

This Ordinance was published in The Middletown Press on January 6, 1976.

TOWN ACTS Book 3 Page 359

The following Ordinance was Amended by the voters of the Town of Chester at the Special Town Meeting held on May 25, 1976.

**AMENDMENT TO THE ORDINANCE ESTABLISHING A
MUNICIPAL SEWERAGE COMMISSION**

Resolution 2 & 3, relating to the Chester Sewerage Commission, enacted at the Town Meeting of Chester on June 30, 1970, is amended as follows:

1. Subsection (a) is repealed and the following substituted in lieu of: "1(a) The Municipal Sewerage Commission shall consist of three members, who shall be electors of the Town of Chester appointed as hereafter provided, together with members previously appointed by the Board of Selectmen until said selectmen-appointees resign or their terms expire."

372. Subsection 1(b) is repealed and the following substituted in lieu of: "1(b) Members shall be appointed by a committee of three electors, Calvin Gladding, Carmine Grote and Howard Kaplan. Within 15 days after passage of this Ordinance, the committee shall appoint one member for a term of one year, one member for a term of two years, and one member for a term of three years. Thereafter members shall be appointed by the committee for a term of three years."

3. This Ordinance shall become effective 15 days after publication in The Middletown Press, a newspaper having a circulation in the Town of Chester, and the Town Clerk shall cause such publication to be made immediately.

This Ordinance was published in The Middletown Press on May 29, 1976.

The following Ordinance was adopted by the voters of the Town of Chester at the Special Town Meeting, held on August 31, 1976.

**ORDINANCE CREATING ALTERNATE MEMBERS
TO THE BOARD OF FINANCE**

(1) Under the provisions of Public Act 76-72 of the Connecticut General Statutes, the positions of three (3) alternates to the Board of Finance is hereby created.

(2) There shall be three (3) alternate members to the Chester Board of Finance, all and each of which shall be electors and taxpayers of the Town of Chester.

(3) The alternate members of the Board of Finance shall be appointed by the Board of Selectmen and shall serve from the date of his or her appointment to the date of the election and qualification of his or her successor in accordance with the provisions hereinafter stated.

(4) The Board of Selectmen of the Town of Chester shall specifically designate the term which each alternate shall serve. One alternate shall serve until the next biennial election; one alternate shall serve until the second biennial election from such date of appointment; one alternate to serve until the third biennial election from the date of appointment. Thereafter, one alternate shall be elected or re-elected at each biennial election.

(5) The appointment and election of such alternates shall be in accordance with the provisions of Section 9-167(a) of the Connecticut General Statutes concerning minority representation of political parties.

(6) Said alternates shall have all of the powers and shall serve under the provisions of Public Act 76-72.

This Ordinance shall become effective fifteen (15) days after publication in The Middletown Press, a newspaper having a circulation in the Town of Chester, and the Town Clerk shall cause such publication to be made immediately.

This Ordinance was published in The Middletown Press on September 4, 1976.

The following ordinances were adopted by the votes of the Town of Chester at the special

town meeting held on November 9, 1976.

ORDINANCE MODIFYING THE BOARD OF ADMISSIONS

Under the provisions of Title 9-15 of the Connecticut General Statutes, the Board for Admission of Electors of the Municipality shall consist of the Chester Town Clerk and the Registrar of Voters of the Municipality of Chester. Such Board for Admission of Electors shall have all the authority and powers conferred by Public Act 9-15a through 9-19a and any and all other appropriate statutes appertaining thereto. The prior ordinance is hereby repealed.

ORDINANCE DEFINING VACANCY TERM FOR REGIONAL #4 BOARD OF EDUCATION

Vacancies occurring in the office of any member of the Regional District #3 Board of Education shall be nominated and elected to serve for the unexpired portion of the term having been vacated.

These Ordinances shall be effective fifteen (15) days after publication in The Middletown Press, a newspaper having a circulation in the Town of Chester, and the Town Clerk shall cause such publication to be made immediately.

The following Resolutions were also adopted.

1. Under the provisions of Public Act 65-68, Austin Chapman Jr., is selected as the independent public accountant for the Municipality of Chester for the period July 1st, 1976 through June 30th, 1977 (approval having been obtained or having been determined that it is not required from the State Tax Commissioner.)

2. James B. Bairstow, of the Town of Chester, Connecticut is hereby nominated and elected to fill the vacancy created by the resignation of Nancy Williams on the Regional District #4 Board of Education, in accordance with the Connecticut General Statutes appertaining thereto.

These Ordinances were published in The Middletown Press on November 15, 1976.

TOWN ACTS Book 3 Page 364-368

The following ordinance was adopted by the voters of the Town of Chester at a special town meeting held on March 29, 1977.

ORDINANCE AUTHORIZING SOLAR ENERGY TAX EXEMPTION

Be it enacted that the Town of Chester hereby authorizes the property tax exemption for solar energy heating or cooling systems set forth in Section 12-81 (56) (a) (b) (c) of the Connecticut General Statutes.

This Ordinance should be effective only until March 29, 1982.

This Ordinance is effective fifteen (15) days after publication.

Published in The Middletown Press on April 2, 1977

TOWN ACTS Book 3 Pages 382 - 384

The following Ordinance was adopted by the voters of the Town of Chester at a special adjourned town meeting held on November 22, 1977.

**RESOLUTION RE-PLANNING AND ZONING COMMISSION
TOWN OF CHESTER, CONNECTICUT**

BE IT RESOLVED, that the Town of Chester, a Connecticut municipality through its legislative body, in accordance with the provisions of Title 8, Section 4(a) of the Connecticut General Statutes, herewith adopts the following Resolution:

BE IT RESOLVED, that the following ordinance is hereby enacted:

1. A planning and zoning commission is hereby created for the Town of Chester for the exercise of all of the powers granted under the provisions of Chapters 124 and 126 of the General Statutes of Connecticut, as amended from time to time, and such planning and zoning commission, shall have all of the powers and authority, stated therein.

(a) The planning commission of the Town of Chester shall be deemed to be the planning and zoning commission upon the effective date of this resolution.

(b) The planning and zoning commission shall consist of a total of nine (9) members who shall be electors of the Town of Chester.

(c) The members of the planning commission of the Town of Chester shall become members of the planning and zoning commission upon the effective date of this resolution.

(d) On subsequent municipal election days and/or on special town meetings called for such purpose, there shall be elected a sufficient number of members, all of whom shall be electors of the Town of Chester, to maintain a commission of nine (9) members. The terms of no more than five (5) members may expire on any given calendar year.

(e) A full term shall be deemed to be six (6) years. A term shorter than a full term may be given to members, upon their election when required to fill the statutory requirement of expiration dates.

(f) Any vacancies in the planning and zoning commission caused by other than the expiration of the term of officer shall be filled for the unexpired term within thirty (30) days after such vacancy occurs by the Board of Selectmen.

2. The Chester Zoning Commission, presently constituted is hereby abolished.

3. All regulations adopted by the planning commission or the zoning commission which were in effect prior to the establishment of such combined commission shall continue in full force and effect.

4. There shall be three (3) alternates to the planning and zoning commission, all of whom shall be electors of the Town of Chester and said electors shall be appointed until the next biennial municipal election.

This ordinance shall become effective fifteen (15) days after publication in the Middletown Press, a newspaper having a circulation in the Town of Chester and the Town Clerk shall cause such publication to be made immediately and a copy of this Resolution shall be maintained on file in the Office of the Town Clerk and in the Office of the Planning and Zoning Commission of the Town of Chester.

This Ordinance was published in The Middletown Press on November 29, 1977.

TOWN ACTS Book 3 Page 388

The following ordinance was adopted by the voters of the Town of Chester at a special town meeting held on June 20, 1978.

ORDINANCE/ENROLLMENT LISTS

Under the provisions of Title 9 - Section 54 of the Connecticut General Statutes as amended, the registrars of voters of the municipality of Chester may discontinue the separate enrollment list of the electors of said municipality. This ordinance shall become effective fifteen (15) days after publication thereof in a newspaper having a circulation in the municipality of Chester.

This ordinance was published in The Middletown Press on June 24, 1978.

The following ordinance was adopted by the voters of the Town of Chester at a special town meeting held on April 3, 1979.

CHESTER WATER POLLUTION CONTROL AUTHORITY

The name of the Chester Sewerage Commission is hereby changed to Chester Water Pollution Control Authority and said Chester Water Pollution Control Authority is granted all the powers set forth in Public Act No. 78-154 entitled "An Act Concerning a Voluntary Sewer Avoidance Program" in addition to its already existing powers.

This ordinance was published in The Middletown Press on April 9, 1979.

The following ordinance was adopted by the voters of the Town of Chester at a special town meeting held on October 16, 1979.

LIQUOR ORDINANCE

(a) The sale or the dispensing or consumption or the presence in glasses or other receptacles suitable to permit the consumption of liquor by an individual of alcoholic liquor in places operating under hotel permits, restaurant permits, cafe permits, bowling establishment permits, club permits, coliseum permits, coliseum concession permits, special sporting facility employee recreational permit special sporting facility restaurant permits, special sporting facility guest permits, special sporting facility concession permits, special sporting facility bar permits, golf country club permits and charitable organization permits shall be unlawful on the day of state or municipal election except any election held within city or borough at which not all of the electors of such town, city or borough may vote, during the hours of voting, and on Saturday between two o'clock a.m. and nine o'clock a.m. and Sunday after two a.m., Good Friday or Christmas, except when any Sunday is December thirty-first or January first, except that alcoholic liquor may be sold on Christmas for consumption on premises when served with hot meals.

(b) The sale of alcoholic liquor shall be permitted on Sunday between the hours of 12:00 Noon and 11:00 p.m. o'clock in hotels, restaurants, cafes, bowling establishments, clubs, golf country clubs and places operating under charitable organization permits, a university permit, a coliseum permit, coliseum concession permit, a special sporting facility restaurant permit, a special sporting facility employee recreational permit, a special sporting facility guest permit, a special sporting facility concession permit or a special sporting facility bar permit.

(c) Such sale or dispensing or consumption or presence in glasses or other receptacles suitable to permit the consumption of alcoholic liquor by an individual shall be unlawful on any other day between the hours of 1:00 a.m. and 9:00 a.m. except that such sale shall be lawful on

January 1st until 3:00 o'clock in the morning. Notwithstanding any other provisions of this section to the contrary, such sale or dispensing or consumption or presence in glasses in places operating under a bowling establishment permit shall be unlawful before five p.m. on any day, except in that portion of the permit premises which is located in a separate room or rooms entry to which, from the bowling lane area of the establishment is by means of a door or doors which shall remain closed at all times except to permit entrance and egress to and from the lane area. Any alcoholic liquor sold or dispensed in a place operating under a bowling establishment permit shall be served in transparent containers such as, but not limited to, clear plastic or glass. When any Sunday falls on December thirty-first or January first, sale of alcoholic liquor in any club, golf country club, restaurant, cafe, bowling establishment, coliseum, hotel or place operating under charitable organization permit shall not begin before twelve o'clock noon.

(d) The sale or dispensing of alcoholic liquor in places operating under package store permits, package store beer permits, drug store permits, drug store beer permits or grocery store beer permits shall be unlawful on the date of any state or municipal election, except any election held within the limits of a town, city or borough at which not all of the electors of such town, city or borough may vote, on Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, New Year's Day, Sunday or Christmas or, if Independence Day, Christmas or New Year's Day occurs on a Sunday, on the Monday next following such day; and such sale or dispensing of alcoholic liquor in places operating under package store permits, package store beer permits, drug store permits, drug store beer permits and grocery store beer permits shall be unlawful on any other day before eight o'clock a.m. and after eight o'clock p.m.

(e) The sale or the dispensing or consumption or the presence in glasses or other receptacles suitable to permit the consumption of liquor by an individual of alcoholic liquor in places operating under a tavern permit shall be unlawful on the day of any state or municipal election during the hours of voting, except any election held within the limits of a town, city or borough at which not all of the electors of such town, city or borough may vote, on Saturday between two o'clock a.m. and nine o'clock a.m. and Sunday after two a.m., Good Friday or Christmas; and such sale or dispensing or consumption or presence in glasses or other receptacles in such tavern shall be unlawful on any other day between the hours of one o'clock a.m. and nine o'clock a.m.

In the case of any tavern wherein, under the provisions of this section, the sale of alcoholic liquor is forbidden on certain days or hours of the day, or during the period when a tavern permit is suspended, it shall likewise be unlawful to keep such tavern open to, or permit it to be occupied by, the public on such days or hours.

(f) The sale of alcoholic beverages in any form, shall not be permitted at any time except under the foregoing provisions of this ordinance.

THIS ORDINANCE shall become effective on the first day of the month succeeding adoption by a Town Meeting, but not less than fifteen (15) days after due publication.

This Ordinance was published in The Middletown Press on October 17, 1979.

TOWN ACTS Book 3 Page 400

The following Ordinance was rescinded by the voters of the Town of Chester at a special town meeting held on October 23, 1979.

SIDEWALK/RESCIND

An Ordinance Concerning the Repair of Sidewalks in the Town of Chester as voted July 22, 1952 - Section 1 thru 5, and recorded in Town Acts, Book No. 3, Pg. 120 and published in Ordinances and Special Acts, Town of Chester, 3rd Edition, March 1, 1974, Pages 7 and 8.

Said repeal shall take effect fifteen (15) days subsequent to the publication thereof in a newspaper having a circulation in the Town of Chester.

This ordinance was published in the Middletown Press on October 27, 1979.

TOWN ACTS Book 3 Page 404

The following ordinance was adopted by the voters of the Town of Chester at a special town meeting held on April 1, 1980.

**AMENDMENT TO CHESTER WATER POLLUTION
CONTROL AUTHORITY ORDINANCE**

1. Section 1 and subsections 1a, 1b, 1c, and 1d are repealed and the following substituted in lieu thereof.

"1. A Water Pollution Control Authority is hereby created for the Town of Chester for exercise of the powers granted under Chapter 103 of the Connecticut General Statutes as amended.

(a) Water Pollution Control Authority shall consist of five members, who shall be electors of the Town of Chester.

(b) The members of the Water Pollution Control Authority shall be appointed by the Board of Selectmen. Within 60 days after the passage of this ordinance, the Board of Selectmen shall appoint two members to serve until November 1, 1980; two members to serve until November 1, 1981; and one member to serve until November 1, 1982. Thereafter members shall be appointed by the Board of Selectmen for three year terms.

(c) Members of the Authority may be removed from office by the Board of Selectmen for cause. Before removal, charges shall be presented to such member in writing and he shall be given reasonable opportunity to be heard in his own defense.

(d) Any vacancies in the Water Pollution Control Authority caused by other than expiration of the term of office shall be filled for the unexpired term within 30 days after such vacancy occurs, in the manner above provided."

2. This ordinance shall become effective fifteen (15) days after publication in the Middletown Press, a newspaper having a circulation in the Town of Chester, and the Town Clerk shall cause such publication to be made immediately.

This Ordinance was published in The Middletown Press on April 7, 1980.

TOWN ACTS

Book 3

Page 409

The following Ordinances were adopted by the voters of the Town of Chester at a special town meeting held on December 16, 1980.

**PROPERTY TAX EXEMPTIONS FOR BUILDING EQUIPPED
WITH PASSIVE SOLAR SYSTEMS**

RESOLVED: The provisions of Section 12-81 (61) as amended by Public Act 80-106, concerning property tax exemptions for buildings fitted with passive solar energy systems is hereby adopted by the Town of Chester.

This Ordinance shall become effective fifteen (15) days after publication thereof in a newspaper having circulation in the Town of Chester.

**ORDINANCE ESTABLISHING RETIREMENT BOARD
AND RETIREMENT PLAN**

Pursuant to a Special Town Meeting held on December 16th, 1980 the following Ordinance was enacted:

RESOLVED: that the Town of Chester establish a Retirement Board and a Retirement Plan for certain specified employees and elected officials, the Plan to be administered by said Retirement Board.

1. Said Retirement Board shall consist of five (5) members who shall be appointed by the selectmen of the Town of Chester. At least one (1) member of the Retirement Board shall also be a member of the Board of Finance of the Town of Chester.

2. The terms of office of the board members shall commence on December 16th 1980;

two (2) such members shall serve a term of three (3) years, two (2) such members shall serve a term of two (2) years, and one (1) such member shall serve a term of one (1) year. Thereafter as each member's term expires, a member shall be appointed for a term of three (3) years.

3. Any vacancy occurring in the membership shall be filled by the selectmen for the unexpired term.

4. The Retirement Board is hereby authorized to expend the sum of Fifteen Thousand Dollars (\$15,000.00) previously appropriated by the Board of Finance as contingency from surplus such sums to include the town's initial contribution, all legal fees and other expenses.

4a. The Plan need not be required to be an insurance plan and that the Retirement Board be able to make that decision.

5. In addition to the sum authorized above, each participant in the plan shall make a contribution equal to, two (2) percent of his annual compensation.

6. The plan shall be known as the Town of Chester Retirement Plan and shall include the following provisions:

a. Effective Date: The effective date of the plan shall be Dec. 16th 1980.

b. Eligible Employees: All permanent full time employees working a minimum of One Thousand Two Hundred Fifty (1,250) hours per year, including paid elected officials and including non-professional employees of the Chester Board of Education; provided they have completed thirty-six (36) months of service and have attained insurance age of twenty-five (25) as of the inception date of the plan. Future employees and paid elected officials will become eligible on the first plan anniversary following completion of thirty-six (36) months of service and attaining insurance age of twenty-five (25), but not over the age of 50. An employee participating in this plan must agree to contribute two (2%) percent of their annual compensation to the plan. The Retirement Board shall have the sole responsibility and discretion for determinations regarding hours worked per year by elected officials or other participants in the plan for purposes of eligibility under this section.

c. Normal Retirement Date: The normal retirement date will be the plan's anniversary nearest a participants sixty-fifth (65th) birthday.

d. Early Retirement Date: A participant who has attained the age of fifty-five (55) and completed fifteen (15) years of service may retire as of the first day of any month after the plan's nearest anniversary date and receive benefits commencing on such a date or the first day of any subsequent month.

e. Deferred Retirement Date: Provided a participant is able to satisfactorily perform his duties, he may defer retirement beyond his normal retirement date but not later than the plan anniversary nearest the participant's seventieth (70) birthday.

f. Pension Benefit: A participant's annual life income will be equal to 3 percent of compensation times participant's years of past service plus .9 percent of compensation times the years of the participant's service between the date of participation in the plan and normal retirement date. The benefit will be based on the average of the participants final (5) years compensation.

g. Preretirement Disability Benefit: A participant who becomes permanently disabled, as determined by the provisions of the Social Security Act, is entitled to one hundred (100%) percent of the present value of his accumulated retirement benefits.

h. Preretirement Death Benefits: If a participant dies before retirement, his beneficiary is entitled to the present value of his accumulated retirement benefits.

i. Benefits at Retirement: The participant or his beneficiary will receive a guaranteed income for ten (10) years and thereafter for the participant's life. The participant may also elect any one of the other modes of settlement provided.

j. Employees Withdrawal Benefits on Termination of Employment: A participating employee's contributions, their cash value, shall be one hundred (100%) percent vested. In addition, a terminating participant shall be vested in one hundred (100%) percent of his accrued benefit attributable to employer contributions upon completion of ten (10) years of service.

7. This Ordinance becomes effective fifteen (15) days after publication thereof in a newspaper having a circulation in the Town of Chester.

These Ordinances were published in The Middletown Press on December 22, 1980.

TOWN ACTS Book 3 Page 415

The following ordinance was adopted by the voters of the Town of Chester at a special town meeting held on June 2, 1981.

**PROPERTY TAX EXEMPTIONS FOR BUILDINGS EQUIPPED
WITH PASSIVE SOLAR SYSTEMS**

RESOLVED: The provisions of Section 12-81 (61) as amended by Public Act 80-406, concerning property tax exemptions for buildings fitted with passive solar energy systems is

hereby adopted by the Town of Chester.

This ordinance shall become effective fifteen (15) days after publication thereof in a newspaper having a circulation in the Town of Chester.

This Ordinance was published in The Middletown Press on June 9, 1981.

TOWN ACTS Book 3 Page 417

The following Ordinance was adopted by the voters of the Town of Chester at a special town meeting held on July 29, 1981.

**ORDINANCE RELATING TO WATER POLLUTION CONTROL
AUTHORITY**

Resolution(s), relating to the Chester Sewage Commission, and acted upon at the Special Town Meeting of Chester on April 1st 1980, is amended as follows:

1. Subsections la and b of Section 1 are repealed and the following substituted in lieu thereof:

“(a) Water Pollution Control Authority shall consist of seven (7) members, who shall be electors of the Town of Chester.

(b) The members of the Water Pollution Control Authority shall be appointed by the Board of Selectmen. Within sixty (60) days after the passage of this ordinance, the Board of Selectmen shall appoint three (3) members to serve until November 1st 1981; two (2) members to Serve until November 1st 1982; and two (2) members to serve until November 1st 1983. Thereafter members shall be appointed by the Board of Selectmen for a three (3) year term.”

2. This Ordinance shall become effective fifteen (15) days after publication in the Middletown Press, a newspaper having a circulation in the Town of Chester, and the Town Clerk shall cause such publication to be made immediately.

This Ordinance was published in The Middletown Press on August 3, 1981.

TOWN ACTS Book 3 Page 418

The following Ordinances were adopted by the voters of the Town of Chester at a special town meeting held on October 29, 1981.

**ORDINANCE AMENDING RESOLUTION RE PLANNING &
ZONING COMMISSION TOWN OF CHESTER, CONNECTICUT**

BE IT RESOLVED that the Ordinance respecting the creation of a Planning & Zoning Commission of the Town of Chester, Connecticut adopted by the voters of the Town of Chester at a special adjourned town meeting held on November 22nd 1977 is amended as follows:

Section 1, subparagraph (f) is repealed and the following language substituted in lieu thereof:

(f) Any vacancies in the Planning & Zoning Commission caused by other than the expiration of the term of office shall be filled within thirty (30) days after such vacancy occurs by the Board of Selectmen for a period to run until the town election next following the filling of such vacancy.

This ordinance shall become effective fifteen (15) days after publication in a newspaper having a general circulation in the Town of Chester.

ORDINANCE CONCERNING HAWKERS AND PEDDLERS

BE IT RESOLVED: that the ordinance pertaining to hawkers and peddlers enacted pursuant to annual town meeting held October 3, 1966 is hereby repealed and the following substituted in lieu thereof:

Section 1. No person shall vend or hawk upon public streets of the Town of Chester any goods, wares or other merchandise, at public or private sale or auction, nor vend or peddle such articles or merchandise from house to house within the limits of the Town of Chester without first having obtained a license from the selectmen. As part of the application for license, the selectmen may require proof of financial responsibility and reliability of the applicant as well as information concerning the kind, type, quality and source of the products, articles or merchandise to be sold by the vendor or hawker.

Section 2. The selectmen may charge a fee of \$20. per person for such license, which license shall be valid for a period of one (1) week. The selectmen may, at their discretion, waive such fee in the case of an application by a non-profit organization.

Section 3. Any person who engages in the business of a peddler or hawker without complying with the provisions of this ordinance shall be deemed guilty of a misdemeanor punishable by a fine of not more than \$50. for each offense.

Section 4. This Ordinance shall not apply to sales by farmers and gardeners of the produce of their farms and gardens or to the sale, distribution, and delivery of milk, teas, coffees, spices, groceries, meats and bakery goods, to sales on approval, to conditional sales of merchandise or to the taking of orders for merchandise for future delivery when payment is not required at the time of solicitation.

This Ordinance shall become effective fifteen (15) days after publication in a newspaper

having a general circulation in the Town of Chester.

These Ordinances were published in The Middletown Press on November 4, 1981.

TOWN ACTS

Book 3

Page 425

Pursuant to a Special Town Meeting held on August 3, 1982, the following Ordinance is hereby enacted:

ORDINANCE AUTHORIZING ABATEMENT OF TAXES ON CERTAIN REAL AND PERSONAL PROPERTY DAMAGED BY THE JUNE, 1982 FLOOD

RESOLVED: (a) that the Town of Chester may, with respect to any real or personal property damaged as a result of the flooding and related occurrences of the period from June 4th, 1982 to June 7th 1982, inclusive, abate the property taxes or any installment thereof levied on the assessment list for 1981 in respect to such property, provided such abatement shall not exceed one-third (1/3) of that portion of the total property tax or installment determined as the same proportionate part of such total tax or installment as the damaged portion of such property bears to the entire property subject to such tax, and provided further that the loss and assessed value resulting from such value is not less than 10% of the assessed value of such damaged property. Any construction or reconstruction related to property so damaged and with respect to which property taxes have been abated as provided in this ordinance shall be subject to property tax as provided in Section 12-53a of the Connecticut General Statutes.

(b) Any person claiming to be aggrieved by the actions of the assessor in any municipality adopting the provisions of subsection (a) of this section, in relation to any determination related to the value of the property for purposes of said subsection (a) may appeal to the board of tax review. The board of tax review shall hold special sessions as necessary for the sole purpose of hearing such appeals on or after September 1st, 1982, but not later than October 15th, 1982 and shall make a final determination concerning such appeal on or before October 31st, 1982.

This Ordinance was published in The Middletown Press on August 9, 1982.

Town Acts

Book 3

Page 428

Pursuant to a Special Town Meeting held on February 15, 1983, the following Ordinance was enacted:

ORDINANCE ESTABLISHING A CHESTER POLICE COMMISSION

RESOLVED: 1. That the Town of Chester establish a Board of Police Commissioners for the exercise of the powers granted under Chapter 104, Section 7-274 et seq. of the Connecticut

General Statutes as amended and pursuant to Section 9-20 of the Connecticut General Statutes.

(a) The Board of Police Commissioners of the Town of Chester shall consist of five (5) members who shall be electors and resident taxpayers of the Town of Chester.

(b) Such commissioners shall be sworn to the faithful performance of their duties and shall serve without compensation, but their actual expenses and disbursements incurred in the performance of their duties shall be paid from the Town Treasury.

(c) The initial members of the Chester Board of Police Commissioners shall be appointed by the Board of Selectmen. Within sixty (60) days after the passage of this ordinance, the Board of Selectmen shall appoint two (2) members to serve until the next regular town election after the effective date of this ordinance, and three (3) members to serve until the second regular town election after the effective date of this ordinance.

(d) At the next regular town election after the effective date of this Ordinance, there shall be elected two (2) members to the Board of Police Commissioners to serve for a term of four (4) years. At the next election thereafter, three (3) members shall be elected for terms of four (4) years. Each member of such board shall serve for the term for which he is elected and until his successor is elected and has qualified.

(e) In the event of any vacancy upon the Board, the Board of Selectmen shall have authority by a majority vote to fill such vacancy until the next town election, at which election a member shall be elected for the unexpired portion of the term.

2. This Ordinance shall become effective fifteen (15) days after publication in the Middletown Press, a newspaper having a circulation in the Town of Chester and the Town Clerk shall cause such publication to be made immediately.

This Ordinance was published in The Middletown Press on Feb. 19, 1983.

Town Acts Book 3 Pages 434 - 435

Pursuant to a Special Town Meeting held on January 17, 1984, the following Ordinance was enacted:

**ORDINANCE CONCERNING CONSTRUCTION OF
DRIVEWAYS AND DRAINS OF ABUTTING TOWN
HIGHWAYS**

BE IT RESOLVED: That the Ordinance concerning private tie ins to town roads enacted pursuant to authorization of the annual town meeting held October 3, 1966 is hereby repealed and the following substituted in lieu thereof:

Section 1: No firm, person or corporation shall excavate in or under any Town Highway or public ground in the Town of Chester without a written permit, obtained at least forty-eight hours prior to excavation, from the Board of Selectman or its daily authorized representative.

Section 2. No firm, person or corporation shall lay, construct, open, or maintain any drain or conductor pipe in such manner that the water from the same is discharged upon any sidewalk, any Town Highway, or public ground in the Town of Chester.

Section 3. No firm, person, or corporation shall build, maintain, construct, reconstruct, relocate, or otherwise use a driveway or entrance or exit to a Town Highway or street from private land without first obtaining a written permit from the Board of Selectmen, or its duly authorized representative.

Section 4. The Board of Selectmen shall adopt, and may amend as required specifications concerning construction of driveway abutting Town Highways. In adopting or amending specifications, the Selectmen shall include, in their consideration, the location of the driveway with respect to its effect on highway drainage, highway safety, the width and character of the highway affected, the density of traffic thereon and the character of such traffic. No permit shall be issued unless the driveway, entrance or exit shall conform to the specifications. Such specifications shall include the requirement for a bond to insure completion of all required improvements. Should any driveway improvements not be completed as required within the time limits set forth in the specifications, then the bond shall be called and the work completed by the Town as required by the specifications.

Section 5. Any person, firm or corporation found guilty of any violation of this Ordinance shall be subject to a fine not exceeding fifty dollars (\$50.00) for each day of the violation.

This Ordinance shall become effective 15 days after publication in a newspaper having a general circulation in the Town of Chester.

This Ordinance was published in The Middletown Press on January 21, 1984.

TOWN ACTS Book 3 Page 436

Pursuant to a Special Town Meeting held on February 27, 1984, the following Amendment to an Ordinance was enacted:

**AMENDMENT TO AN ORDINANCE ESTABLISHING
RETIREMENT BOARD AND RETIREMENT PLAN**

BE IT RESOLVED: that the Ordinance respecting the creation of retirement board and retirement plan for the Town of Chester, Connecticut adopted by the voters at a special town meeting held on December 16, 1980 is hereby amended by deleting section one of said Ordinance and substituting therefore as follows:

1. Said retirement board shall consist of five members who shall be appointed by the selectman of the Town of Chester. At least one member of the retirement board shall also be a member of the Board of Finance of the Town of Chester. Said board shall be responsible for administering the retirement plan created by this Ordinance and to make such amendments and changes in the plan from time to time toward the maintenance in sound condition of the retirement plan or retirement fund or funds, provided the rights or benefits granted to any individual under municipal retirement or pension system shall not be diminished or eliminated by such changes.

This amendment to an Ordinance was published in the Middletown Press on March 27, 1984.

TOWN ACTS Book 3 Page 446

Pursuant to a Special Town Meeting held on June 18, 1985, the following Ordinance was enacted:

ORDINANCE REGARDING THE TOWN CLERK'S SALARY

Under the provisions of Section 7-34b of the General Statutes of Connecticut, the Town of Chester hereby provides that the compensation of the Town Clerk shall be by a salary established and fixed by the annual town budget meeting of Chester, which salary shall be in lieu of all fees and other compensation provided for in the General Statutes. This Ordinance shall become effective July 1, 1986.

This Ordinance was published in the Middletown Press July 1, 1985

TOWN ACTS Book 3 Pages 448-449

Pursuant to a Special Town Meeting held on October 15, 1985, the following Ordinances were enacted:

**ORDINANCE RESPECTING AN ADDITIONAL AMOUNT OF
EXEMPTION FROM PROPERTY TAX
FOR PERSONS WHO ARE BLIND**

(a) Any person entitled to the exemption from property tax applicable to the assessed value of property up to the amount of \$3,000.00 as provided under the subdivision (17) of section 12-81 of the General Statutes, shall be entitled to an additional exemption from such tax in an amount up to \$2,000.00 for such assessed value, provided the total of such person's adjusted gross income as determined for purposes of the Federal Income Tax plus any other income of such person not included in such adjusted gross income, individually if unmarried or jointly if married, in the calendar year ending immediately preceding the assessment date with respect to which such additional exemption is allowed, is not more than \$14,000.00 if such person is married or not more than \$12,000.00 if such person is not married.

(b) Any person submitting a claim for the additional exemption as provided under subsection (a) of this section shall be required to file an application, on a form prepared for such purpose by the assessor, not later than the date of the assessment list with respect to which such additional exemption is claimed. Each such application shall include a copy of such person's Federal Income Tax return, or in the event a return is not filed, such evidence related to income as may be required by the assessor for the tax year of such person ending immediately prior to the approval of a claim for such additional exemption.

This Ordinance shall become effective upon publication in a newspaper having a general circulation in the Town of Chester.

**ORDINANCE RESPECTING AN ADDITIONAL AMOUNT OF
EXEMPTION FROM PROPERTY TAX FOR ANY PERSON ELIGIBLE FOR THE
CURRENT EXEMPTION FROM SUCH TAX
ALLOWED FOR PERSONS PERMANENTLY AND TOTALLY
DISABLED**

(a) Any person entitled to the exemption from property tax applicable to the assessed value of property up to the amount of one thousand dollars, as provided under subdivision (55) of section 12-81 of the general statutes, shall be entitled to an additional exemption from such tax in an amount up to one thousand dollars of such assessed value, provided the total of such person's adjusted gross income as determined for purposes of the Federal Income Tax plus any other income of such person not included in such adjusted gross income, individually if unmarried, or jointly if married, in the calendar year ending immediately preceding the assessment date with respect to which such additional exemption is allowed, is not more than fourteen thousand dollars if such person is married or not more than twelve thousand dollars if such person is not married.

(b) Any person submitting a claim for the additional exemption as provided under subsection (a) of this section shall be required to file an application, on a form prepared for such purpose

by the assessor, not later than the date of the assessment list with respect to which such additional exemption is claimed. Each such application shall include a copy of such person's Federal Income Tax return, or in the event a return is not filed, such evidence related to income as may be required by the assessor for the tax year of such person ending immediately prior to the approval of a claim for such additional exemption.

This Ordinance shall become effective upon publication in a newspaper having a general Circulation in the Town of Chester.

**ORDINANCE RESPECTING AN ADDITIONAL AMOUNT OF EXEMPTION FOR
PROPERTY TAX FOR VETERANS AND TO ALLOW EXEMPTION FROM
PROPERTY TAX FOR SPECIALLY EQUIPPED
MOTOR VEHICLES OF DISABLED VETERANS**

(a) Any veteran entitled to an exemption from property tax in accordance with subdivision (19) of section 12-81 shall be entitled to an additional exemption applicable to the assessed value of property up to the amount of one thousand dollars, provided the total of such veteran's adjusted gross income as determined for purposes of the Federal Income Tax plus any other income of such veteran not included in such adjusted gross income, individually, if unmarried, or jointly if married, in the calendar year ending immediately preceding the assessment date with respect to which such additional exemption is allowed, or not more than fourteen thousand dollars if such veteran are married or not more than twelve thousand dollars if such veteran is not married.

(b) Any veteran's surviving spouse entitled to an exemption from property tax in accordance with subdivision (22) of section 12-81 shall be entitled to an additional exemption applicable to the assessed value of property up to the amount of one thousand dollars, provided the total of such spouse's adjusted gross income as determined for purposes of the Federal Income Tax plus any other income of such spouse not included in such adjusted gross income, in the calendar year ending immediately preceding the assessment date with respect to which such additional exemption is allowed, is not more than twelve thousand dollars.

(c) Any such veteran or spouse submitting a claim for such additional exemption shall be required to file an application on a form prepared for such purpose by the assessor, not later than the assessment date with respect to which such additional exemption is claimed. Each such application shall include a copy of such veteran's or spouse's Federal Income Tax return, or in the event such a return is not filed such evidence related to income as may be required by the assessor, for the tax year of such veteran or spouse ending immediately prior to the assessment date with respect to which such additional exemption is claimed.

(d) The Town of Chester shall allow an exemption from property tax to be determined as a uniform percentage of the assessed value of any one motor vehicle owned by any veteran with a condition of disability enabling such veteran to qualify for the exemption from property tax currently allowed under subdivision (20) or subdivision (21) of section 21-81 of the general statutes, provided such motor vehicle must be specially equipped for purposes of adapting its use to the disability of such veteran.

This Ordinance shall become effective upon publication in a newspaper having a general circulation in the Town of Chester.

These Ordinances were published in the Middletown Press October 21, 1985.

TOWN ACTS Book 3 Page 472

Pursuant to Annual Town Meeting held on June 16, 1987, the following Ordinance was enacted.

**ORDINANCE PROVIDING FOR ALTERNATE MEMBERS OF THE CHESTER
CONSERVATION COMMISSION**

BE IT RESOLVED, that the Ordinance establishing the Chester Conservation Commission which was passed by a special town meeting held on November 14, 1972 and amended by resolution passed by a special town meeting held on February 25, 1975, is hereby amended by adding the following subparagraph to Section (1), as amended:

There shall also be three (3) alternate members of the Conservation Commission who shall be appointed by the Board of Selectmen within 30 days of the passage of this Amendment, one such member to serve until November 1, 1989. Thereafter at the expiration of their respective terms of office, alternate members shall be appointed for three (3) year terms commencing November 1.

This Ordinance shall become effective fifteen (15) days after publication in the Middletown Press.

This Ordinance was published in the Middletown Press June 20, 1987.

TOWN ACTS Book 3 Page 478

Pursuant to a Special Town Meeting held on December 15, 1987, in the Town of Chester, the following Ordinance is hereby enacted.

**ORDINANCE PROVIDING FOR CASH BOND RE:
ENGINEERING REVIEW OF PUBLIC IMPROVEMENT'S**

Any individual, corporation or other entity which receives approval for development of real property pursuant to the Zoning, Planning, Subdivision or Conservation Regulations of the Town of Chester and who is required as part of that approval by the appropriate board or commission to file a bond or similar surety for the completion of site improvements in the nature of, but not limited to, road, drainage, utility services, water services and similar items, shall deposit with the Treasurer of the Town of Chester, in cash, an amount equal to five percent (5%) of the bond required by the board or commission approving the improvements set forth above. Said sum shall be in addition to any bonds or sureties required by the approving board or commission, and shall be for the sole use of the Town of Chester to defray the cost of engineering review of proposed plans and inspection and tests of such site improvements to insure compliance with approved plans. The Treasurer shall be authorized to draw such sums from the account established hereunder as shall be approved by the Selectmen to defray such expenses. The Treasurer shall maintain an accounting of all such sums expended and shall provide a copy of the same to the individual or entity establishing such account, upon request. All such sums not expended for engineering review, inspections and tests, upon certification by the town's engineer of the satisfactory completion of such improvements, shall be refunded to the individual or entity establishing such account.

This Ordinance was published in the Middletown Press December 18, 1987

TOWN ACTS

Book 3

Page 485

**ORDINANCE AMENDING PARK AND RECREATION
COMMISSION ORDINANCE**

Pursuant to a special Town Meeting held on July 26, 1988, the following Ordinance is hereby enacted:

BE IT RESOLVED, that the Ordinance that established the Park and Recreation Commission which was enacted January 19, 1971 and amended February 19, 1974, is hereby amended, as follows:

(d) The Commission, subject to the approval of the Board of Selectmen and any other municipal body or agency necessary under the Connecticut General Statutes shall have the power to employ the following:

(1) A director of Parks and Recreation who is properly qualified in experience and education and otherwise to oversee the programs administered by the Parks, and Recreation Commission and the volunteers directing and managing those programs; and

(2) Such other personnel as may be necessary and proper to provide clerical support and other services to the Commission and its functions.

Any sums paid by way of compensation to any employees of the Commission shall have the prior approval of the Board of Finance upon the recommendation of the Board of Selectmen.

This Ordinance was published in The Middletown Press on July 29, 1988.

TOWN ACTS Book 3 Pages 500 - 501

Pursuant to a Special Town Meeting held on July 18, 1989, in the Town of Chester, the following Ordinance is hereby enacted.

**ORDINANCE CREATING CHESTER HARBOR
MANAGEMENT COMMISSION**

Section 1-1 CHESTER HARBOR MANAGEMENT COMMISSION

Creation and Purpose

The Town of Chester hereby establishes a HARBOR MANAGEMENT COMMISSION under the Connecticut Harbor Management Act (sections 22a -113k to t) for the purpose of ensuring the safe, proper and responsible use of the navigable waters comprising the waterfront of the Town of Chester, to protect its marine resources and sensitive natural resource areas found along its near shore coastal waters; to provide greater public opportunities for water-based recreational activities; to maintain and enhance navigational facilities for the benefit of all harbor users and to allocate the water-side resources in an economically sound manner.

Section 1-2 COMMISSION MEMBERSHIP

The CHESTER HARBOR MANAGEMENT COMMISSION shall consist of seven (7) members who are electors of the Town of Chester and who are appointed by the Board of Selectmen. The Harbormaster shall be an ex-officio member, without vote. Terms of all members shall run for six (6) years except that initial terms shall be staggering so that the terms of no more than three (3) members shall terminate in a single year. In accordance with sections 7-167a of the Connecticut General Statutes no more than four (4) of the commissioners shall be members of the same political party. In addition, there shall be two (2) alternate members appointed to serve in place of absent regular members, if necessary.

Section 1-3 COMMISSION DUTIES, POWERS AND RESPONSIBILITIES

A. The CHESTER HARBOR MANAGEMENT COMMISSION shall prepare, and after public hearing adopt a Harbor Management Plan. The Plan will:

- 1) Identify existing and potential waterfront problems
- 2) Establish recommendations for the use, development and preservation of waterfront areas
- 3) Recommend the required Ordinances necessary to implement the Plan and identify the officials responsible for enforcement of the ordinances

B. The Commission shall prepare and present to the Board of Selectmen an annual operating budget. The operating budget shall include a section reflecting estimated revenues and a section covering requested expenses by project or activity.

C. The Commission shall annually review the Harbor Management Plan.

D. The Commission shall receive and review all proposals for dredging, filling and constructing or altering any structure within or contiguous to the waterfront for their consistence with the Harbor Management Plan.

E. The Commission shall assist and guide the Harbormaster in the assignment of moorings, the management of mooring and anchorage areas and the collection of mooring fees.

F. The Commission shall assist in the coordination of all public and private agencies, commission and other organizations; including State and Federal agencies that have an interest or jurisdiction within the waterfront areas.

G. The Commission shall recommend ordinances for adoption by the Town required to implement the Harbor Management plan.

H. The Commission in association with the Board of Selectmen may employ and supervise such employees as may be authorized.

Section 1-4 COMMISSION ORGANIZATION AND MEETINGS

The CHESTER HARBOR MANAGEMENT COMMISSION shall annually elect a Chairman, Vice-Chairman and a Clerk by a majority of its membership. It will hold regular monthly meetings and keep minutes of all meetings. The Chairman may call special meetings of The Commission with no less than two (2) days prior notice of the commissions. No vote or action will be valid unless adopted by four (4) or more affirmative votes of the commissioners taken during a meeting held pursuant to its rules and regulations. The Commission shall submit an annual report on its activities to the Board of Selectmen as well as other reports as may be required.

This Ordinance was published in The Middletown Press July 22, 1989.

The following Ordinance was adopted by the voters of the Town of Chester at a Special Town Meeting held on December 4, 1990.

**ORDINANCE RELATING TO WATER POLLUTION
CONTROL AUTHORITY**

Resolution(s) relating to the Chester WATER POLLUTION CONTROL AUTHORITY (Sewage Commission) and acted upon at the Special Town Meetings of Chester on April 1, 1980 and July 29, 1981, are amended as follows:

1. Subsections 1 a and 1 b of Section 1 are repealed and the following substituted in lieu thereof:

(a) Water Pollution Control Authority shall consists of FIVE 5 (seven 7) members, who shall be electors of The Town of Chester.

(b) The members of the Water Pollution Control Authority shall CONSIST OF THE BOARD OF SELECTMEN AND TWO ELECTORS OF THE TOWN OF CHESTER WHO shall be appointed by The Board of Selectmen. Within THIRTY (30) (sixty 60) days after the passage of this ordinance, the Board shall appoint ONE (1) ELECTOR TO SERVE UNTIL DECEMBER 1, 1991 AND ONE (1) ELECTOR TO SERVE UNTIL DECEMBER 1, 1993 (three members to serve until November 1st 1981; two members To serve until November 1st, 1982; and two members to serve until November 1st. 1983.) Thereafter members shall be appointed by The Board of Selectmen for a TWO (2) (three), year term.

2. This Ordinance shall become effective fifteen (15) days after publication in a newspaper having a circulation in the Town of Chester, (and the Town Clerk shall cause) such publication to be made immediately.

Sections in CAPITAL LETTERS are new, those in (parentheses) are to be deleted.

PURPOSE: To provide administrative capabilities for day-to-day operation and maintenance of the system while continuing elector participation.

The following ordinance was adopted by the voters of The Town of Chester at a special Town meeting held on December 4, 1990.

**AN ORDINANCE REGULATING THE STORAGE,
COLLECTION, RECYCLING AND DISPOSAL OF SOLID
WASTE AND PROVIDING FOR A SYSTEM OF REFUSE
COLLECTION AND DISPOSAL AND THE
ADMINISTRATION THEREOF**

Be it ordained by the Board of Selectmen for the Town of Chester:
That an Ordinance be adopted as follows:

REFUSE COLLECTION AND DISPOSAL
SECTION 1: Declaration of Policy

The accumulation, collection, removal, recycling and disposal of refuse must be controlled by this Municipality for The protection of the public health safety and welfare, it is consequently found and declared that:

- (a) this Municipality is authorized by law to regulate the disposition of refuse generated within its boundaries and to collect a charge therefore and to license refuse collectors; and
- (b) this Municipality is also authorized by Connecticut General Statutes Section 22a-220a as amended by Public Act 90-249, To designate the area where refuse generated within its boundaries shall be disposed; and
- (c) this Municipality has executed The Municipal Service Agreement requiring it to cause all solid waste generated within its boundaries and which meets the Contractual Standards to be delivered to the Mid-Connecticut System; and
- (d) the public health, safety and welfare of this Municipality will be best served by requiring the delivery of such solid waste to the Essex Transfer Station for processing by the Mid-Connecticut System and The generation of electricity; and
- (e) the enactment of this Ordinance is in furtherance of this Municipality's Regional Solid Waste Management Plan.

SECTION 2: Definitions

The following terms shall be defined as follows:

(a) The "Contractual Standard" for solid waste delivered to the Mid-Connecticut System are as follows:

(1) It must be solid waste emanating from within the boundaries of this Municipality;

(2) It must not be of such quantity, quality or other nature as to materially impair the operation or capacity of The Mid-Connecticut System or any portion thereof, normal and reasonable wear and usage excepted;

(3) It must not be of such a quantity, quality or other nature as to materially impair the strength or the durability of the structures, equipment or works which are a part of The Mid-Connecticut System or any portion thereof;

(4) It must not be of such a quantity, quality or other nature as to create flammable or explosive conditions in the Mid-Connecticut System or any portion thereof;

(5) It must not contain chemical or other properties which are deleterious, as determined by the Authority or capable of causing material damage to any part of the system or to personnel; and

(6) It must not include any hazardous waste.

(b) "Disposal Charge" means the amount of money to be charged for each ton of Solid Waste delivered To the Mid-Connecticut System as established by The procedures authorized in the Municipal Service Agreement.

(c) "Hazardous Waste" means pathological, biological, cesspool or other human wastes, human and animal remains, radioactive, toxic, and other hazardous wastes which according to federal, state or local rules or regulations from time to time in effect require special handling in their collection, treatment or disposal, including those regulated under 42 U.S.C. 6-6921-6925 and regulations thereunder adopted by the United States Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act of 1976, 90 stat. 2806,42 U.S.C. 6901, such as cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, drugs, fine powdery earth used to filter cleaning fluid and refuse of similar nature.

(d) "Mid-Connecticut System" means the solid waste disposal and energy recovery facility designed and constructed by Combustion Engineering, Inc. ("CE") pursuant to an agreement with the Connecticut Resources Recovery Authority ("CRRA") located in Hartford; The transfer stations which service that facility; and the landfill or

landfills provided by or designated by the CRRA.

(e) "Municipal Service Agreement" means The Municipal Solid Waste Management Services Contract between the CRRA and this municipality dated as of June 20, 1984.

(f) "Solid Waste" means unwanted or discarded materials consistent with the meaning of that term pursuant to Section 22a-260(7) of the Connecticut General Statutes, excluding semi-solid or liquid materials collected and treated in a sewerage system.

(g) "Recyclables" means discarded material which may be reclaimed such as cardboard, batteries, glass, metal food containers, newspapers, office paper, crankcase oil, brush and leaves and any other material designated as such by regulation adopted by the Commissioner of Environmental Protection pursuant to Sec. 22a-241b of the Connecticut General Statutes as amended by Public Act 90 220

SECTION 3:

Pursuant to Public Act No. 83-120, Connecticut General Statutes 22a-220a, The legislative body hereby designates the Mid-Connecticut system as the area where Solid Waste meeting Contractual Standards generated within the boundaries of the Town of Chester by residential, business, commercial or other establishments shall be disposed. On and after June 20, 1984, each person collecting any Solid Waste meeting Contractual Standards generated within the boundaries of this municipality shall deliver all such waste to the Essex Transfer Station unless otherwise directed by the Town of Chester Board of Selectmen.

(a) Prohibition against removing recyclable materials from designated disposal site; ownership of recyclables; scavenging prohibited.

(1) No person shall remove recyclable materials, including but not limited to scrap metal, newspapers, unbroken glass, bottles, cans, tires and other collectibles, from the designated disposal site without authorization from The Board of Selectmen.

SECTION 4: Separation for Recycling

(a) Methods of separating and packing; all recyclable materials shall be separated from solid waste.

(1) Clean and unspoiled paper shall be separated into the categories defined in The designation of recyclable materials;

(2) Unbroken glass bottles, all types of metal food and beverage cans and aluminum products, including used aluminum food trays and foil, must be emptied of their

contents and separated from other solid waste;

(3) Recyclables shall be delivered to the sites designated as follows :

- a- Cardboard (corrugated) - Container at Public Works Garage
- b- Glass Food Container - Container at Public Works Garage
- c- Metal Good Container - Container at Public Works Garage
- d- Newspapers - Container at Public Works Garage
- e- Office Paper - Container at Town Office Building
computer print-out,
ledger, bond writing paper, stationery, envelopes (except kraft), copy
paper, file stock, NCR forms, manila folders, bond-grade catalogues and
brochures
- f- Waste Oil - Container at Deep River Transfer Station
- g- Storage Batteries - Deep River Transfer Station
- h- Leaves
- i- Scrap Metal - Deep River Transfer Station

(b) The First Selectman shall receive notices of violation from collectors and disposal facilities, shall develop warning notices for collectors to issue if requested, and shall be responsible for imposing penalties on violators.

(c) Any collector who has reason to believe that a person from who he collects Solid Waste has violated the separation requirements detailed in Section 4 of this Ordinance, shall promptly notify the First Selectman of the alleged violation and shall issue a warning notice (provided by the First Selectman) if so requested. Collectors shall also assist the First Selectman in identifying persons responsible for creating loads of mixed recyclables and solid waste which are delivered to a resources recovery facility or solid waste facility.

(d) All non-residential entities shall make provision for separation of recyclables from other solid waste.

SECTION 5: Violations and Penalty

(a) it shall be the responsibility of the First Selectman or his/her agents to enforce the provisions of this Ordinance. A violation of any provision of this ordinance is subject to a fine of \$500 unless otherwise specified below:

- (1) Resident who fails to source separate recyclable from other waste; first offense - written warning; subsequent offenses a fine not to exceed \$25 for each violation;

2) Commercial establishment that fails to provide for separation of recyclables from other waste; first offense - written warning; subsequent offenses - fine not to exceed \$500 for each violation;

(3) Collector who knowingly mixes recyclables with other solid waste: subject to civil penalties of \$1,000 first offense; subsequent offenses a fine of \$5,000.

SECTION 6: Payment

(a) Each household, business and/or commercial establishment shall be responsible for hiring a private hauler.

This Ordinance shall become effective on February 6, 1992 and after its publication in a newspaper having circulation in the Town of Chester.

TOWN ACTS Book 3 Page 514

The following ordinance was adopted by the voters of the Town of Chester at a special town meeting held on January 15, 1991.

PERMIT ORDINANCE

No official of the Town of Chester, CT shall issue a Zoning Permit, Building Permit, Certificate of Occupancy, Sanitary Sewer Permit or any other permit for improvements pertaining to real property on which there are property taxes past due.

This Ordinance shall become effective fifteen (15) days after publication.

TOWN ACTS Book 3 Page 528

The following ordinance was rescinded by the voters of the Town of Chester at a special town meeting held on July 7, 1992.

LIQUOR/RESCIND

An Ordinance Concerning the Sale and the Dispensing and the Consumption ... of liquor ... in the Town of Chester as voted October 11, 1977 and recorded in Town Acts, Book No. 3, Pg. 379 and published in Ordinances and Special Acts, Town of Chester, 4th Edition, March 1, 1992, Page 42.

Said repeal shall take effect fifteen (15) days subsequent to the publication thereof in a newspaper having a circulation in the Town of Chester.

This ordinance was published in the Middletown Press on July 3, 1992.

TOWN ACTS Book 3 Page 531

Pursuant to a special Town Meeting held on October 6, 1992, the following Ordinance was enacted:

**ORDINANCE CONCERNING PUBLICATION OF PROPOSED
ORDINANCES**

Under the provisions of Public Act No. 92-22, allows publication of a summary of proposed Ordinance in lieu of it being published in its entirety, provided the Town Clerk shall make available for public inspection and shall, upon request, mail copy of said proposed ordinance to any person requesting same. Any summary so published shall bear disclaimer: "This document is prepared for the benefit of the public, solely for purposes of information, summarization and explanation. This document does not represent the intent of the legislative body of the Town of Chester for any purpose." This Ordinance shall not apply to any proposal which makes or requires an appropriation.

This Ordinance was published in the Middletown Press on October 9,1992.

TOWN ACTS Book 3 Page 531

Pursuant to a special Town Meeting held on October 6, 1992, the following Ordinance was enacted:

**ORDINANCE CONCERNING LITTERING AND ILLEGAL
DUMPING**

Under the provisions of Public ACT No. 92-249, empowers the Town of Chester to enforce state statutes on littering and illegal dumping, making such violations an infraction so tickets can be issued to violators, provides for rewards for information leading to a civil penalty for violation, allows the municipality to keep 50% of fines collected when the municipality initiates action, and will allow the Town of Chester to take a strong and active role in reducing littering and illegal dumping.

This Ordinance was published in The Mddletown Press on October 9,1992.

TOWN ACTS Book 3 Page 550

Pursuant to a Special Town Meeting held on June 15, 1993, the following Resolution is hereby enacted:

RESOLUTION FOR A UNIFORM FISCAL YEAR

The Town of Chester adopt a Resolution for a Uniform Fiscal Year Pursuant to Connecticut General Statute Section 7-382, effective July 1, 1993.

TOWN ACTS

Book 3

Page 550

Pursuant to a Special Town Meeting held on June 15, 1993, the following Revision to an Ordinance was enacted:

**ORDINANCE WITH RESPECT TO RECEIPT AND
EXPENDITURE OF COASTAL
AREA MANAGEMENT ASSISTANCE FUNDS**

The Revision is to Town Acts, Book No. 3, Pg. 412 and publicized in Ordinances and Special Acts, Town of Chester, 4th Edition, January 24, 1981, Page 50 and is as follows:

**ORDINANCE WITH RESPECT TO CONTRACTING FOR,
RECEIPT OF AND EXPENDITURE OF COASTAL AREA
MANAGEMENT ASSISTANCE FUNDS UNDER THE
CONNECTICUT HARBOR MANAGEMENT ACT**

RESOLVED: that the Chairman of the Chester Harbor Management Commission be empowered and authorized to enter into such contracts and agreements as are necessary, to receive and expend funds for the implementation of provisions of the Federal Coastal Zone Management Act, the Connecticut Coastal Area Management Program and the Connecticut Harbor Management Act; to contract with such agencies and organizations to provide supporting services for implementation of the provisions of the Harbor Management Act; to expend such funds as are available to the Town of Chester pursuant to provisions of the Coastal Management Act Chapter 444 of the Connecticut General Statutes Section 22a-90 - 22a- 112, pursuant to such contracts and agreements; and to make application for such funding and financial support as is available from the State of Connecticut federal government or other public or private sources, under the terms of the Harbor Management Act. Such contracts, agreements, applications and expenditures shall be made upon advise and consultation of the harbor management authorities of the Town of Chester.

This Ordinance shall become effective July 1, 1993.

Pursuant to a special Town Meeting held on November 15, 1993, the following Resolution is hereby enacted:

RESOLUTION FOR BIRTH CERTIFICATE FEE

The Town of Chester accepted a Resolution that Ten Dollars (\$ 10.00) of every Fifteen Dollar (\$15.00) fee collected by the Town Clerk for a certified copy of a birth certificate since July 1, 1993 shall be rebated to the person paying said fee; and be it further that the Town Clerk is hereby authorized to collect only the sum of Five Dollars (\$5.00) for each such certified copy of a birth certificate, said Five Dollars (\$5.00) to be deposited to the general fund in the usual manner.

Pursuant to a Special Town Meeting held on December 21, 1993, the following Ordinance is hereby enacted:

ORDINANCE ESTABLISHING A PENSION BENEFIT PLAN FOR THE BENEFIT OF THE MEMBERS OF THE CHESTER HOSE COMPANY, INC.

Said pension plan to provide substantially as follows:

Sponsor TOWN OF CHESTER

Program Name: CHESTER HOSE COMPANY, INC. VSAP

Effective Date: JULY 1, 1993

An Active Volunteer Firefighter becomes eligible to participate in the Program after 1 year of service and attaining the age of 18. A year of credited service is given when the participant accumulates the required number of points in accordance with the system adopted by the Program Sponsor. Up to 10 years of credit for prior service can be earned if you qualify for service credit in the first year of the Program.

Program benefits are 100% vested after fifteen (15) years of credited service, 75% vested after ten (10) years of credited service, and 50% vested after five (5) years of credited service. There is no (0%) vesting with four (4) or fewer years of participation A Participant shall be 100% vested upon his death or disability.

Vested benefits are payable at age 65 which is entitlement age (retirement), payable as an annuity. This benefit is \$250 maximum benefit per month, there is no minimum benefit.

Upon adoption of a Pension Benefit Plan by the Board of Selectmen, said Plan shall be administered in all respects by the Retirement Board.

This Ordinance was published in The Middletown Press on Jan. 15, 1994.

TOWN ACTS

Book 3

Pages 559-560

Pursuant to a Special Town Meeting held on December 21, 1993, the following Revision to an Ordinance was enacted:

**ORDINANCE CONCERNING THE CREATION OF A BOARD OF
FIRE COMMISSIONERS AND FIRE DEPARTMENT AND THE
DUTIES OF THE BOARD OF FIRE COMMISSIONERS**

Modify as follows:

Section 2 (first sentence) The management and control of said Fire Department shall be vested in the Board of Fire Commissioners which shall be composed of six members chosen as follows: The Chief of the Chester Hose Company during his/her term of office, the Chester Fire Marshal during his/her term of office, (the Fire Marshal serving as ex-officio, non-voting, member) and four electors of the Town of Chester to serve four year terms. The First Selectman serves in an ex-officio, nonvoting Capacity. The new member shall be appointed within 30 days following enactment of this Ordinance. Members elected in 1995, and after, will serve four (4) year terms. An alternate position shall be established on the Board of Fire Commissioners to be filled by the Deputy Chief who may attend and act at meetings of Board of Fire Commissioners in the absence of the Chief.

Section 3 (last sentence) The Board or its Chairman shall review and if appropriate, approve and turn over to the First Selectman those bills relating to its areas of responsibility.

PROPOSED NEW SECTION OF TOWN ORDINANCE:

Section 8. The Chester Fire Marshal shall report monthly to the Board of Fire Commissioners at the regularly scheduled meeting.

Section 9. The Fire Marshal's budget shall be approved by the Board of Fire Commissioners.

Section 10. The Board shall; by resolution, identify and recognize the provider of volunteer personnel for fire fighting, rescue, and any other emergency as appropriate including medical response for the Town of Chester and the entity charged with maintenance of: apparatus, equipment, volunteers' gear and fire department facilities.

This revision to an Ordinance was published in The Middletown Press on January 15, 1994.

Pursuant to a Special Town Meeting held on December 21, 1993, the following Ordinance is hereby enacted:

**ORDINANCE CONCERNING FLOOD CONTROL
AND SHORE EROSION**

(a) The Town of Chester hereby adopts the provisions of Connecticut General Statutes Section 25-85 through 25-94 concerning Flood Control and Shore Erosion.

(b) The Board of Selectmen is hereby designated as the Municipal Flood Control and Shore Erosion Board for the Town of Chester pursuant to Connecticut General Statutes Section 25-84(a). The Board shall have all of the authority, powers and duties set forth in the Connecticut General Statutes concerning flood control and shore erosion.

This Ordinance was Published in The Middletown Press on January 15, 1994.

Pursuant to a Special Town Meeting held on May 3, 1994, the following amended Ordinance was enacted:

REDEMPTION OF IMPOUNDED DOGS

RESOLVED: That this Town Meeting hereby adopts the provisions of Connecticut General Statutes Section 22-333, as amended, concerning the redemption of impounded dogs; and be it further

RESOLVED: That this Town Meeting establishes the redemption fee and boarding cost for care for any said impounded dog as follows:

Redemption fee: \$15.00

Boarding fee: \$8.00 per day or any part there of

This Ordinance shall take effect thirty days after publication in accordance with the law.

This Ordinance was published in The Middletown Press on May 7, 1994.

Pursuant to a Special Town Meeting held on July 19, 1994, the following Ordinance was enacted:

**HARBOR MANAGEMENT ORDINANCE FOR
THE TOWN OF CHESTER**

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**HARBOR MANAGEMENT ORDINANCE
FOR THE TOWN OF CHESTER**

Article I In General, Sections 1-7

Article II: Harbor Management Commission, Sections 8-10

ARTICLE I: IN GENERAL

Section 1. Purposes

WHEREAS, The Town of Chester has established a Harbor Management Commission and prepared a Harbor Management Plan pursuant to authority provided by Sections 22a- 113k through 22a-113s of the Connecticut General Statutes and other related legislation: and

WHEREAS, the Town of Chester desires to manage its harbor resources in the most effective manner and to plan for the most desirable use of the Chester Harbor Management Area for conservation, recreation and development:

THEREFORE, the Chester Town Meeting hereby enacts these rules and regulations for the management of the Chester Harbor Management Area.

Section 2. Harbor Management Area Boundaries

The overall boundaries of the Chester Harbor Management Area include all navigable waters and intertidal areas below the mean high water line of the shoreline of Chester and bounded on the north by the Chester/ Haddam town line, on the south by the Chester/Deep River town line, on the east by the centerline of the Connecticut River, and including Chester Creek from the Connecticut River upstream to Chester center.

Section 3. Definitions

Aids to Navigation: All markers on land or in the water placed for the purpose of enabling navigators in the Harbor Management Area to avoid navigation hazards and/or fix their position. Aids to navigation include federal aids placed and maintained by the U.S. Coast Guard, and "private" aids placed and maintained by all other government and private interests under permit from the Coast Guard, Corps of Engineers, and Connecticut DEP. Private aids include any buoys, signs and other markers identifying restricted speed areas.

Anchorage: A water area designated for anchoring with ground tackle carried on board a vessel.

Anchor: To secure a vessel temporarily to the bottom of a waterbody by dropping an anchor or anchors from a vessel. A heavy device, fastened to a chain or line, and dropped to the bottom of a waterbody to hold a vessel in position, including an anchor used to secure a vessel at a mooring. Specifically excluded from this definition are engine blocks and other devices which, when used as anchors, could result in the degradation of water quality or otherwise damage coastal resources.

Channel: A water area specifically designated for unobstructed movement of vessels, shown on navigation charts, and marked in-water by aids to navigation.

Chester Harbor Management Area: The area of jurisdiction of the Chester Harbor Management Commission as defined in the Harbor Management Plan and Section 2 of the Harbor Management Ordinance.

Chester Harbor Management Commission: The duly appointed body of the Town or Chester with responsibilities set forth in the Connecticut Harbor Management Act and by Town Ordinance, including responsibilities for preparing and carrying out the Harbor Management Plan.

Chester Harbor Management Plan: A plan for the balanced use of Chester's Harbor Management Area for recreational and other purposes and for the protection of environmental resources as prepared by the Chester Harbor Management Commission, adopted at a Town Meeting, and approved by the Connecticut departments of Environmental Protection and Transportation in accordance with Sections 22a-113k through 113t of the Connecticut General Statutes and the Town ordinance establishing the Chester Harbor Management Commission.

Coastal Site Plan Review: The process whereby specific development plans proposed within the Town's coastal boundary are reviewed by the Planning and Zoning Commission for consistency with the Chester Municipal Coastal Program and the Connecticut Coastal Management Act.

Commercial Mooring: A mooring as defined by the Corps of Engineers for which any type or fee is charged (excepting any fee charged by the Town for a mooring permit issued by the Harbormaster), and which must be authorized by a permit from the Corps of Engineers, the Connecticut Department of Environmental Protection, and the Harbormaster. Commercial moorings include moorings offered by marinas for transient or seasonal rental, and moorings controlled by private clubs if the annual membership fee includes club-controlled mooring.

Commercial Vessel: Any vessel licensed or unlicensed, used or engaged for any type of commercial venture, including but not limited to the carrying of cargo and/or passengers for hire and commercial fishing.

Connecticut Harbor Management Act: The legislation contained within the State or Connecticut General Statutes, Sections 22a-113k through 22a-113t, as may be amended from time to time, and which authorizes municipalities to establish harbor management commissions and prepare harbor management plans.

Deputy Harbormaster: The Deputy Harbormaster or the Town of Chester who may be appointed by the Governor of Connecticut in accordance with Sections 15-1 through 15-10 of the Connecticut General Statutes, and who shall carry out his or her duties under the direction of the Harbormaster.

Emergency: A state of imminent or proximate danger to life or property in which time is of the essence.

Fairway: A specific water area to be kept free of obstructions to ensure safe passage of recreational and commercial vessels to, from, through, and alongside navigation channels, mooring areas, anchorages and berthing areas.

Harbor Management Consistency Review Process: The process authorized by Section 22a -113p

of the Connecticut General Statutes and described in the Harbor Management Plan whereby the Harbor Management Commission shall review, for consistency with the Harbor Management Plan, specific development proposals submitted to, or proposed by, Town of Chester commissions and departments, and state and federal agencies.

Harbor Management Fund: A Town fund as authorized by Section 22a-113s of the Connecticut General Statutes into which shall be deposited all fees for mooring and anchorage permits and other activities within the scope of the Harbor Management Plan and which shall be used for the maintenance and improvement of the Chester Harbor Management Area for the public and for expenses for personnel and equipment directly related to the function of the Harbor Management Commission and the Harbormaster or Deputy Harbormaster.

Harbor Management Ordinance: This Ordinance establishing rules and regulations for the use and enjoyment of the Chester Harbor Management Area as recommended by the Chester Harbor Management Commission and adopted by the Town Meeting of the Town of Chester.

Harbormaster: The Harbormaster appointed by the Governor of Connecticut in accordance with Sections 15-1 through 15-10 of the Connecticut General Statutes, and who shall serve as an ex-officio member of the Harbor Management Commission and have specific responsibilities for implementing the Harbor Management Plan.

Hazard to Navigation : An obstruction, usually sunken, that presents sufficient danger to navigation so as to require expeditious, affirmative action such as marking, removal, or redefinition of a designated waterway to provide for navigational safety.

High Tide Line: The line or mark left upon fide flats, beaches or along shore objects that indicates the intersection of the land with the water's surface at the maximum height reached by a rising tide. Proposed work and structures seaward of the high tide line are subject to state regulatory authorities carried out by the Connecticut DEP. The high tide line is defined by a higher elevation than the mean high water line.

Individual - Private Mooring: A mooring belonging to an individual and authorized for use by a mooring permit issued by the Harbor Master.

Marine Facility: Any facility (including but not limited to docks, floats, piers, ramps, hoists, parking areas, concessions, and service facilities), either publicly or privately owned, intended primarily to be used by or for the service of vessels and located within the Harbor Management Area.

Mean High Water Line: The line along the shoreline representing the average height of the maximum elevation reached by each rising tide over a nineteen-year period immediately preceding the current year. Proposed work and structures seaward of the mean high water line are subject to federal regulatory authorities carried out by the U.S. Army Corps of Engineers as well as state regulatory authorities, (State regulatory authorities also extend above the mean high

water line to the high tide line which is defined by a higher elevation than the mean high water line.) All land and water areas seaward of the mean high water line are subject to the Public Trust Doctrine and held in trust by the State of Connecticut for public use. The mean high water line also marks the seaward boundary of the jurisdiction of Chester's Planning and Zoning Commission.

Mean Low Water Line: The line along the shoreline representing the average height of the minimum elevation reached by each falling tide over a nineteen-year period immediately preceding the current year.

Moor: To secure a vessel to the bottom of a waterbody by the use of mooring tackle.

Mooring: A semi-permanent anchorage installation consisting of a heavy anchor (usually of the mushroom type), chain, a mooring buoy, and other equipment so designed that, when the attachment of such equipment to the vessel is terminated, some portion of the equipment remains below the surface of the water and is not under the control of the vessel or its operator.

Mooring Area: An area designated by the Harbor Management Commission, and including Special Anchorage Areas designated by the U.S. Coast Guard, within which vessels may be moored provided a valid permit for such mooring is obtained from the Harbormaster.

Mooring Tackle: The chain, anchor, buoys, and other equipment used to moor a vessel. Specifically excluded from this definition are engine blocks and other devices which, when used as anchors, could result in the degradation of water quality or otherwise damage coastal resources.

Obstruction to Navigation: Anything that restricts, endangers, or interferes with navigation.

Person: Those, including individuals, corporations, societies, associations, and partnerships, using the facilities and areas within the Harbor Management Area and subject to the provisions of this Ordinance.

Shall and May: "Shall" is mandatory; "may" is permissive.

Slip: Berthing space for a single vessel alongside a pier, finger float, or walkway.

Special Anchorage Area: A water area designated by the Coast Guard, identified on navigation charts, and where vessels may be anchored or moored. Within such areas, vessels less than 65 feet are not required to display anchorage lights.

State: The State of Connecticut

Stray Vessel: An abandoned vessel, a vessel with unknown owner, or a vessel underway without

a competent person in command.

Transient: A person traveling to the Harbor Management Area by boat and staying for a temporary period of time.

Vessel: As defined by state statute, every description of watercraft, other than a seaplane on water, used or capable of being used as a means of transportation on water.

Section 4. General Provisions.

a. Applicability

The provisions of this Harbor Management Ordinance and any rules and regulations adopted pursuant thereto shall be applicable, and shall govern, the use of the harbor management lands, waters and facilities under the jurisdiction of the Chester Harbor Management Commission. This Ordinance shall be subordinate to all existing federal and state statutes and regulations affecting the Chester Harbor Management Area, and is not intended to pre-empt any other valid laws.

b. Invalidity of Provisions,

Should any provision or provisions of this Ordinance be held invalid or inoperative, the remainder shall continue in full force and effect.

c. Authorities and Enforcement

The Chester Harbormaster or his designee, under the direction of the Chester Harbor Management Commission, shall have the authority to carry out harbor management directives and enforce all provisions of the Harbor Management Plan, including this Ordinance. The Harbor master or his designee may cite any alleged violators of this Ordinance.

Any Constable of the Town of Chester shall have authority to enforce the provisions of this Ordinance.

d. Violations and Penalties

Any person who violates any provision of this Ordinance or any rules and regulations adopted pursuant thereto in any portion of the Harbor Management Area shall be liable to a fine not to exceed \$50.00 for each offense. Each day that a violation continues after seven (7) days following notification of the offending party or, if the offending party is not known, after notice has been posted for that time on any vessel, mooring or other object that is the cause of the violation, shall be considered a separate offense. The provisions of this section are in addition to and do not supersede any penalties resulting from simultaneous violations of state or federal laws.

Fines levied under the provisions of this Ordinance shall be collected by the Town of Chester and deposited into the Chester Harbor Management Fund. (See Section 4.e.)

Any violations of the provisions of this Ordinance relating to mooring permits shall, after due notice, result in revocation of the mooring permit.

e. Harbor Management Fund

A Harbor Management Fund is hereby created to receive and expend monies for harbor management purposes determined by the Harbor Management Commission. All revenues

generated by (1) mooring permits and (2) fines levied under the provisions of this Harbor Management Ordinance as it applies to the Harbor Management Area shall be deposited into this fund. Other funds generated or allocated specifically for harbor management shall also be deposited in this fund. Funds shall be disbursed for purposes directly associated with the management of Chester's Harbor Management Area and implementation of the Chester Harbor Management Plan. Monies from this fund may be allocated to the Harbormaster or his designee for the purpose of carrying out the provisions of the Chester Harbor Management Plan and/or the Harbor Management Ordinance.

f. Compensation of Harbor Personnel

The Harbormaster, Deputy Harbormaster and administration personnel may receive compensation to be determined by the Harbor Management Commission. Additionally, monies from the Harbor Management Fund may be used to reimburse the Harbormaster, Deputy Harbormaster and administrative personnel for necessary, pre-approved expenses incurred in the performance of their duties. Monies from this fund may also be used to compensate contractors hired to perform work as may be deemed necessary by the Harbor Management Commission or the Harbormaster.

g. Coordination with Other Governmental Laws and Regulations Nothing herein contained shall bar or prevent the Harbormaster or any of his deputies from performing those duties which have been assigned to him in accordance with the General Statutes of the State.

Section 5. Regulations for Use of the Harbor Management Area.

a. Liability

Persons using the public facilities and areas within the limits of the Chester Harbor Management Area shall assume all risk or personal injury and damage or loss to their property. The Town of Chester assumes no risk on account of accident, fire, theft, vandalism, or acts of God. Each marina operator, commercial operator, waterfront property owner, and any other user of the Harbor Management Area is responsible for maintaining his property in a safe, clean and attractive condition.

b. Unreasonable Interference by Vessels Prohibited

The operation of any vessel in any manner which unreasonably interferes with the free and

proper use of the Harbor Management Area is hereby prohibited.

c. Vessel Speed and Wake

The operation of any vessel within the Chester Harbor Management Area shall proceed in a manner which protects all persons and property from any damage caused by a wake. Any person operating a boat within the Harbor Management Area at such a speed as to cause a wake shall be held responsible for any damage caused by such wake. The provisions of Section 15-121-B15 of the State Boating Regulations shall be strictly enforced on the main body of the Connecticut River. The speed of all vessels in Chester Creek shall be limited to the minimum speed necessary to allow a vessel to be steered while making forward progress.

d. Obstruction of Channels Fairways and Berthing Space

No vessel shall be moored or anchored so as to interfere with the free and unobstructed use of any channel, fairway or berthing space within the Harbor Management Area.

e. Swimming and Underwater Diving

Swimming and underwater diving are prohibited in all designated channels except in an emergency or for inspection purposes.

f. Fishing

Fishing from vessels shall not occur in any designated channels, fair ways and anchorages in a manner that poses a hazard to navigation. The placement of floats and fixed fishing nets is prohibited in all channels marked by U.S. Coast Guard channel markers, within any fairway designated in the Harbor Management Plan, and within any mooring area designated in the Harbor Management Plan.

g. Water-skiing,

Water-skiing is prohibited in all designated anchorages and mooring areas in the Harbor Management Area when vessels are anchored or moored therein. Waterskiing is prohibited within 100 feet of shore and within 100 feet of any dock, pier, float or anchored or moored vessel in the Harbor Management Area with the exception of taking off and landing the skier.

h. Public Docks and Boat Launching Ramps

The use of any public dock and boat launching ramp shall be in accordance with rules and regulations established by the Harbor Management Commission.

No vessel shall remain at a public dock or boat launching ramp for a period longer than the time limit posted at the dock in accordance with rules and regulations established by the Harbor Management Commission. If a vessel is left unattended for a period of time in violation of the posted limit, then the vessel's owner of record shall be held responsible.

i. Identification of Vessels

All vessels moored or tied up to wharves, piers, or docks in the Harbor Management Area, except those on temporary call, shall maintain identification legible without boarding the vessel in one of the following forms:

- (1) Federal or state registry number.
- (2) A boat name and hailing port in accordance with federal documentation requirements.
- (3) The name and address or telephone number of the owner.

j. Stray, Derelict or Abandoned Vessels and Structures

No vessel, mooring, mooring float, or other object within the Harbor Management Area shall be abandoned or sunk or placed where it may constitute a hazard to navigation or to the

Safety of persons or property. Any vessel, mooring, mooring float, or other object abandoned or sunk or so placed may be removed or relocated (in accordance with Sections 15-8 et. seq. of the Connecticut General Statutes) by direction of the Harbormaster, if corrective action is not taken by the owner, if known, within seven (7) days after notification, or, if not known, after notice has been posted for that period on the vessel, mooring, mooring float, or object. Nothing herein contained shall prevent the Harbormaster or Deputy Harbormaster from taking measures with or without notice, if, in their judgement, it is necessary in order to provide for the safety of persons or property. The expense of such removal or relocation and any liability arising from injury to person or property incurred thereby shall be the responsibility of the owner.

k- Rafting of Vessels

Unattended rafting of more than two (2) additional vessels on the same mooring or anchor of the host vessel shall be prohibited in those waters of the Harbor Management Area that are not within the main body of the Connecticut River.

l. Transient Anchoring

Vessels using transient anchorage space in accordance with rules and regulations established by the Harbor Management Commission may land at an area designated by the Harbormaster or Harbor Management Commission. The operator of a vessel in the transient anchorage may leave the vessel unattended for a period not to exceed three days without notifying the Harbormaster.

m. Redefining, Waterways for Navigation Safety

In the event that an obstruction to navigation becomes a hazard to navigation, the Harbormaster may temporarily redefine a designated waterway within the Harbor Management Area to provide for navigational safety in accordance with federal regulations (33 CFR, Part 64).

Section 6. Mooring and Anchoring Vessels in the Harbor Management Area.

a. Mooring Permits Required

In accordance with state law and in order to provide for adequate access for vessels, for the safety of persons and property, for the protection of natural and historic resources, and for the optimum use of the Harbor Management Area, the Chester Harbormaster must approve the location of all moorings - including individual-private and commercial moorings - in the Harbor Management Area.

b. Mooring Permit Fee

Any person, including individuals, corporations, societies, associations, and partnerships, receiving a permit for a mooring location in the Harbor Management Area shall pay a fee not to exceed hundred dollars (\$100.00) as established by the Harbor Management Commission and authorized by Section 22a-113s of the Connecticut General Statutes.

c. Mooring Rules and Regulations

The mooring and anchoring of all vessels in the Harbor Management Area shall be in accordance with rules and regulations adopted by the Harbor Management Commission.

d. Discrimination When Allocating Mooring Locations Prohibited

In allocating mooring locations in accordance with rules and regulations adopted by the Harbor Management Commission, the Harbormaster shall not discriminate on the basis of Town of residence or any other factor. Any interested person may apply for mooring space in the Harbor Management Area by completing in full the application provided for that purpose and submitting the completed application to the Harbormaster.

e. Authority of the Harbormaster

No provision contained in this Ordinance or in any rules and regulations adopted by the Harbor Management Commission shall limit the authority of the Chester Harbormaster to station and remove vessels as provided in Sections 15-8 and 15-9 of the Connecticut General Statutes, nor the authority of the Harbormaster to remove vessels in accordance with Public Act No.92-244.

Section 7. Marine Sanitation.

a. Littering and Discharge of Pollutants Prohibited

No person shall place, throw, deposit or discharge or cause to be placed, thrown, deposited or discharged into the Harbor Management Area any litter or other materials, including but not limited to, any refuse or waste matter, sewage, petroleum products or by-products, paint, varnish, dead animals or debris of any kind which renders the waters unsightly, noxious, unwholesome or otherwise detrimental to the public health or welfare or to the enjoyment of the water for recreational purposes. The provisions of Section 22a-250 of the Connecticut General Statutes shall be strictly enforced with respect to discharge of refuse.

b. Marine Toilets

No person shall operate a marine toilet at any time so as to cause or permit to pass or be discharged into the Harbor Management Area any untreated or treated sewage or other waste matter or contaminant of any kind. Any discharge shall be in compliance with current federal standards concerning marine sanitary discharge, and state and Town Health Code regulations. The provisions of Sections 15-170 through 15-175 of the Connecticut General Statutes shall be strictly enforced with respect to marine toilets.

c. Responsibility for Sanitation of Facilities

The owner, lessee, agent, manager, or person in charge of any waterfront development or facility adjacent to the Harbor Management Area shall, at all times, maintain the premises under his charge in a clean, sanitary condition free from malodorous materials and accumulations of garbage, refuse, debris and other waste materials.

ARTICLE II: HARBOR MANAGEMENT COMMISSION

Section 8. Establishment, Jurisdiction and Membership

a. Establishment of the Harbor Management Commission.

There is constituted a seven-member Harbor Management Commission of the Town of Chester which shall have the powers and duties conferred on such commissions by Sections 22a- 113k through 22a-113t of the Connecticut General Statutes.

b. Jurisdiction

The Commission shall have jurisdiction over the navigable waters as defined in subsection (b) of Section 15-3a of the Connecticut General Statutes, within the Chester Harbor Management Area as defined in Section 2 of this Ordinance.

c. Membership and Terms of Service

The Chester Harbor Management Commission shall consist of seven (7) members who are electors and residents of the Town of Chester and who are appointed by the Board of Selectmen. The Harbormaster shall be an ex-officio member, without vote. Terms of all members shall run for six (6) years except that initial terms shall be staggered so that the terms of no more than three (3) members shall terminate in a single year. In accordance with Section 9-167A of the Connecticut General Statutes no more than four (4) of the commissioners shall be members of the same political party. In addition, there shall be two (2) alternate members appointed to serve in place of absent regular members, if necessary.

Section 9. Powers, Duties and Responsibilities

a. Rules and Regulations

The Commission shall adopt and publish such rules and regulations as may be required to implement its responsibilities as herein provided.

b. Harbor Management Plan

The Commission shall prepare and after a public hearing adopt a Harbor Management Plan. The Plan will:

- (1) Identify existing and potential problems in the Town's Harbor Management Area.
- (2) Establish recommendations for the use, development and preservation of the Harbor Management Area.
- (3) Recommend the required ordinances to implement the Plan and identify the officials responsible for enforcement of the ordinances.

The Harbor Management Plan shall be reviewed annually by the Commission and amended as necessary.

c. Harbor Management Ordinance

The Commission shall review Town Ordinances affecting harbor management and recommend any necessary changes. The Commission shall submit ordinances required to implement the Plan to the Board of Selectmen and then to the Town Meeting for adoption.

d. Review or Development Proposals

The Commission has the authority to review and make recommendations on proposals affecting real property in and adjacent to the Town's Harbor Management Area. (See Section 10 below.)

e. Operating Budget

The Commission shall prepare and present to the Board of Selectmen an annual operating budget. The operating budget shall include a section reflecting estimated revenues and a section covering requested expenses by project or activity.

Section 10. Consultation and Coordination with Other Town Boards and Commissions

a. Harbor Management Plan Consistency Review

A Town "Harbor Management Consistency Review Process" shall be carried out by the Harbor Management Commission to ensure effective implementation of the Harbor Management Plan, and to provide coordinated, efficient and comprehensive review of proposed projects and activities affecting the Harbor Management Area.

b. Coordination with Other Town Boards and Commissions

The Harbor Management Commission shall review, for consistency with the Harbor Management Plan, specific development and use proposals (see subsection c below) affecting the Harbor Management Area as submitted to, or proposed by, the following

Town boards and commissions:

- Planning and Zoning Commission
- Zoning Board of Appeals
- Conservation Commission
- Parks and Recreation Commission
- Economic Development Commission

c. Proposal Subject to Consistency Review

The Harbor Management Commission shall review for consistency with the Harbor Management Plan:

- (1) all development proposals subject to the Town's Coastal Site Plan Review process and located on parcels adjacent to waters within the Harbor Management Area:
- (2) all proposed uses or activities occurring below the mean high water line:
- (3) all proposed revisions and amendments to Town plans, rules and regulations affecting the Harbor Management Area and lands adjacent to the Harbor Management Area, including, but not limited to, proposed revisions and amendments to the Zoning Regulations and Plan of Development, regulations for the use of Town beaches and boat launching facilities, and regulations governing wetlands and flood and erosion control; and
- (4) permit applications submitted to the State Department of Environmental Protection and the U.S. Army Corps of Engineers and referred to the Harbor Management Commission for consistency review.

d. Referral Schedule The Town boards and commissions listed in subsection b above shall notify the Harbor Management Commission of any proposals subject to the Harbor Management Consistency Review process at least thirty-five (35) days prior to the commencement of any hearings thereon or, where no hearing is held, at least thirty-five (35) days prior to the taking of any final action on the proposal.

e. Determination of Consistency

The Harbor Management Commission shall determine the consistency of proposed projects with the Harbor Management Plan and make recommendations to the appropriate board or commission within thirty-five (35) days of receipt of the proposal from the referring agency. If no comment regarding the consistency of the proposed project is made by the Commission within thirty-five (35) days, the proposal shall be assumed to be consistent with the Harbor Management Plan. In accordance with Section 22a-113p of the Connecticut General Statutes, a 2/3 vote of the referring agency shall be required to approve a proposed project that has not received a favorable recommendation from the Harbor Management Commission.

This Ordinance was published in The Middletown Press on July 23, 1994.

TOWN ACTS

Book 3

Page 597

Pursuant to a special Town Meeting held on October 18, 1994, the following Ordinance was enacted:

**ORDINANCE REGARDING GUIDELINES FOR PRIVATE
DRINKING WATER SUPPLY QUALITY AND TESTING**

RESOLVED: That this Town meeting adopts the following ordinance concerning guidelines for private drinking water supply quality and testing:

A. Definitions

1. "Private Water Supply System" means a water supply system which serves less than twenty- five persons daily having a source of private water supply used for domestic purposes.
2. "Source of Private Water Supply" means any surface water, spring, well, or underground water source from which water is available by a private water supply system for domestic purposes.
3. "Water Supply System" means all water sources, pumps, tanks, pipes, valves, fittings, switches, controls, treatment equipment and appurtenances for the use of transmitting water for domestic purposes.
4. "MCL" (Maximum Contaminant Level) means the highest allowable level of a biological or chemical substance or matter in water for a private water supply system. A level above the XCL would require treatment to reduce the level, or notice where applicable, prior to allowing use of the water for drinking purposes.
5. "Advisory Level" means a level of any physical characteristic or chemical substance in water that when exceeded may impose aesthetic or physical qualities to the water making it undesirable for use, with the exception of pH where an acceptable range is defined.

B. Adoption of Regulations

The Board of Selectmen is hereby authorized and empowered to adopt regulations establishing the MCLs and the Advisory Level for private water supply systems. Said regulations shall meet or exceed those requirements and/or recommendations of the Public

Health Code and the State Department of Health Services.

C. Testing Procedure

A private water supply system shall be tested for substances pursuant to the regulations adopted by the Board of Selectmen pursuant to Section B herein in accordance with the following:

1. A newly constructed or reconstructed source of private water supply shall be tested prior to approval by the Director of Health.
2. Results of all required water tests shall be filed with the Director of Health.
3. Tests required by this ordinance shall be conducted by a laboratory approved by the Department of Health Services.
4. If an MCL or advisory level is exceeded a second test to confirm the elevated level shall be required by the Director of Health to determine the necessity of treatment.

D. Recommended Testing

It is recommended that a private water supply system be tested for substances pursuant to the regulations adopted by the Board of Selectmen pursuant to Section B herein in accordance with the following:

1. An existing private water supply should be tested prior to transfer of ownership of the water supply system.
2. An existing private water supply system serving a rented or leased property should be tested at least once every five years or more frequently if changes occur in the vicinity of the well.
3. All private water supply systems are recommended to be tested at least once every five years or more frequently if changes occur in the vicinity of the well.

This Ordinance was published in The Middletown Press on October 22, 1994.

TOWN ACTS

Book 3

Pages 599-600

Pursuant to a special Town Meeting held on October 18, 1994, the following Ordinance was enacted:

ORDINANCE REGARDING PRIVATE TIE INS TO TOWN ROADS

BE IT RESOLVED: That the Ordinance concerning private tie ins to town roads enacted pursuant to authorization of the town meeting held January 21, 1984 is hereby repealed and the following substituted in lieu thereof:

Section 1. Permit Required. No firm, person or corporation shall: (a) Excavate in or under any Town Highway or public ground in the Town of Chester for any purpose including drainage; (b) Build, maintain, construct, reconstruct, relocate, or otherwise use a driveway or entrance or exit to a Town Highway or street from private land; or (c) Install or repair any utility connections (including, but not limited to, sewer, electric, telephone, water, cable television) (all of the above being referred to hereafter as “work”) without first obtaining a written permit from the First Selectman or his duly authorized representative. The property owner and any firm, person or corporation taking out said permit shall be considered collectively the “permit applicant”. The application shall include the fee, and be in such form, as required by the specifications adopted by the Board of Selectmen pursuant to Section 6 hereof. The First Selectman may require such additional information, plans and specifications as necessary to adequately review said application.

Section 2. Grant of Permit. In granting any requested permit, the First Selectman shall include in his consideration, as applicable, the impact of the proposed work and/or location of any driveway with respect to its effect on highway drainage and highway safety, the width and character of the highway affected, the density of traffic thereon and the character of such traffic. The First Selectman shall also consider all specifications adopted by the Board of Selectman pursuant to Section 6 herein. No permit shall be issued unless the driveway, entrance or exit shall conform to the specifications. The permit shall contain a time limit by which the proposed work must begin and end.

Section 3. Requirements before starting work, Upon the issuance of said permit, the permit applicant shall (a) Notify the Chester Police Department to advise them when the work will be performed so as to determine if any special consideration must be given to insure that the traffic flow will not be affected. Should a detour be required it must be approved by the office of the First Selectman and the Police Department and Fire Department; (b) Notify Call Before You Dig and obtain an excavation ticket number, which must be provided to the First Selectman or his duly authorized representative prior to the start of the work. Said number shall be placed on the permit; (c) Post a cash bond in such amount as determined by the First Selectman or his duly authorized representative in accordance with Section 6 hereof; (d) Post a copy of the permit in a conspicuous location at the work site; and (e) Pursue the completion of the work in a timely manner.

Section 4. Inspection: Completion of work, The First Selectman, or his duly authorized

representative, may inspect the work from time to time at his sole discretion as it progresses.

Upon completion of the work described in the written permit issued hereunder, the permit applicant shall notify the First Selectman or his duly authorized representative. Upon receipt of such notification, the First Selectman or his duly authorized representative shall make a final inspection of the work to insure that the work has been performed to the Town's satisfaction. The permit applicant shall co-operate in allowing said inspection by assuring that safe access to the work area is provided, if requested. All areas disturbed during said work shall be restored to a condition equal to or better than the original condition upon completion of the work. If the work has not been performed to the Town's satisfaction, the bond posted pursuant to Section 6 hereof may be called and the work completed by the Town as required by the specifications.

Section 5. Guarantee by Applicant, By acceptance of the permit issued hereunder, the permit applicant shall be deemed to have guaranteed for a period of one year from the date of completion all restoration work (such as, pavement replacement and turf establishment). If in the course of the one year guarantee period repair work is required, the permit applicant shall be notified and given a reasonable time to perform said repair work. If said work is not completed to the Town's satisfaction and the Town is required to make the necessary repairs, all costs will become the responsibility of the property owner for whom the work was originally performed.

Section 6. Required specifications, The Board of Selectmen may adopt, and may amend as required, specifications concerning the work covered by any permit required by this ordinance. Such specifications shall (a) Provide for the amount of the fee to be charged for said permit; (b) Provide that all work be performed in accordance with the requirements of the Town and per the State of Connecticut, Department of Transportation, Standard Specifications for Roads, Bridges and Incidental Construction, Form 814.1988 as amended; and (c) Require a cash bond to be posted by the permit applicant, in an amount to be determined by the First Selectman or his duly authorized representative, to insure the proper completion of the work, such bond to be callable if any work is not completed either to the satisfaction of the Town or as required within the time limit set forth in the permit, in which event the work would be completed by the Town as required by the specifications; and (d) Provide for such other requirements as the Board of Selectmen shall determine.

Section 7. Prohibited work. No firm, person or corporation shall lay, construct, open, or maintain any drain or conductor pipe in such manner that the water from the same is discharged upon any sidewalk, any Town Highway, or public ground in the Town of Chester.

Section 8. Violation; Penalty. Any person, firm or corporation found guilty of any violation of this Ordinance shall be subject to a fine not exceeding fifty dollars (\$50.00) for each day of the violation.

This Ordinance was published in The Middletown Press on October 22, 1994.

Pursuant to a Special Town Meeting held on August 15, 1995, the following amended Ordinance was enacted:

REDEMPTION FEE AND BOARDING COSTS ORDINANCE

The Ordinance establishing the redemption fee and boarding costs for care of impounded dogs be amended to increase the boarding fee to \$10.00 per day or any part thereof.

This Ordinance was published in The Middletown Press on August 19, 1995.

Pursuant to a Special Town Meeting held on May 7, 1996, the following amended Ordinance was enacted:

AMENDMENT OF JUSTICE OF THE PEACE ORDINANCE

Amendment of Justices of the Peace Ordinance, dated August 25, 1964, to state that the number of Justices of the Peace in the Town of Chester shall be fifteen (15).

This Ordinance was published in the Hartford Courant on May 10, 1996.

Pursuant to a Special Town Meeting held on May 7, 1996, the following Resolution was enacted:

RESOLUTION REGARDING RESIDENT STATE TROOPER

BE IT RESOLVED: That Martin L. Heft, First Selectman of the Town of Chester be and is herewith authorized to execute a contract on behalf of the Town of Chester with the Connecticut Department of Public Safety - Division of State Police for the services of one Resident State Trooper for the period July 1, 1996 through June 30, 1997.

This Resolution was published in the Hartford Courant on May 10, 1996.

Pursuant to a Special Town Meeting held on May 7, 1996, the following Amended Ordinance was enacted:

AMENDMENT OF POLICE COMMISSION ORDINANCE

The Ordinance establishing a Chester Police Commission, adopted February 15, 1983, is hereby amended as follows:

By adding the following subparagraph (f):

(f) Notwithstanding the other provisions of this Ordinance, the powers granted to the Police Commission by this Ordinance pursuant to CGS Sections 7-274 et seq are hereby expressly limited to those powers not inconsistent with the agreement between the Town of Chester and the Connecticut Department of Public Safety, Division of State Police, as said agreement may be amended from time to time, providing for the provision of one Resident State Trooper to the Town. The Police Commission shall be responsible for communication and coordination between the Town of Chester and the Resident State Trooper as to all matters set forth in said agreement.

This Amended Ordinance was published in the Hartford Courant on May 10, 1996.

Pursuant to a Town Meeting held on May 23, 1996, the following Resolution was enacted:

RESOLUTION CONCERNING SMALL CITIES GRANTS

WHEREAS, Federal monies are available under the Connecticut Small cities Community Development Block Grant Program, administered by the State of Connecticut, Department of Economic and Community Development pursuant to Public Law 93-383, as amended. and,

WHEREAS, pursuant to Chapter 127c, and Part VI of Chapter 130 of the Connecticut General Statutes, the Commissioner of Economic and Community Development is authorized to disburse such Federal monies to local Municipalities and,

WHEREAS, it is desirable and in the public interest that the Town of Chester make application

to the State of Connecticut of \$300,000 in order to undertake a Small Cities Community Development Program and to execute an Assistance Agreement therefore, should one be offered.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF CHESTER:

1. That it is cognizant of the conditions and prerequisites for State Assistance imposed by Part VI of Chapter 130 of the Connecticut General Statutes; and,
2. That the filing of an application by the Town of Chester in an amount not to exceed \$300,000 is hereby approved, and that the First Selectman is hereby authorized and directed to file such application with the Commissioner of the Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required by the Commissioner of the Department of Economic and Community Development, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an Agreement is offered, to execute any amendments, recessions, and revisions thereto, and to act as the authorized representative of the Town of Chester.

This Resolution was published in the Hartford Courant on May 30, 1996.

TOWN ACTS

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Pursuant to a Town Meeting held on September 17, 1996, the following Ordinance was enacted:

ORDINANCE CONCERNING SNOW REMOVAL AND PARKED VEHICLES

PARKED VEHICLES: Any motor vehicle parked on any municipal highway (s) or portions thereof during any snow and/or ice storms in such a manner so as to interfere with the plowing or removal of snow from such highway upon the order of the First Selectman, constable or policeman or other supervisor in charge of such plowing or removal of snow. The owner of such motor vehicle shall be liable to the town for any and all costs and expenses in removing said motor vehicle, which costs for expenses shall include but not be limited to storage charges and costs of collecting such towing an storage charges. Additionally, a fine of twenty five dollars (\$25.00) will be payable to the town.

SIDEWALKS: The owner, tenant or occupant of premises adjoining and fronting on any sidewalk in the Town of Chester shall be individually and collectively responsible for the removal of snow and ice from such sidewalks. Such snow and ice shall be removed from such sidewalks within 12 hours after the storm has ended. A fine of twenty five dollars (\$25.00) shall be imposed for each violation. If said snow and ice are not removed within said 12 hour period, the town may order the removal of snow and ice from such sidewalks and bill the property owners for any cost incurred, and said property owners shall be responsible for said sums due. Nothing herein shall be deemed to relieve the property owner nor shall it be deemed to obligate the town to remove said snow and ice.

DEPOSITING SNOW IN STREETS: The depositing or placing of any snow from private property, by the owner or occupant thereof his agent, upon any town highway(s) in such a manner or to such an extent as to impede or cause inconvenience to public travel shall be unlawful. A fine of twenty five dollars (\$25.00) shall be imposed for each violation.

This Ordinance was published in the Hartford Courant on September 20, 1996.

TOWN ACTS

Book 4

Page 28

Pursuant to a Town Meeting held on September 17, 1996, the following Rescinded Ordinance was enacted:

RESCINDED ORDINANCE CONCERNING TOWING OF PARKED VEHICLES

RESCINDED ORDINANCE: To rescind an Ordinance permitting towing of parked vehicles during snowstorms adopted in 1971, and amended in 1974.

This Rescinded Ordinance was published in the Hartford Courant on September 20, 1996.

TOWN ACTS

Book 4

Page 32

Pursuant to a Town Meeting held on December 3, 1996, the following Amended Ordinance and Resolution were enacted:

AMENDMENT OF TOWN OF CHESTER RETIREMENT PLAN

RESOLVED: That the town of Chester Retirement Plan be amended as follows: The Vesting Schedule Years of Service is hereby amended to allow for one hundred per cent vesting in five (5) years, and the reference to ten (10) years is hereby deleted.

TOWN ACTS

Book 4

Page 32

RESOLUTION FOR DEFERRED COMPENSATION PLAN

RESOLVED: That the Board of Selectman is hereby authorized to enter into an agreement with Mutual of America to provide for a Section 457 Deferred Compensation Plan to employees of the Town of Chester, upon such terms and conditions as the Board of Selectmen shall deem appropriate.

This Amendment and Resolution were published in the Hartford Courant on December 9, 1996.

Pursuant to a Town Meeting held on December 3, 1996, the following Ordinance was repealed:

REPEAL OF ORDINANCE ESTABLISHING A CHESTER POLICE COMMISSION

To repeal the “Ordinance Establishing a Chester Police Commission” adopted February, 1983 and amended May, 1996.

This Repealed Ordinance was published in the Hartford Courant on December 9, 1996.

Pursuant to an Annual Budget Meeting held on May 13, 1997, the following Resolutions were enacted:

RESOLUTIONS REGARDING AGREEMENT WITH BASIC GOODS AND SERVICES

RESOLVED: That the Board of Selectmen is hereby authorized to enter into a one year agreement with Basic Goods and Services, a joint venture with an office in Chester, CT, for the operation of the concession stand located at Pelletier Park, Route 148, Chester, and be it further

RESOLVED: That the Board of Selectmen is hereby authorized to enter into one or more renewals of said agreement with said Basic Goods and Services, such renewals, however, not to exceed a total of five years. Such renewal(s) may include such modifications in the terms of said agreement as may be agreeable to the parties.

These Resolutions were published in the Hartford Courant on May 19, 1997.

Pursuant to a Special Town Meeting held on July 7, 1997, the following Ordinance was enacted:

ORDINANCE REGARDING TERMS OF OFFICE OF TOWN CLERK AND TAX COLLECTOR

RESOLVED: The terms of office of the Town Clerk and Tax Collector for the Town of Chester shall be four years commencing with the next regular municipal election following the passage of this ordinance.

This Ordinance was published in the Hartford Courant on July 11, 1997.

Pursuant to a Special Town Meeting held on July 7, 1997, the following Amended Ordinance was enacted:

**AMENDMENT OF ORDINANCE CONCERNING BOARD OF FIRE
COMMISSIONERS**

RESOLUTION: Resolved that the Ordinance concerning the Board of Fire Commissions enacted by the town meeting on September 8, 1958, subsequently amended by an ordinance resolution passed at a town meeting on December 21, 1993 be further amended as follows:

Section two of the Ordinance concerning the creation of the Board of Fire Commissioners and Fire Department and the duties of the Board of Fire Commissioners be amended to read as follows in its entirety.

II. The management and control of said Fire Departments shall be vested in the Board of Fire Commissioners which shall be composed of six members chosen as follows:

The Chief of the Chester Hose Co., Inc. during his/her term of office, the Chester Fire Marshall during his/her term of office (the Fire Marshall serving as a non-voting member) and four electors of the Town of Chester to serve four year terms. At the next regular municipal

election three elector members of the Board of Fire Commissioners shall be elected to fill the positions of the three elector members of the Chester Fire Commission who's terms have expired. One such elector member shall be elected to serve for a term of two years and two such elector members shall be elected to terms of four years. Thereafter, elector members of the Board of Fire Commissioners shall be elected for terms of four years.

An alternate position may be established on the Board of Fire Commissioners, to be filled by the Deputy Chief who may attend meetings of the Board of Fire Commissioners in the absence of the Chief of the Chester Hose., Inc. The First Selectman shall serve in a non-voting capacity on the Board of Fire Commissioners.

Section 5. Within thirty days after the enactment of this Ordinance a special town meeting shall be called for the purpose of electing three persons to serve as fire commissioners until the regular town election in 1959. Vacancies occurring in the office of fire commissioners shall be filled by the remaining members of the Board of Fire Commissioners for the balance of the term of the vacating fire commissioner. A board member shall hold office until his or her successor has been appointed. Members of the Board of Fire Commissioners shall serve without pay. No person other than the Fire Chief as set forth above shall serve as Fire Commissioner while he is a member of the Chester Hose Company or Chester Fire Department.

This Amended Ordinance was published in the Hartford Courant on July 11, 1997.

Pursuant to a Town Meeting held on December 2, 1997, the following Ordinance was adopted:

**ORDINANCE REGARDING HEARING PROCEDURE FOR CITATIONS AND OTHER
FINES**

1. The Town of Chester hereby adopts the provisions of Connecticut General Statutes Section 7-152c, as amended, for the purpose of providing a citation hearing procedure for the Town of Chester.
2. The First Selectman, pursuant to the provisions of Connecticut General Statutes Section 7-152c(b), is hereby authorized to appoint three citation hearing officers to conduct hearings authorized by said statute. The term in office of said citation hearing officers shall expire on the same date as the term of the Board of Selectmen in office as of the date of appointment.

Pursuant to a Town Meeting held on December 2, 1997, the following Ordinance was adopted:

ORDINANCE CONCERNING REMOVAL OF ANIMAL WASTE

1. It shall be unlawful for any person owning, keeping, walking or in control of any dog or other animal to allow or permit animal to defecate upon any private property owned by another person, condominium common elements, or town property, including but not limited to parks and school grounds, unless such person shall, before leaving the immediate premises, remove all feces so deposited by such animal and dispose of the feces in a proper manner.
2. The provisions of this section shall not apply to a guide dog accompanying any blind person.
3. Any violation of this section shall be punishable by a fine of Fifty dollars (\$50.00).

Pursuant to a Town Meeting held on December 2, 1997, the following Amended Ordinance was adopted:

**AMENDMENT TO ORDINANCE ESTABLISHING MUNICIPAL ECONOMIC
DEVELOPMENT COMMISSION ADOPTED 1964, AMENDED 1975**

Section (a) The Municipal Economic Development Commission, established by ordinance dated October 5, 1964, created for the Town of Chester, for the exercise of the powers granted under the provisions of Section 7-136 of the Connecticut General Statutes, shall consist of seven (7)

members who shall be electors of the Town of Chester.

Section (b) The seven (7) members of the Municipal Economic Development Commission shall be appointed by the Board of Selectmen. The members holding office as of the date of this Town Meeting shall continue for their term of office and this amendment shall have no effect upon their term of office. Thereafter, members shall be appointed by the Board of Selectmen for five year terms, including those having already been appointed.

These Ordinances and Amended Ordinance were published in The Hartford Courant on December 8, 1997.

Town Acts

Book 4

Pages 64-65

Pursuant to a Town Meeting held on March 3, 1998, the following Ordinance was enacted:

ORDINANCE REQUIRING THE NUMBERING OF BUILDINGS

It is the intent and purpose of this Ordinance to establish an effective and easily recognizable system of determining the exact location of various building units in the Town of Chester to ensure the rapid location of any building unit by emergency vehicles.

1. Numbers required; size and placement

The owner of each building, condominium unit or trailer; which trailer is permanently located or usable for residential purposes; shall affix thereto a number, designating the street number of the building, condominium unit or trailer. Such number shall be no less than three (3) inches in height, shall be in a color contrasting to the area to which it is affixed, shall be visible from the street to which such number relates and shall be located on the top or side of the main entrance of the building facing said street. In case of a building, condominium unit or trailer more than fifty (50) feet from said street, the owner shall, in addition to the number on the building or trailer, display a number meeting the specifications set forth herein on a mailbox, fence or post located at the property line reasonably adjacent to said street, the side of the driveway or sidewalk in such a manner as to make said number visible from the street. If the number is placed upon a mailbox adjacent to the street, the number shall be placed on each side of the box in a location visible from the street.

2. Numbering of certain buildings

The owner of each condominium complex, apartment complex or similar multibuilding complex shall place upon the outside of each building, in a location and format approved by the fire chief or his designated agent, the number of such building.

3. Obstruction of numbers prohibited

No numbers shall be placed so that they will be hidden at any time by obstructions, screen or storm doors, grass, shrubbery or trees. It shall be a violation of this Ordinance to obstruct or cause to be obstructed any numbers placed in conformity with this Ordinance.

4. Penalties for offenses

Any person who violates this chapter shall be fined in an amount not exceeding one hundred dollars (\$100).

This Ordinance was published in The Hartford Courant on March 9, 1998.

Town Acts

Book 4

Page 65

Pursuant to a Town Meeting held on March 3, 1998, the following Amended Ordinance was enacted:

AMENDED ORDINANCE REGARDING GUIDELINES FOR PRIVATE DRINKING WATER SUPPLY QUALITY AND TESTING

To amend the 1994 Ordinance regarding guidelines for private drinking water supply quality and testing to meet Public Act 97-296. The amendments are as follows:

Delete, in Section B, the words “or exceed those” and replace it with “the”.

On Section D, first line, you should insert after “recommended” the words “but not required”.

These two sections will now read as follows:

B. Adoption of Regulations

The Board of Selectmen is hereby authorized and empowered to adopt regulations establishing the MCLs and the Advisory Level for private water supply systems. Said regulations shall meet the requirements and/or recommendations of the Public Health Code and the State Department of Health Services.

D. Recommended Testing

It is recommended but not required that a private water supply system be tested for substances pursuant to the regulations adopted by the Board of Selectmen pursuant to Section B herein in accordance with the following:

1. An existing private water supply should be tested prior to transfer of ownership of the water supply system.
2. An existing private water supply system serving a rented or leased property should be tested at least once every five years or more frequently if changes occur in the vicinity of the well.
3. All private water supply systems are recommended to be tested at least once every five years or more frequently if changes occur in the vicinity of the well.

This Ordinance was published in The Hartford Courant on March 9 , 1998.

Town Acts

Book 4

Pages 65-66

Pursuant to a Town Meeting held on March 3, 1998, the following resolution was adopted:

RESOLUTION AGREEMENT BETWEEN STATE OF CONNECTICUT AND TOWN OF CHESTER FOR RIGHTS OF WAY ACTIVITIES REGARDING REPLACEMENT OF UPPER NORTH MAIN STREET BRIDGE

That the First Selectman, Martin L. Heft, is hereby authorized to enter into a certain agreement entitled “Agreement between the State of Connecticut and the Town of Chester for rights of way activities in conjunction with the replacement of Bridge No. 04605 Upper North Main Street over the Great Brook utilizing federal funds and a project grant under the local bridge program”.

This Resolution was published in The Hartford Courant on March 9, 1998.

TOWN ACTS

BOOK 4

PAGE 85

Pursuant to a Town Meeting held on Dec. 1, 1998, the following resolution was adopted:

RESOLUTION REGARDING HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAMS

Whereas, the State of Connecticut has made available grants for development of permanent regional household hazardous waste collection programs; and Whereas, the Town of Chester is eligible to apply for state grants to enhance its household hazardous waste collection program; Now therefore, be it resolved that the Board of Selectmen of the Town of Chester is willing to participate in a regional HHW collection program for at least five years, and acknowledges the Connecticut River Estuary Regional Planning Agency as the only entity which will represent it in

an application for this grant and further authorizes Executive Director Linda Krause, or her successor, to sign and execute all necessary applications, contracts, vouchers, contract modifications and approvals necessary for the receipt of Department of Environmental Protection household hazardous waste collection program grant funds, as properly approved by the Town of Chester.

This Resolution was published in The Main Street News on December 10, 1998.

TOWN ACTS

Book 4

Pages 108-114

Pursuant to a Town Meeting held on March 2, 1999, the following Ordinance was enacted:

WASTEWATER MANAGEMENT ORDINANCE

Section 1 Purpose of Ordinance

The purpose of this ordinance is to:

- (a) Protect the public health and welfare of the town through the prevention of public health nuisances and environmental degradation that may have a detrimental impact on the quality of the town's subsurface and surface water resources.
- (b) Affirm and declare that a policy of sewer avoidance should be applied to all areas of the Town of Chester where on site treatment and disposal of wastewater is deemed feasible.
- (c) Define wastewater management practices and generate inspection data. Information so generated may be used to develop and modify a wastewater management plan.
- (d) Regulate and control and design, construction, operation and maintenance of septic systems in the town, and require periodic inspection and maintenance of these systems.
- (d) To educate property owners about proper care maintenance procedures for septic systems.

Section 2 Definitions

For the purpose of this ordinance, the following words and terms shall have the meaning hereto assigned. The word "shall" is always mandatory:

- (a) **AUTHORITY:** The Water Pollution Control Authority for the Town of Chester, Connecticut.
- (b) **DIRECTOR:** The Sanitarian of the Town of Chester or the designee(s) appointed by the Board of Selectmen.
- (c) **SEWAGE:** Water and human excretions or other waterborne wastes incidental to the occupancy of a residential or nonresidential building, but not including disposal of manufacturing process water, cooling water, wastewater from water-softening equipment, commercial laundry wastewater, blow-down from heating or cooling equipment, water from cellar or floor drains, surface water from roofs, paved surfaces or yard drains, wastewater from marine toilets or other such chemical toilets or holding tanks, hazardous or toxic wastes, or the like.
- (d) **SEPTIC SYSTEM:** A subsurface sewage disposal system consisting of a house or collection sewer, a septic tank followed by a leaching system, any necessary pumps or siphons, and any groundwater control system on which the operation of the leaching system is dependent.
- (f) **PUMPOUT:** The removal of septage from a septic system by a septic tank cleaner.
- (g) **DISPOSAL PERMIT:** A permit issued by the Authority for permission to dump septage

at the specified treatment plant.

- (h) **PERMIT TO DISCHARGE:** A permit issued by the Director for permission to use a septic system.
- (i) **OWNERS:** Owners of record of property situated within the Town of Chester.
- (j) **USERS:** Owners of property upon which is located one or more septic systems.
- (k) **COMMERCIAL & INDUSTRIAL USERS:** Owners of septic systems for all buildings other than dwellings, except for special users and other users.
- (l) **DWELLING:** A building used solely as a residence.
- (m) **MULTIPLE DWELLING PROJECT:** All units of residential condominiums, apartment houses, planned communities and the like.
- (n) **RESIDENTIAL USERS:** Owners of septic systems for dwellings.
- (o) **SPECIAL USERS:** Owners of septic systems for public schools, municipal offices and buildings, churches, museums and not-for-profit organizations.
- (p) **SPECIFIED TREATMENT PLANT:** The treatment plant required for use will be determined by the Authority.
- (q) **OTHER USERS:** All other users not defined above.

Section 3 Adoption of Public Health Code

Sections 19-13-B100, B100A, B103, and B104 of the Connecticut Department of Public Health and Addiction Service,s Public Health Code Regulations, and all amendments including technical standards thereto hereinafter adopted, are hereby incorporated by reference in this ordinance and made a part hereof, and are hereinafter referred to in this Ordinance as the Public Health Code. Where inconsistencies or ambiguities occur between the requirements of the Wastewater Management Ordinance and the requirements of the Public Health Code, the more stringent requirements shall govern.

Section 4 Adoption of Regulations

- (a) The Authority is authorized to adopt, and amend, as needed, reasonable regulations and fee schedules for the effective enactment of enforcement of this ordinance.
- (b) The Authority is authorized to establish, and amend, as needed, a schedule of fines or other penalties for non-compliance with the mandatory pumpout schedules or other requirements of this ordinance. Such fine and penalty schedules and amendments to same shall be approved by a Town Meeting prior to their enactment and shall comply with applicable Connecticut General Statutes and Regulations of State Agencies.

Section 5 Design, Construction and Operation of Septic Systems

- (a) All new septic systems, and improvements to existing septic systems, in the Town of Chester, shall be designed and constructed in compliance with the Public Health Code, Ordinances and Special Acts of the Town of Chester, and any applicable regulations and standards of the Connecticut Department of Environment Protection, whichever are more restrictive.
- (b) New construction: Prior to the issuance of a building permit for any new building (as defined by Town Zoning Regulations) requiring a septic system, there shall be a design of

the proposed septic system prepared by a licensed professional engineer registered in the State of Connecticut. Such design shall include a report of all soil testing done on said property. No building permit shall be issued until such design has been approved by the Director.

(c) Building Conversions, Change in Use: No building shall be converted so as to allow continuous occupancy, winterization or any change in use that will potentially increase water usage unless the owner or the owner's authorized agent submits to the Director soil test data and design plans or a sketch which demonstrates that after the conversion or use change, a code-complying septic area will exist on the lot. This determination shall be based upon analysis of existing soil data or, if such is not available, the property owner shall be required to perform additional soil testing. The property owner or the owner's authorized agent must also submit documentation that the current system has been pumped and inspected within the previous five years, and that the system was working properly at the time of inspection. The Director may require expansion of the existing septic system or installation of a new septic system at the time of conversion or use change for those properties where sufficient size, proper location and adequate hydraulic capacity of the underlying naturally occurring soils of the existing septic system have not been demonstrated by the applicant or where the proposed conversion or change in use results in a 50% or greater increase in design flow.

(d) Additions or Renovations: No addition or renovation to a building that will decrease area available for septic repair or increase design flow shall be permitted unless the owner or the owner's authorized agent submits to the Director soil test data and design plans or a sketch which demonstrates that after such addition or renovation, a code-complying septic area will exist on the lot. This determination shall be based upon analysis of existing soil data or, if such is not available, the property owner shall be required to perform additional soil testing. The property owner or the owner's authorized agent must also submit documentation that the current system has been pumped and inspected within the previous three years, and that the system was working properly at the time of inspection. The Director may require expansion of the existing septic system or installation of a new septic system at the time of addition or renovation for those properties where sufficient size, proper location, or adequate hydraulic capacity of the underlying naturally occurring soils or the existing septic system has not been demonstrated by the applicant to be working properly or where the proposed addition or renovation results in a 50% or greater increase in design flow or number of bedrooms. If the applicant submits soil test data, design plans or sketch and is unable to demonstrate that adequate area on the lot is available for a code compliant system, such addition or renovation may be permitted provided the addition does not reduce the available area on the lot for septic repair and does not increase either the estimated design flow or the number of bedrooms.

(e) Garages, sheds, decks, and swimming pools: No garage, accessory structure or in-ground or above-ground swimming pool shall be permitted unless the owner or the owner's authorized agent submits to the Director soil test data and design plans or a sketch which demonstrates that after such construction a code-complying septic area will exist on the lot. This determination shall be based upon analysis of existing soil data or, if such is not available, the property owner shall be required to perform additional soil testing. If compliance with these requirements cannot be proved, such addition or renovation may be permitted provided the addition does not reduce the available area on the lot for septic system repair. Separating distances from such a structure

to any part of the existing septic system shall comply with the requirements of Section 5(a) above.

(f) **Lot Line Modification:** No lot line shall be modified or any other activity performed that affects soil characteristics or hydraulic conditions so as to reduce the area available to repair an existing septic system, unless the property owner or the owner's authorized agent submits soil test data and design plans or a sketch to the Director that demonstrates that after the proposed lot line change or other activity, a code-complying area will exist on the lot. This determination shall be based upon analysis of existing soil data or, if such is not available, the property owner shall be required to perform additional soil testing. In no case shall a modified lot line violate Subsection (d) of Section 19-13-B103d of the Public Health Code which requires that each septic system shall be located on the same lot as the building served.

(g) **Soil Testing:** The Director may require that investigation for maximum ground water level in areas of special concern, or for subdivisions with proposed building lots in areas of special concern, as defined in Section 19-13-B103d(e)(1) of the Public Health Code, be made between February 1 and May 31, or such other times when the ground water level is determined by the Commissioner of Public Health to be near its maximum level.

(h) **Right of Entry:** The Director shall have the right of entry to any land in the Town of Chester for the purpose of conducting inspections of water wells or septic systems.

(i) **Malfunction:** A septic system shall be deemed to be a malfunctioning system if sewage is allowed to discharge or flow from it into any storm drain, stream, water body, gutter, street, roadway or public place, or if sewage discharges from said system to the surface or subsurface of any property so as to create a nuisance or condition detrimental to health as determined by the Director or as designated by the Public Health Code.

Section 6 Water Usage

The Authority is authorized to obtain from any water company providing water service to users of the Town, all necessary records to determine the consumption of water by customers of such companies. The Authority may enter into such contracts and agreements, as it deems necessary and appropriate, with such water companies for the purpose of obtaining access to the above-mentioned records.

Section 7 Registration of Septic Cleaners

Any person, firm, corporation or partnership engaged in the business of cleaning, pumping or disposing of septage in the Town of Chester shall be licensed by the appropriate regulating agency of the State of Connecticut.

Section 8 Cleaning, Inspection and Disposal Requirements

(a) All residential users, except for those within Multiple Dwelling Projects of ten or more dwelling units, shall have their septic systems cleaned and inspected at least once every five (5) years, unless a longer period is allowed by the Director pursuant to Section 10. The septage may be dumped at the specified treatment plant during normal operating hours upon purchase of a Disposal Permit, or at any-out-of-town facility in conformance with the policies, regulations and ordinances of the Town of Chester and the State of Connecticut.

- (b) Special users shall have their septic systems cleaned and inspected at least once every five (5) years, unless otherwise designated by the Authority. The septage may be dumped at the specified treatment plant during normal operating hours upon purchase of a Disposal Permit, or at any-out-of-town facility in conformance with the policies, regulations and ordinances of the Town of Chester and the State of Connecticut.
- (c) Residential users occupying Multiple Dwelling Projects of ten or more family dwelling units shall use a pumpout schedule approved by the Director. The septage may be dumped at the specified treatment plant during normal operating hours upon purchase of a Disposal Permit, or at any-out-of-town facility in conformance with the policies, regulations and ordinances of the Town of Chester and the State of Connecticut.
- (d) Commercial, industrial and other users shall have their septic systems cleaned and inspected at least once every five (5) years unless otherwise designated by the Authority of Director. These users may not use the specified treatment plant, and their septage shall be dumped at any out-of-town facility in conformance with the policies and regulations of the facility and the State of Connecticut.
- (e) For all septage generated in the Town of Chester, a record of the cleaning and inspection shall be completed by the septic cleaner and forwarded to the Director on a form or forms provided for that purpose by the Authority. Such record shall include the size and origin of the load, the date of pumping, and such other data as required by the Authority.
- (f) A septic cleaner attempting to discharge septage which was pumped or generated in a town other than Chester (even if it is only part of a load) into the specified treatment plan shall be ordered to remove the vehicle from the site immediately by an agent of the Town or Authority.
- (g) The Authority may set appropriate fees for Disposal Permits and policies for use of the specified treatment plant, and may modify these fees and policies as required from time to time. The fee schedule and policies shall be made publicly available by the Authority or its designated agent.

Section 9 Permits to Discharge

- (a) Permits to Discharge shall be issued or renewed by the Director to owners whose septic systems meet the conditions listed below. Permits to Discharge will permit the owner to discharge a specified number of gallons per day (peak or average) to the septic system described on the permit.
- (b) Permits to Discharge shall be valid, unless revoked or suspended, for a period of five years, or as specified by the Director.
- (c) A Permit to Discharge shall be issued or renewed by the Director:
 1. Upon the final inspection of a newly constructed septic system which is deemed by the Director to meet at that time all the requirements of this ordinance, or
 2. Upon the final inspection of a malfunctioning septic system which is deemed by the Director to meet at that time all the requirements of this ordinance, or
 3. Upon cleaning and inspection of an existing septic system, provided that no malfunction is detected during the inspection and the appropriate inspection report is submitted to the Director.
- (d) A Permit to Discharge may be revoked or suspended due to a malfunction disclosed by an

inspection by the Director or another party. If a malfunction has been identified, a Permit to Discharge shall not be renewed until the Director determines that any and all malfunctions have been corrected in accordance with the applicable sections of this ordinance.

(e) The Director shall have the authority to extend the expiration date of a Permit to Discharge if the property owner provides proof of (1) recent septic system inspection or (2) limited use of the system sufficient to warrant such extension.

Section 10 Non Compliance with Septic System Cleaning and Inspection Requirements

It is the intent of the Authority and the Director to implement enforcement of this ordinance and any other regulations it may adopt through education and cooperation with residents, commercial establishments and other owners. Enforcement of this ordinance is provided for as follows:

(a) The Director shall be empowered to order any owner to have his septic system cleaned and inspected if (1) such system has not been cleaned and inspected within the past five years, or as previously designated by the Director or his agent, or (2) there is cause to believe there exists a malfunction of the system. Such order shall be sent by certified mail to the last known address of the owner.

(b) In the case of an order issued pursuant to subsection (a)(1) of this section, upon the failure, neglect, or refusal of any owner to have his system cleaned and inspected within the time period specified in the order, or if the order is returned to the sender as undeliverable, the Director shall be empowered to bring a civil action in Superior Court to compel compliance with the order.

(c) In the case of an order issued pursuant to subsection (a)(2) of this section, upon the failure, neglect, or refusal of any owner to have his system cleaned and inspected within the time period specified in the order, or if the order is returned to the sender as undeliverable, the Director is hereby authorized and empowered to effect the cleaning and inspection of the system, at the owner's expense, by employing the services of any licensed person, firm, corporation or partnership engaged in the business of cleaning, pumping or disposing of septage. The Director is authorized to pay the costs of such cleaning and inspection and, if such costs are incurred, shall demand reimbursement for such costs from the owner. Such demand will be sent by certified mail. In the event that the owner fails, neglects or refuses to reimburse the director for said costs within thirty days of demand, or if the demand is returned as undeliverable, the director is empowered to bring civil action in Superior Court to collect such costs from the owner. The Director is further empowered to bring a civil action in Superior Court to compel compliance with any order issued pursuant to subsection (a)(2) of this section.

(d) In the event of the failure, neglect or refusal of an owner to comply with an order issued by the Director pursuant to subsections (a)(1) and (2) of this section, the director shall have the authority to impose and collect fines in accordance with the Connecticut General Statutes and Regulations of State Agencies. For purposes of calculating any such fine, each day following the expiration of the time period specified in the Director's order shall be deemed a separate violation of said order and of this ordinance until the day upon which the owner takes the action required in such order. The Director may collect all fines incurred under this section by making demand upon owners. Such demand will be sent by certified mail and shall state the amount of the fine and the reason therefore. In the event that the owner fails, neglects or refuses to pay such

fine within thirty days of demand, or if the demand is returned as undeliverable, the director is empowered to bring a civil action in Superior Court to collect such fine from the owner.

(e) In the event that an owner fails, neglects or refuses to comply with any order issued by the Director pursuant to this section, the owner's Permit to Discharge shall be revoked, and the building department shall be informed of such revocation.

Section 11 Inspections by the Director

The Director shall develop and maintain and amend as required a plan to inspect the septic systems of all or most of the owners within the Town of Chester within five years of the effective date of this ordinance. Septic systems shall be inspected at least once every five years thereafter, or as deemed necessary by the Director. The Director shall have the right to inspect the septic system and/or to observe the septic system cleaning at his discretion. The Director shall have the right to perform such tests as he deems appropriate to determine whether or not said septic system is malfunctioning.

This Ordinance was published in The Main Street News on March 11, 1999.

Town Acts Book No. 4 Page 141

ORDINANCE CONCERNING EFFECTIVE DATE FOR TAX EXEMPT PROPERTY

Pursuant to authorization at a Special Town Meeting held May 4, 1999, the following Ordinance is hereby enacted:

1. The property tax exemption authorized by subsections (7) through (16) inclusive, of Section 12-81 of the Connecticut General Statutes shall be effective as of the date of acquisition of the property to which the exemption applies for applicable transfers occurring after October 1, 1998.

2. Any tax exempt organization shall be reimbursed for any tax paid by it attributable to the period subsequent to the date of acquisition of such property to which the exemption applies.

3. Any such tax exempt organization shall be reimbursed for any tax paid by the prior owner attributable to the period subsequent to said date of acquisition for which such organization reimbursed such owner on the transfer of title to such property.

This Ordinance was published May 13, 1999, in The Main Street News.

TOWN OFFICE BUILDING COMMITTEE ORDINANCE

RESOLVED: That a Town Office Building Committee is hereby established for the purpose of the design and construction of a Town Office and related improvements at Chester.

Section 1. The Committee shall consist of seven members, to be appointed by the Board of Selectmen. The term of office and said members shall continue until the project is complete and accepted by the town and the committee is discharged. Any vacancy on the Committee shall be filled by the Board of Selectmen. The committee shall select its own chairman and secretary.

Section 2. The members of the Committee shall not receive any compensation for their services. The necessary expenses of the committee shall be included in the estimated project cost and any appropriation to be requested by the Committee from the Town. All records of the Committee shall be filed with the Town Clerk and open to public inspection in accordance with applicable state statutes.

Section 3. The committee shall have the following powers and duties:

- (a) To review with the Board of Selectmen and other town officials the need for space in the new Town Office Building;
- (b) To review with the Board of Selectmen and other town officials the need for space in the new Town Office Building;
- (c) To consult with the Board of Selectmen and other elected and appointed municipal officials, boards and commissions, concerning the plans for said project and its construction and the schedule therefore;
- (d) To review and approve all plans for said project, and to supervise and/or provide for the proper supervision of the project in the Town's best interest;
- (e) To provide to the Board of Selectmen proper estimates of the project cost and a written request for an appropriation equal to the amount estimated necessary to complete said project in a timely and workmanlike manner;
- (f) To assist in the application for any grants that may be available to the Town for said project, and provide or execute any necessary documentation for such a grant application;
- (g) Upon the approval of said appropriation, and subject to the limits thereof, to contract with architects, engineers, contractors and others in the name and on behalf of the town to design, build and complete the project, and approve all design and construction expenditures for the project.

Section 4. Upon completion of the building project, the Committee shall make a complete report and accounting to the Board of Selectmen.

This Ordinance was published August 12, 1999 in The Main Street News.

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Page 167-168

**SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT
RESOLUTION FOR USE OF PROGRAM INCOME**

Pursuant to authorization at a Town Meeting held March 9, 2000, the following Resolution is hereby enacted:

Whereas, the Town of Chester has received funds under the Small Cities Community Development Block Grant (CDBG) Program, administered by the State of Connecticut, Department of Economic and Community Development pursuant to Title 1 of the Housing and Community Development Act of 1974 as amended; and

Whereas, the Town of Chester has expended those funds pursuant to Title 1 of the Housing and Community Development Act of 1974, the code of Federal Regulations and the Assistance Agreement, and

Whereas, those funds received by the Town of Chester have generated Program Income.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF CHESTER:

- 1) That it is cognizant of the conditions for use of Program Income as prescribed by the Code of Federal Regulations 24 Parts 570.503 (b), 570.504 (c), and Circular No. A-102 Attachment E.
- 2) That it realizes Program Income is governed by Title One of the Housing and Community Development Act of 1974.
- 3) That it will use Program Income to fund the same activities which generated the Program Income and that Program Income will carry the same benefit and be used in the same target area as claimed in the original application for CDBG funds.

This Resolution was published March 16, 2000 in The Main Street News.

ORDINANCE PROVIDING FOR PARTICIPATION IN THE CONNECTICUT RIVER VALLEY COUNCIL OF ELECTED OFFICIALS

I. Authorization to form and join the Connecticut River Valley Council of Elected Officials

To authorize the Board of Selectmen pursuant to Section 4-124c of the Connecticut General Statutes, to form and join a regional organization known as the Connecticut River Valley Council of Elected Officials with those powers and for those purposes set forth in Sections 4-124c through 4-124h of the Connecticut General Statutes as the same may, from time to time, be amended.

II. Representation

The representative to the Connecticut River Valley Council of Elected Officials shall be the First Selectman.

This Ordinance was published March 16, 2000 in The Main Street News.

Pursuant to a Town Meeting held on March 9, 2000, the following Amendment to an Ordinance was enacted:

RESOLVED: That the Volunteer Service Awards Program (VSAP) of the Town of Chester be amended as follows:

SECTION IV (Add the Following)

A Participant who elects to retire on his Normal Retirement Date may elect a lump sum payment of his entire Vested Accrued Benefit in lieu of monthly benefit payments. The Participant shall be eligible to elect in writing to have such lump sum payment made to him during the election period by completing the applicable forms provided by the Plan Administrator. The election period shall be the 90 day period ending on his Normal or Late Retirement. The lump sum payment will be the Actuarial Equivalent of the Participant's retirement benefit payable in the Normal Form at the Normal Retirement Date or if later the date payments are made under the Plan.

SECTION V (Add the Following)

A Beneficiary who is eligible for death benefit payments in accordance with the paragraph above may elect a single lump sum payment that is the Actuarial Equivalent of the monthly death

benefit payments determined in accordance with the paragraph above. The Actuarial Equivalent shall be determined using no pre-retirement mortality decrement. The lump sum distribution amount shall be in complete cancellation of any death benefits due from the Plan.

SECTION VII (Amend the Last Sentence to Read)

If the lump sum Actuarial Equivalent of the Vested Accrued Benefit of a participant who has terminated service with the Chester Hose Company, Inc. is less than \$5,000, his benefit may be paid as a lump sum without the Participant's consent.

This Amendment to an Ordinance was published in The Main Street News on March 16, 2000.

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RESOLUTION RE TOWN OFFICE BUILDING COMMITTEE

Pursuant to authorization at a Special Town Meeting held May 18, 2000, the following Resolution is hereby enacted:

That the §1 of the "Town Office Building Committee Ordinance" originally approved by the Town of Chester on August 3, 1999 shall be amended to change the number of members from seven members to ten members.

This Resolution was published May 25, 2000 in The Main Street News.

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**ORDINANCE WAIVING ZONING REGULATIONS FOR
NEW MUNICIPAL OFFICE BUILDING**

Pursuant to authorization at a Town Meeting held December 5, 2000, the following Ordinance is hereby enacted:

An Ordinance pursuant to CT General Statutes Section 8-2, waiving the Zoning Regulations specifically for the construction of a new municipal office building at 65 and 69 Main Street for a period of five years.

This Ordinance was published December 14, 2000 in The Main Street News.

**ORDINANCE
TREASURER TERM OFFICE**

Pursuant to authorization at a Special Town Meeting held March 13, 2001, the following Ordinance is hereby enacted:

That the term of office of Treasurer shall be four years commencing with the next regular municipal election following passage of this Ordinance.

This Ordinance was published March 22, 2001 in The Main Street News.

**ORDINANCE
REGISTRAR OF VOTERS TERM OF OFFICE**

Pursuant to authorization at a Special Town Meeting held March 13, 2001, the following Ordinance is hereby enacted:

That the term of office for Registrar of Voters shall be four years commencing with the next regular election following passage of this Ordinance.

This Ordinance was published March 22, 2001 in The Main Street News.

**ORDINANCE AMENDING CONSERVATION COMMISSION
ORDINANCE AND RENAMING COMMISSION**

Pursuant to a Special Town Meeting held on March 13, 2001, the following Ordinance is hereby enacted:

RESOLVED: To amend the Town Ordinance which created a Conservation Commission, dated November 14, 1972, and as previously amended February 27, 1973, February 25, 1975 and June 20, 1987, be deleting and removing the power of the Commission to exercise authority, power and duties under Connecticut General Statutes Section 7-131a, renaming the Commission as the Inland Wetlands and Watercourses Commission, and by amending and restating the ordinance, as amended, as follows:

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- (1) The Inland Wetlands and Watercourses Commission shall consist of seven (7) members, all of whom shall be electors of the Town of Chester. The Commission is designated and

authorized, under the provisions of the Inland Wetlands and Watercourses Act set forth in Connecticut General Statutes 22a-36 to 22a-45, as amended:

- (A) To act, to promulgate and to enforce such regulations as may be necessary to conform and in conformity with the regulations promulgated by the Commissioner of Environmental Protection, State of Connecticut;
- (B) To take any authorized action, to enforce any such provisions, and to license any such regulated activities, as set forth in said Act;
- (C) To act as sole agent for the licensing of regulated activities under the provisions of said Act;
- (D) To join with any other municipalities in the formation of a district for the regulation of activities affecting the wetlands and watercourses within such district, all in accordance with the provisions of said Act; and
- (E) To act as sole agent in advising and recommending to the Town of Chester, acting by and through a duly called Town Meeting of the Electors of said town, as to whether such town shall or should acquire wetlands and/or watercourses within its territorial limits by gift or purchase in fee or lesser interest including, but not limited to, lease, easements or covenants, subject so such reservations and exceptions as it, the Commission, deems advisable. For the purpose of acting upon the advice and recommendation of the Inland Wetlands and Watercourses Commission as set forth in this subsection of this Ordinance, the Board of Selectmen of said Town shall call a Special Town Meeting on application of the Conservation Commission, which such meeting shall be held within 21 days after receipt of such application.

- (2) The terms of all current members and alternates of the Commission shall end as of November 20, 2001. New members of the Commission shall be elected at the next regular municipal election in November, 2001, and their terms shall begin as of November 20, 2001 as follows: three members to serve until November 18, 2003; two members to serve until November 22, 2005; and two members to serve until November 20, 2007.

At each subsequent municipal election, beginning in 2003, members shall be elected to a four-year term, beginning the following November, to fill the vacancies caused by the expiration of terms that year.

- (3) Any vacancies in the Inland Wetlands and Watercourses Commission caused by other than the expiration of the term of office shall be filled by appointment by the Board of Selectmen until the next regular municipal election, at which time a member shall be elected for the unexpired term.

This ordinance shall become effective 15 days after publication thereof in a newspaper having a circulation in the Town of Chester.

This Ordinance was published March 22, 2001 in The Main Street News.

ORDINANCE CREATING A CONSERVATION COMMISSION

Pursuant to a Special Town Meeting held on March 13, 2001, the following Ordinance is hereby enacted.

RESOLVED: that the Town of Chester hereby establishes a Conservation Commission for the exercise of the powers and performance of duties, all as set forth in Section 7-131a of the Connecticut General Statutes, as amended, to be effective November 1, 2001.

1. The Conservation Commission shall consist of seven (7) members who shall be electors of the Town of Chester.
2. The terms of all current members and alternates of the Commission shall end as of November 1, 2001. The members of the Conservation Commission shall be appointed by the Board of Selectmen. The Board of Selectmen shall appoint two (2) members to serve until November 1, 2002; three (3) members to serve until November 1, 2003; and two (2) members to serve until November 1, 2004. In each year thereafter, beginning in 2002, members shall be appointed for a four-year term beginning November 1st to fill the vacancies caused by the expiration of terms during that year.
3. Members of the Commission may be removed from office by the Board of Selectmen for cause. Before removal, charges shall be presented to such member in writing and he shall be given reasonable opportunity to be heard in his own defense.
4. Any vacancies in the Conservation Commission caused by other than expiration of the term of office shall be filled by appointment by the Board of Selectmen for the unexpired term within thirty (30) days after such vacancy occurs.

This ordinance shall become effective 15 days after publication thereof in a newspaper having a circulation in the Town of Chester.

This Ordinance was published March 22, 2001 in The Main Street News.

RESOLUTION TO PROVIDE FOR APPOINTMENT OF ASSESSOR

Pursuant to a Special Town Meeting held on June 5, 2001, the following Resolution is hereby enacted.

RESOLVED: That the provisions of Connecticut General Statutes Section 9-198, to provide for the appointment of an assessor, are hereby adopted as follows:

- (a) The terms of the members of the current Board of Assessors are terminated as of November 20, 2001 or, if no assessor has yet been appointed as set forth herein, upon said appointment.
- (b) The Board of Selectmen shall appoint a qualified person as assessor for a term of four (4) years. A person so appointed may be reappointed by the Board for additional terms.
- (c) Vacancies in the position of assessor shall be filled by the Board of Selectmen for the unexpired term. Any assessor appointed by the Board of Selectmen may be removed by them for cause.
- (d) The assessor may appoint clerical and other assistance for the office of assessor within the limits of any appropriation therefore.
- (e) The compensation for the assessor shall be determined by the Board of Selectmen.

This resolution shall become effective 15 days after publication thereof in a newspaper having a circulation in the Town of Chester.

This Resolution was published June 14, 2001 in The Main Street News.

Pursuant to a Special Town Meeting held on October 10, 2001, the following Repeal of an Ordinance was enacted:

REPEAL OF ORDINANCE CONCERNING THE REMOVAL OF SNOW AND ICE FROM SIDEWALKS IN THE TOWN OF CHESTER

The repeal of the Town Ordinance with the effective date of August 12, 1952, recorded in Town Acts Book 3 at Page 120, in its entirety. This Ordinance is entitled "AN ORDINANCE CONCERNING THE REMOVAL OF SNOW AND ICE FROM SIDEWALKS IN THE TOWN OF CHESTER." And, the repeal of the Town Ordinance with a Town Meeting date of September 17, 1996, paragraph entitled "SIDEWALKS", in its entirety.

This repeal shall become effective 15 days after publication thereof in a newspaper having a circulation in the Town of Chester.

This Repeal was published October 18, 2001 in The Main Street News.

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Pursuant to a Town Meeting held on March 5, 2002, the following Ordinance was enacted:

**CHESTER HOSE COMPANY, INC.
TAX EXEMPTION ORDINANCE**

Pursuant to Connecticut General State Statutes PA 99-272 (as amended by PA 00-120), Chester Hose Company, Inc., members as defined by the Chester Hose Company, Inc. by-laws, who meet the requirements set forth in this Ordinance, shall receive an annual exemption from the member's real and personal property taxes collected by the Town of Chester as defined below.

1. During each twelve month period beginning July 1st and ending on June 30th each member shall comply with Sections 1a through 1f to be eligible for the Tax Exemption Ordinance:
 - a. Be an active volunteer member in good standing of the Chester Hose Company, Inc. as defined by its by-laws, and be a certified Connecticut State Firefighter I, a certified EMT or a certified Connecticut Ambulance Driver/MRT, except that Chester Hose Company, Inc. members with five (5) years or more of service as of July 1, 2001 need not have any of the foregoing certifications.
 - b. Be a Town of Chester taxpayer of real and/or personal property taxes.
 - c. As a member earn at least one hundred (100) points for service. A member shall earn one (1) point for each of the following:
 - i. signal 50 – fire call
 - ii. signal 23 – emergency call
 - iii. work detail
 - iv. Chester Hose Company, Inc. training drill
 - v. Other training drill approved by the Chester Hose Company, Inc. officers in accordance with their customary and usual procedure
 - vi. Each year of service as a member after the member’s tenth year of service, which years of service need not be continuous.
 - d. Earn at least fifty (50) of the one hundred (100) points required in Section 1c from signal 50 and/or signal 23 calls, as defined in the Valley Shore Mutual Aid Association, Inc. Standard Operating Procedures.
 - e. Not have earned points for any activity for which the member is compensated.
 - f. Have real and personal property taxes as billed by the Town of Chester paid no later than the period of time allowed without incurring penalty or interest for late payment.
2. Members who are taxpayers, as foresaid, and who have served the Chester hose Company, Inc. as an active member for forty (40) years or more, shall be exempt from the requirements of paragraph 1c and 1d, immediately hereinabove, to be eligible for the tax exemption program.
3. Honorary Chester Hose Company, Inc. members as defined in the Chester Hose Company, Inc. by-laws shall not be eligible for the tax exemption program under this Ordinance.
4. Any member not wishing to participate in the tax exemption program shall notify the Chester Hose Company, Inc. Chief in writing no later than September 1st of each year for the immediate preceding twelve-month period.

5. The following graduated scale will be used to determine the amount of tax exemption realized in any given tax year:

- a. After acceptance as a member of the Chester Hose Company, Inc. with up to ten years of active service, the member will be eligible for a tax exemption of an amount equivalent so as to reduce the member's taxes by a maximum of \$700.00 (the benefit) provided the minimum requirements are met.
 - b. After the tenth (10) anniversary of active service, the member will be eligible for a tax exemption of an amount equivalent so as to reduce the member's taxes by a maximum of \$1000.00 (the benefit) provided the minimum requirements are met.
6. The Chester Hose Company, Inc. shall keep timely and accurate records of member's activities that result in earning points. Such records shall be available for inspection and verification at any time by the Town of Chester Board of Fire Commissioners.
7. No later than November 1st of each year, the Chester Hose Company, Inc. will post a list of members eligible to receive the tax exemption for the October 1st Grand List of that year. The Chester Hose Company, Inc. Secretary and Chief will certify the list as true and complete under penalty of false statement. Each Chester Hose Company, Inc. eligible member must sign a letter to be given to the Town with the list certifying under penalty of false statement that they are aware that each eligible member will be solely responsible in the event income or other taxes are ever found payable due to payments made under this Ordinance.
8. No later than December 1st of each year, the Chester Hose Company, Inc. will submit a list of the eligible members to the Town of Chester Board of Selectmen. Upon approval, it will be forwarded to the Assessor by December 15th for appropriate action on the October 1st Grand List of that year.
9. The Town of Chester Assessor shall determine the amount of tax exemption to be applied to obtain the benefit outlined in Section 5 to each member on the list submitted by the Chester Hose Company, Inc. and approved by the Board of Selectmen.
10. The Assessor shall cause issuance of the tax exemption of the members as set forth in the Grand List to be shown on the tax bill.
11. In no event may a member receive a benefit greater than the tax owed to the Town of Chester. In the event real property is transferred during the year following the date of assessment of that property, the exemption shall be prorated for the balance of the assessment year. Said exemption shall not be carried over from one fiscal year to another.

This ordinance shall become effective 15 days after publication thereof in a newspaper having a circulation in the Town of Chester.

Pursuant to a Special Annual Budget Meeting held on May 21, 2002, the following Ordinance was enacted:

**ORDINANCE CONCERNING USE OF
TOWN PARKS AND BEACHES**

The following park and beach uses and activities are subject to additional specific regulations that may be adopted by the Board of Selectmen or the Park and Recreation Commission.

1. Activities: Hiking, picnicking, nature study, swimming and non-motorized bicycling are permitted in posted designated areas.
2. Alcoholic Beverages: Consumption of alcoholic beverages is not permitted, unless a liquor license is obtained from the State of Connecticut.
3. Boating: Boating is only permitted on Cedar Lake. No boat shall be operated on Cedar Lake at a speed exceeding six (6) miles per hour, but must be operated at all times in a safe and orderly fashion. Boats shall not be tied up on bathing beaches and shall be kept a reasonable distance from bathing areas. All State of Connecticut boating and pollution regulations shall be strictly enforced. An established area restricted to boating as provided for in the State Boating Regulations Section 15-136 shall be clearly marked. Water skiing, motorized personal watercraft, ultra light aircraft and aircraft are not permitted on town water bodies.
4. Camping: No camping is permitted.
5. Conduct: No person shall engage in threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public space.
6. Domestic Animals: No person shall bring any dog or domestic animal onto any park beach, playground or into any park buildings unless animal is a guide dog.
7. Fires: Open fires are not permitted. Grills are available in specified areas for cooking.
8. Fishing: Fishing is not permitted off Cedar Lake Cemetery, town beaches when in season or off of any town-owned dam.
9. Handbills: No person shall distribute any advertising matter in any park without the written consent of the administrator.

10. Hours: Use of parks and beaches is limited to the hours between sunrise and sunset.

11. Ice: Ice is not monitored for safety.
12. Littering: Littering is prohibited. Proper receptacles are provided.
13. Selling: No person shall sell, or offer for sale, any merchandise, article or articles whatsoever, in a park without a Town Solicitor's Permit or practice, carry on, conduct or solicit any trade, occupations, business or profession.
14. Violations: Any person or persons violating any of the regulations shall be subject to a fine not exceeding twenty-five (\$25.00) dollars for each offense by each person.
15. This Ordinance shall supersede all prior Ordinances regulating this subject matter referred to above.

TOWN ACTS

Book 4

Pages 270-271

Pursuant to a Town Meeting held on December 3, 2002, the following Ordinance was enacted:

**PLANNING AND ZONING COMMISSION
FEE SCHEDULE ORDINANCE**

Zoning Applications:

A base fee of \$400.00 to cover a portion of the Planning and Zoning Commission's Attorney fees in connection with legal advice and review of documents directly related to zoning applications and regulation and map amendments. All monies not expended shall be refunded to the applicant.

Zoning permit	\$ 20.00
Application for special exception	\$150.00
Amendment to the zoning regulations	\$150.00
Amendment to the Zoning map	\$150.00
Coastal site plan review	\$100.00

The Commission, at its discretion, shall be authorized to waive the payment of any and/or all fees for non-profit organization exempt from Federal Income Tax under the provisions of Section 501 of the Code.

Subdivision Applications:

A base application fee of \$250.00 to cover a portion of the Town's cost for processing and administrative handling of a subdivision application.

A base fee of \$500.00 to cover a portion of the Planning and Zoning Commission's Attorney fees in connection with legal advice and review of documents directly related to the subdivision. All monies not expended shall be refunded to the applicant.

To the base application fees shall be added the following fees to cover engineering review of feasibility studies, site development plans and studies, construction plans, and inspection of the subject site:

A subdivision lot fee of \$150.00 for each lot.

An inspection fee of \$25.00 per lot to cover a portion of the Town's cost of inspections and administrative actions to insure compliance with approved plans for sedimentation and erosion control measures.

A fee of \$200.00 for a petition to amend the subdivision regulations.

This Ordinance shall become effective 15 days after publication thereof in a newspaper having a circulation in the Town of Chester.

TOWN ACTS

Book 4

Page 271

Pursuant to a Town Meeting held on December 3, 2002, the following Ordinance was enacted:

**AMENDMENT TO ORDINANCE CONCERNING
USE OF TOWN PARKS AND BEACHES**

Amend Section 3 Boating by deleting (**bold italic**) areas and adding **bold italic** pursuant to the State of Connecticut Department of Environmental Protection:

Boating: Boating is only permitted on Cedar Lake. No boat shall be operated on Cedar Lake at a speed exceeding six (6) miles per hour, but must be operated at all times in a safe and orderly fashion. Boats shall not be tied up on bathing beaches (**and shall be kept a reasonable distance**

from bathing areas.) All State of Connecticut boating and pollution regulations shall be strictly enforced. An established area restricted to boating as provided for in **(the State Boating Regulations Section 15-136) Regulation of Connecticut State Agencies Section 15-121-A5** shall be clearly marked. Water skiing, **(motorized personal watercraft)**, ultra light aircraft and aircraft are not permitted on town water bodies.

This amended Ordinance shall become effective 15 days after publication thereof in a newspaper having a circulation in the Town of Chester.

TOWN ACTS

Book 4

Pages 272-273

Pursuant to a Town Meeting held on December 3, 2002, the following amended Ordinance was enacted:

**ORDINANCE AMENDING ZONING BOARD OF APPEALS
ORDINANCE**

RESOLVED: To amend the Town Ordinance which created a Zoning Board of Appeals, dated January 11, 1968, for the purpose of changing the method by which members are chosen to serve on said Board from appointment to election, by amending and restating the ordinance, as amended as follows:

- (1) The Zoning Board of Appeals shall consist of five (5) members and three (3) alternates, all of whom shall be electors of the Town of Chester. The Commission is designated and authorized to act as the Zoning Board of Appeals for the Town of Chester, Connecticut, pursuant to and in accordance with the provisions of the Connecticut General Statutes, as amended.
- (2) The terms of all current members and alternates of the Commission shall end as of December 31, 2003. New members and alternates of the Commission shall be elected at the next regular municipal election in November, 2003, and their terms shall begin as of January 1, 2004 as follows: Two members and one alternate to serve until December 31, 2005; Three members and two alternates to serve until December 31, 2007.

At each subsequent municipal election, beginning in November, 2005, members and alternates shall be elected to four year terms, beginning the following January 1, to fill the vacancies caused by the expiration of terms that year.

- (3) Any vacancies in the Zoning Board of Appeals caused by other than the expiration of the term of office shall be filled by appointment by the Board of Selectmen until the December 31 following the next regular municipal election, at which election a person shall be elected for the unexpired term.

This Ordinance shall become effective 15 days after publication thereof in a newspaper having a circulation in the Town of Chester.

TOWN ACTS

Book 4

Pages 292-296

Pursuant to a Town Meeting held on August 5, 2003, the following amended and restated Ordinance was enacted:

RESOLVED: That a certain ordinance, entitled AN ORDINANCE REGULATING THE STORAGE, COLLECTION, RECYCLING AND DISPOSAL OF SOLID WASTE AND PROVIDING FOR A SYSTEM OF REFUSE COLLECTION AND DISPOSAL AND THE ADMINISTRATION THEREOF, as adopted by the Town Meeting on January 15, 1991, is hereby amended and restated as follows:

REFUSE COLLECTION AND DISPOSAL

SECTION 1: Declaration of Policy

The accumulation, collection, removal, recycling and disposal of refuse must be controlled by this Municipality for The Protection of the public health safety and welfare, it is consequently found and declared that:

- (a) this Municipality is authorized by law to regulate the disposition of refuse generated within its boundaries and to collect a charge therefore and to license refuse collectors; and
- (b) this Municipality is also authorized by Connecticut General Statutes Section 22a-220a as amended by Public Act 90-249, To designate the area where refuse generated within its boundaries shall be disposed; and
- (c) this Municipality has executed The Municipal Service Agreement requiring it to cause all solid waste generated within its boundaries and which meets the Contractual Standards to be delivered to the Mid-Connecticut System; and
- (d) the public health, safety and welfare of this Municipality will be best served by requiring the delivery of such solid waste to the Essex Transfer Station for processing by the Mid-Connecticut System and The generation of electricity; and
- (e) the enactment of this Ordinance is in furtherance of this Municipality's Regional Solid Waste Management Plan.

SECTION 2: Definitions

The following terms shall be defined as follows:

- (a) The “Contractual Standard” for solid waste delivered to the Mid-Connecticut System are as follows:
- (1) It must be solid waste emanating from within the boundaries of this Municipality;
 - (2) It must not be of such quantity, quality or other nature as to materially impair the operation or capacity of The Mid-Connecticut System or any portion thereof, normal and reasonable wear and usage excepted;
 - (3) It must not be of such a quantity, quality or other nature as to materially impair the strength or the durability of the structures, equipment or works which are a part of The Mid-Connecticut System or any portion thereof;
 - (4) It must not be of such a quantity, quality or other nature as to create flammable or explosive conditions in the Mid-Connecticut System or any portion thereof;
 - (5) It must not contain chemical or other properties which are deleterious, as determined by the Authority or capable of causing material damage to any part of the system or to personnel; and
 - (6) It must not include any hazardous waste.
- (b) “Disposal Charge” means the amount of money to be charge for each ton of Solid Waste delivered To the Mid-Connecticut System as established by The procedures authorized in the Municipal Service Agreement.
- (c) “Hazardous Waste” means pathological, biological, cesspool or other human wastes, human and animal remains, radioactive, toxic, and other hazardous wastes which according to federal, state or local rules or regulations from time to time in effect require special handling in their collection, treatment or disposal, including those regulated under 42 U.S.C. 6-6921-6925 and regulations thereunder adopted by the United States Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act of 1976, 90 stat. 2806,42 U.S.C. 6091, such as cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, drugs, fine powdery earth used to filter cleaning fluid and refuse of similar nature.
- (d) “Mid-Connecticut System” means the solid waste disposal and energy recovery facility designed and constructed by Combustion Engineering, Inc. (“CE”) pursuant to an agreement with the Connecticut Resources Recovery Authority (“CRRA”) located in Hartford; The transfer stations which service that facility; and the landfill or landfills provided by or designated by the CRRA.
- (e) (“Municipal Service Agreement” means The Municipal Solid Waste Management Services Contract between the CRRA and this municipality dated as of June 20, 1984.

- (f) "Solid Waste" means unwanted or discarded materials consistent with the meaning of that term pursuant to Section 22a-260(7) of the Connecticut General Statutes, excluding semi-solid or liquid materials collected and treated in a sewerage system.
- (g) "Recyclables" means discarded material which may be reclaimed such as cardboard, batteries, glass, metal food containers, newspapers, office paper, crankcase oil, brush and leaves and any other material designated as such by regulation adopted by the Commissioner of Environmental Protection pursuant to Sec. 22a-241b of the Connecticut General Statutes as amended by Public Act 90 220.

SECTION 3:

Pursuant to Public Act No. 83-120, Connecticut General Statutes 22a-220a, The legislative body hereby designates the Mid-Connecticut system as the area where Solid Waste meeting Contractual Standards generated within the boundaries of the Town of Chester by residential, business, commercial or other establishments shall be disposed. On and after June 20, 1984, each person collecting any Solid Waste meeting Contractual Standards generated within the boundaries of this municipality shall deliver all such waste to the Essex Transfer Station unless otherwise directed by the Town of Chester Board of Selectmen.

- (a) Prohibition against removing recyclable materials from designated disposal site; ownership of recyclables; scavenging prohibited.
- (1) No person shall remove recyclable materials, including but not limited to scrap metal, newspapers, unbroken glass, bottles, cans, tires and other collectibles, from the designated disposal site without authorization from the Board of Selectmen.

SECTION 4: Separation for Recycling

- (a) Methods of separating and packing; all recyclable materials shall be separated from solid waste.
- (1) Clean and unspoiled paper shall be separated into the categories defined in The designation of recyclable materials;
- (2) Unbroken glass bottles, all types of metal food and beverage cans and aluminum products, including used aluminum food trays and foil, must be emptied of their contents and separated from other solid waste;
- (3) Recyclables shall be delivered to the sites designated as follows:
 - a- Cardboard (corrugated) – Private hauler
 - b- Glass Food Container – Private hauler

- c- Metal Good Container – Private hauler
- d- Newspapers – Private hauler
- e- Office Paper – Private hauler
- f- Waste Oil – Container at Deep River Transfer Station
- g- Storage Batteries – Deep River Transfer Station
- h- Leaves – Home composting or private hauler
- i- Scrap Metal – Deep River Transfer Station
- j- Brush – Home composting, private hauler or local burning permit

(b) The First Selectman shall receive notices of violation from collectors and disposal facilities, shall develop warning notices for collectors to issue if requested, and shall be responsible for imposing penalties on violators.

(c) Any collector who has reason to believe that a person from who he collects Solid Waste has violated the separation requirements detailed in Section 4 of this Ordinance, shall promptly notify the First Selectman of the alleged violation and shall issue a warning notice (provided by the First Selectman) if so requested. Collectors shall also assist the First Selectman in identifying persons responsible for creating loads of mixed recyclables and solid waste which are delivered to a resources recovery facility or solid waste facility.

(d) All non-residential entities shall make provision for separation of recyclables from other solid waste.

SECTION 5: Violations and Penalty

(a) It shall be the responsibility of the First Selectman or his/her agents to enforce the provisions of this Ordinance. A violation of any provision of this ordinance is subject to a fine of \$500 unless otherwise specified below:

- (1) Resident who fails to sort separate recyclable from other waste; first offense – written warning; subsequent offenses a fine not to exceed \$25 for each violation;
- (2) Commercial establishment that fails to provide for separation of recyclables from other waste; first offense – written warning; subsequent offenses – fine not to exceed \$500 for each violation;
- (3) Collector who knowingly mixes recyclables with other solid waste: subject to civil penalties

of \$1,000 first offense; subsequent offenses a fine of \$5,000.

SECTION 6: Payment

- (a) Each household, business and/or commercial establishment shall be responsible for hiring a private hauler.

This Ordinance shall become effective upon publication in a newspaper having circulation in the Town of Chester.

TOWN ACTS

Book 4

Page 315

Pursuant to a Town Meeting held on May 18, 2004, the following repealed and revised Ordinance was enacted:

WATER POLLUTION CONTROL AUTHORITY ORDINANCE

To repeal and revise Subsection 1b of Section 1 of the Chester Water Pollution Control Authority Ordinance, dated April 1, 1980 as amended as follows:

Subsection 1b of Section 1 is repealed, and the following substituted in lieu thereof:

The members of the Water Pollution Control Authority shall consist of five electors of the Town of Chester, who shall, upon the expiration of the terms of those appointed pursuant to this ordinance, be elected at the regular municipal election.

Within thirty (30) days after passage of this ordinance, the Board of Selectmen shall appoint five members to serve until November 22, 2005.

New members of the Authority shall be elected at the next regular municipal election in November, 2005, and their terms shall begin as of November 22, 2005 as follows: Two members to serve until the date which is two weeks after the date of the regular municipal election in November, 2007, and three members to serve until the date which is two weeks after the date of the regular municipal election in November, 2009.

At each subsequent regular municipal election, beginning in 2007, members shall be elected for a four year term to fill the vacancies caused by the expiration of terms in that year.

This repealed and revised Ordinance shall become effective 15 days after publication thereof in a newspaper having a circulation in the Town of Chester.

This Ordinance was published May 27, 2004 in The Main Street News.

Pursuant to a Town Meeting held on May 18, 2004, the following amended Ordinance was enacted:

ORDINANCE AMENDING RETIREMENT BOARD & RETIREMENT PLAN

Resolved that the ordinance establishing a Retirement Board and a Retirement Plan, adopted pursuant to a Special Town Meeting held on December 16, 1980 is hereby amended by adding the following at the end of Article 6, Paragraph B.; “The Town of Chester adopts the provisions of the United States Internal Revenue Code Section 414(h)(2) to allow an employee pre-tax contributions to this plan”.

This Ordinance becomes effective 15 days after publication in a newspaper having a circulation in the Town of Chester.

This Ordinance was published May 27, 2004 in The Main Street News.

Pursuant to a Town Meeting held on August 3, 2004, the following amended resolution was enacted:

AMENDED RETIREMENT PLAN

RESOLVED: That the Town of Chester Employees’ Retirement Plan be amended in a timely manner prior to the applicable Internal Revenue Service deadline of September 30, 2003, to comply with the pension changes required by the applicable requirements of the Retirement Protection Act of 1994 (“GATT”), the Uniformed Services Employment and Reemployment Act of 1994, the Small Business Job Protection Act of 1996, the Taxpayer Relief Act of 1997, the Internal Revenue Service Restructuring and Reform Act of 1998, the Community Renewal Tax Relief Act of 2000, and the Economic Growth and Tax Relief Reconciliation Act of 2001. Be it further resolved that the First Selectman is authorized to amend and restate the plan document for the Town of Chester Employee’s Retirement Plan to effect these changes.

This amendment becomes effective 15 days after publication in a newspaper having a circulation in the Town of Chester.

This amendment was published August 12, 2004 in The Main Street News.

Pursuant to a Town Meeting held on August 3, 2004, the following amended Ordinance was enacted:

AMENDMENT TO HARBOR MANAGEMENT ORDINANCE

RESOLVED: That the Harbor Management Ordinance for the Town of Chester, adopted at Town Meeting on July 19, 1994, is hereby amended as follows:

By deleted Article 1 Section 5 Paragraph c and inserting the following in its place:

Section 5. Regulations for Use of the Harbor Management Area.

c. Vessel Speed and Wake

Any vessel operating within the Chester Harbor Management Area defined as “the Town’s Harbor Management Area” (HMA); bounded on the north by the Chester/Haddam boundary, on the south by the Chester/Deep River boundary, and on the east by the centerline of the Connecticut River, shall not proceed in any no wake zone at a speed greater than six miles per hour and in a manner which produces a minimum wake. Any person operating a boat within the Harbor Management Area at a speed as to cause a wake shall be held responsible for any damage caused by such wake.

The provisions of Section 15-221-B15 of the State Boating Regulations shall be strictly enforced on the main body of the Connecticut River.

The speed of all vessels in Chester Creek shall be limited to the minimum speed necessary to allow a vessel to be steered while making progress.

This amended Ordinance becomes effective 15 days after publication in a newspaper having a circulation in the Town of Chester.

This amended Ordinance was published August 12, 2004 in The Main Street News.

Pursuant to a Town Meeting held on August 3, 2004, the following Ordinance was enacted:

ORDINANCE PROVIDING PROPERTY TAX RELIEF FOR ELDERLY OR DISABLED HOMEOWNERS

WHEREAS, pursuant to Connecticut General Statutes S12-129n, a municipality may by ordinance provide property tax relief to certain qualified elderly or disabled homeowners; and

WHEREAS, the Town of Chester is desirous of providing such property tax relief; and

WHEREAS, pursuant to the requirements of Connecticut General Statutes S12-129n(b), the Board of Selectmen has undertaken and completed a study and investigation with respect to such property tax relief and, on the basis thereof, prepared a report meeting the requirements of said statute, which was presented to the Board of Finance; and

WHEREAS, the Board of Finance of the Town of Chester has recommended the adoption of this Ordinance as required by said statute.

NOW THEREFORE, be it ordained by the Town of Chester that the following ordinance be and is hereby adopted pursuant to the provisions of Connecticut General Statutes S12-129n.

1. Property tax relief is provided hereunder to residents of the Town of Chester, with respect to real property owned and occupied by such residents as their principal residence, who are:
 - (a) sixty-five years of age and over, or whose spouses, living with them, are sixty-five years of age or over or sixty years of age or over and the surviving spouse of a taxpayer qualified in such municipality under this section at the time of his or her death or with respect to real property on which such residents or their spouses are liable for taxes under Connecticut General Statutes S12-48; or
 - (b) under age sixty-five and eligible in accordance with applicable federal regulations to receive permanent total disability benefits under Social Security or similar plans defined under Connecticut General Statutes S12-129n(a) (2);

provided such residents or their spouses under subdivisions (a) or (b) above, have been taxpayers of the Town of Chester for one year immediately preceding July 1 of the tax year for which property tax relief is to be provided, and meet the maximum income requirements of this Ordinance.

2. Pursuant to CGS S12-129n(f), the Town of Chester shall be required to establish a lien on such property in the amount of the total tax relief granted, plus interest applicable to the total of such unpaid taxes at a rate to be determined by the municipality, provided if the total amount of such property tax relief with the respect to any such taxpayer, when combined with any such tax relief for which such taxpayer may be eligible in accordance with sections 12-129b to 12-129d, inclusive, or 12-170a, exceeds in the aggregate seventy five percent of the property tax for which such taxpayer would be liable but for the benefits under this section and any of the sections mentioned above in this subsection.
3. The total abatement of property tax for eligible taxpayers shall be based upon the following formula:
 - (a) Add the age of the qualified taxpayer to the total number of full years of residence within the property for which the tax abatement is sought. The resulting number shall be a percentage for the purposes of this Ordinance, but shall not exceed 100 percent;
 - (b) Multiply the amount of tax abatement for which the taxpayer is eligible under the Connecticut Elderly and Totally Disabled Homeowners Tax Credit Program by the percentage arrived at under subsection (a). The resulting sum is the tax abatement under this Ordinance, subject to the limitations set forth in Paragraphs 4 and 5.
4. Any such property tax relief granted to any such residents in accordance with the provisions of this Ordinance shall not disqualify such resident with respect to any benefits for which such resident shall be eligible under the provisions of Connecticut General Statutes S12-129b to 12-129d, inclusive, and 12-170a, and any such property tax relief provided under this Ordinance shall be in addition to any such benefits for which such resident shall be eligible under said sections. No such abatement under this Ordinance, together with relief under said sections, shall exceed the total amount of the tax that would otherwise be laid against the taxpayer.
5. The total reduction of property tax revenue, based on an estimate in any tax year by the Board of Finance, which may be granted in such tax year shall not exceed an amount equal to ten (10%) percent of the total real property tax levied in such municipality in the preceding tax year.
6. The property tax relief provided for in this section may, in any case where titled real property is recorded in the name of the taxpayer or his or her spouse and any other person or persons, be prorated to reflect the fractional share of such taxpayer or spouse or, if such property is a multi-family dwelling, such relief may be prorated to reflect a fractional portion of such property occupied by the taxpayer.

7. The determination as to eligibility under this Ordinance shall be made by the Tax Assessor. Application for the benefit shall be made on the same schedule as the application under said Connecticut Elderly and Totally Disabled Homeowners Tax Credit Program. On a form to be provided by the Assessor on which the applicant shall set forth and affirm in the continuation of the eligibility requirements.
8. This Ordinance shall take effect with the October 1, 2004 grand list and expire with the October 1, 2009 Grand List.

This Ordinance shall become effective fifteen days after publication hereof in a newspaper having circulation in the Town of Chester.

This Ordinance was published August 12, 2004 in The Main Street News.

TOWN ACTS

Book 4

Page 332

Pursuant to a Town Meeting held on December 7, 2004, the following Ordinance was enacted:

**ORDINANCE
REQUIRING THE LICENSING OF FOOD SERVICE ESTABLISHMENTS**

1. Applications for a license to maintain or operate a food service establishment shall be made to the Sanitarian of the Town of Chester or to his assistant on forms furnished by him, and in said application the applicant shall state his name, address, the location of the food service establish he intends to maintain or operate, and give such other pertinent information as the Sanitarian may require.
2. Prior to the issuance of a license at least one person who, as either employee or owner at said food service establishment, is responsible for food preparation and for meeting sanitary requirements, shall have attended and successfully completed a course on food handling approved by or available through the Town of Chester Health Department which shall prescribe the nature of the course and such test(s) as necessary to determine the successful completion thereof. During the term of the license issued hereunder, the establishment shall always maintain at least one employee or owner who has met the requirements of this paragraph.
3. One person who has successfully completed said course on food handling must supervise food handling on a daily basis at said food service establishment.
4. The license fees for food service establishments will be based on seating capacity and will be reviewed and adjusted periodically as deemed necessary by the Board of Selectmen.

5. The Board of Selectmen is hereby authorized to establish the annual license fee to be charged under this Ordinance. At the time of filing said application, the applicant shall pay the license fee, which shall be returned in the event the license is not granted. All licenses will expire on May 1st of each year.

This Ordinance shall become effective 15 days after publication in a newspaper having a circulation in the Town of Chester.

This Ordinance was published December 16, 2004 in The Main Street News.

TOWN ACTS

Book 4

Page 333

Pursuant to a Town Meeting held on December 7, 2004, the following Ordinance was amended:

**AMENDED ORDINANCE
CONCERNING THE CREATION OF A BOARD OF FIRE COMMISSIONERS AND
FIRE DEPARTMENT AND THE DUTIES OF THE BOARD OF FIRE
COMMISSIONERS**

Section 2:

Repeal entire section

Amend with: The management and control of said Fire Department shall be vested in the Board of Fire Commissioners which shall be composed of five members chosen as follows: five electors of the Town of Chester to serve four year terms. The First Selectman, Chief of the Chester Hose Company and Fire Marshall serve in an ex-officio, nonvoting Capacity. The new member shall be appointed within 30 days following enactment of this Ordinance and shall serve the remainder of the term being vacated by the Chief of the Chester Hose Company. Members elected will serve four (4) year terms.

Section 5:

Repeal portion: No person other than the Fire Chief as set forth above shall serve as Fire Commissioner while he is a member of the Chester Hose Company or Chester Fire Department.

Amend with: No Chester Hose Company Officer or paid member may be elected to the Board of Fire Commissioners.

Section 7 – 10:

Correct numbering system of 7 – 9.

This amended Ordinance was published December 16, 2004 in The Main Street News.

Pursuant to a Town Meeting held on March 1, 2005, the following Ordinance was adopted:

**ORDINANCE
PLANNING AND ZONING COMMISSION
FEE SCHEDULE**

Zoning Applications:

Zoning permit	\$ 30.00 up to \$5,000 value plus \$1 for each additional \$1000 in value plus the State D.E.P. fee.
Application for special exception	\$300.00 plus \$100 per acre impacted and \$20 per 100 sq. feet of new construction.
Amendment to the zoning regulations	\$200.00
Amendment to the zoning map	\$250.00
Coastal site plan review	\$100.00
Certificate of Zoning Compliance	\$100.00
Customary Home Occupations	\$100.00

The Commission, at its discretion, shall be authorized to waive the payment of any and/or all fees for non-profit organization exempt from Federal Income Tax under the provisions of Section 501 of the Code.

Subdivision/Resubdivision Applications:

A base application fee of **\$300.00** to cover a portion of the Town's cost for processing and administrative handling of a subdivision application.

To the base application fees shall be added the following fees to cover engineering review of feasibility studies, site development plans and studies, construction plans, and inspection of the subject site:

A Subdivision/Resubdivision lot fee of **\$300.00** per lot for applications of three lots or less.

A Subdivision/Resubdivision lot fee of **\$450.00** per lot for applications greater than three lots.

An Inspection Fee equal to **5%** of the total bond amount for Public Improvements established by the Town Engineer is required to cover the cost of inspections to all public improvements and for the Planning and Zoning Commission's Attorney fees in connection with legal advice and review of documents directly related to the subdivision.

A Sedimentation and Erosion Control bond is required to be posted with the Town of Chester prior to the start of construction in an amount set by the Town Engineer.

A fee of **\$200.00** for a petition to amend the subdivision regulations.

All fees for applications received after the start of construction shall be doubled.

This Ordinance was published March 10, 2005 in The Main Street News.

TOWN ACTS

Book 4

Page 356

Pursuant to a Special Town Meeting held on June 28, 2005, the following Ordinance was adopted:

**ORDINANCE
EXEMPTION FROM TAXATION OF REAL PROPERTY**

Exemption from taxation of real property owned by certain exempt organizations and leased to other exempt organizations.

1. Pursuant to the provisions of Section 12-81(58) of the Connecticut General Statutes, real property owned by a religious or charitable organization or a nonprofit organization organized for educational, scientific, literary or historical purposes which is leased to the Town of Chester, or another religious or charitable organization or another nonprofit organization organized for educational, scientific, literary or historical purposes, shall be exempt from property taxation provided that:
 - (1) The organization owning the property and the organization leasing the property are both exempt from taxation for federal income tax purposes; and
 - (2) Only such leased property or portion of such leased property which is used for an exempt purpose as defined by Sections 12-81(4), 12-81(7), 12-81(13), 12-81(14) or 12-81(15) of the Connecticut General Statutes, including the operation of day care centers and nursery schools, shall qualify for such exemption, provided, however, that housing shall not constitute an exempt purpose as defined by Section 12-81(7) of the Connecticut General Statutes; and

- (3) Any owner of real property claiming exemption under this provision shall file an annual statement under oath with the assessor concerning such claim for exemption and shall file with each annual claim for both the organization owning the property and the organization leasing the property evidence of certification from the Internal Revenue Service, effective at the time of the request, that such organization has been approved for exemption from federal income tax as an exempt organization;
- (4) Failure to file a claim in the manner and within the time limit prescribed shall constitute a waiver of the right to the exemption for such assessment year.

This Ordinance was published July 7, 2005 in the Valley Courier.

TOWN ACTS

Book 4

Page 363

Pursuant to a Special Town Meeting held on September 27, 2005, the following Ordinance was adopted:

**ORDINANCE
FEES FOR ACCESS TO APPRAISAL SYSTEM INFORMATION**

The Town of Chester hereby establishes and hereafter shall charge reasonable fees to produce, copy or otherwise make available information contained within and available through its mass appraisal system data base established and maintained by the Town of Chester pursuant to Connecticut General Statutes Section 12-62F for the purpose of revaluation.

Pursuant to the authority granted by Connecticut General Statutes Section 7-148R, the Board of Selectmen are authorized to set reasonable fees for copying, transfer or transmission of mass appraisal system data base information and services from time to time to reflect the Town's cost to acquire and/or produce the data as well as the actual cost to copy, transfer or transmit the data, including labor costs to do the same.

This Ordinance was published October 6, 2005 in the Valley Courier.

Pursuant to a Special Town Meeting held on September 27, 2005, the following Ordinance was adopted:

**ORDINANCE
FEES FOR ACCESS TO GIS INFORMATION**

The Town of Chester hereby establishes and hereafter shall charge reasonable fees to produce, copy or otherwise make available information contained within and available through its geographic information system (GIS) established and maintained by the Town of Chester.

Pursuant to the authority granted by Connecticut General Statutes Section 7-148S, the Board of Selectmen are authorized to set reasonable fees for copying, transfer or transmission of geographic information system information and services from time to time to reflect the Town’s cost to acquire and/or produce the data as well as the actual cost to copy, transfer or transmit the data, including labor costs to do the same.

This Ordinance was published October 6, 2005 in the Valley Courier.

Pursuant to a Special Town Meeting held on October 10, 2006, the following Amended Ordinance was adopted:

**AMENDED ORDINANCE
ESTABLISHING RETIREMENT BOARD AND RETIREMENT PLAN**

RESOLVED: That this Town Meeting adopt an Amended Ordinance Establishing Retirement Board and Retirement Plan amending and restating in its entirety the prior Ordinance first adopted December 16, 1980, and subsequently amended by Town Meeting on February 27, 1984, December 3, 1996, May 18, 2004, and August 3, 2004. Said Amended Ordinance provides for the membership of the Board, its term of office, and the adoption of a certain Town of Chester Retirement Plan amended and restated effective July 1, 2005.

This Ordinance was published October 18, 2006 in the Valley Courier.

Pursuant to a Special Town Meeting held on October 10, 2006, the following Ordinance was adopted:

RESOLVED: That this Town Meeting adopt an Ordinance Establishing Citation Procedures and Fines for Inland Wetland Violations, which provides for a citation process for violations of Inland Wetlands and Watercourses regulations, the imposition of fines, and an appellate procedure pursuant to Connecticut General Statutes Section 7-152c. (The Ordinance shall read as follows):

**ORDINANCE ESTABLISHING CITATION PROCEDURES AND
FINES FOR INLAND WETLAND VIOLATIONS**

It is hereby ORDAINED by the Town Meeting of the Town of Chester:

1. That any police officer, or any person authorized by the First Selectman pursuant to the Connecticut General Statutes Section 22a-42g, is authorized to issue citations for violations of the Inland Wetlands and Watercourses Regulations of the Town of Chester to the extent and in the manner provided by this Ordinance. Any such citation may be served either by hand delivery or by certified mail, return receipt requested, to a person 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. The Authorized Agent shall file and retain an original or certified copy of the citation.
2. A citation may be issued for any violation of the Town of Chester Inland Wetlands and Watercourses regulations.
3. **That the fine for each such citation shall be:**
 - a. Not more than **250 dollars** for regulated activities in the review area.
 - b. Not less than **250** nor more than **1000 dollars** for excavating in, filling or draining of any portion of a wetland or watercourse.
 - c. Not less than **250** nor more than **1000 dollars** for any activity which causes sediment to flow into any wetland or watercourse or otherwise causes the pollution of any portion of a wetland or watercourse.

The Inland Wetland and Watercourses Agency shall determine the appropriate degree of violation and the fine to apply for each citation.

4. That any person receiving such a citation shall be allowed a period of thirty (30) days from his or her receipt of the citation to make an uncontested payment of the fine specified in the citation to the Town of Chester. If the citation has been sent by regular mail pursuant to the provisions of paragraph 1 of this Ordinance, the day of receipt of the citation shall be deemed to be three business days after the day of mailing of the citation. Paying the fine shall not excuse the person who has been issued the citation from correcting the violation as ordered by the Authorized Agent. Any condition which continues to exist after payment of the fine shall constitute a new and separate violation.
5. The provisions of the Connecticut General Statutes Section 7-152c shall apply to the citation and hearing procedure to be followed pursuant to this ordinance. If a person who has been issued a citation does not make uncontested payment of the fine specified in the citation to the Town within the time allowed under paragraph 4 of this Ordinance, at any time within 12 months from the expiration of the final period for the uncontested payment of the fine, the Authorized Agent shall send a notice to the person cited, informing such person (1) of the allegations against him or her and the amount of the fines; (2) that the person cited may contest liability before a Hearing Officer Panel appointed by the Board of Selectmen, as provided by town ordinance, by delivering, in person or by mail, within ten days of the date of the notice, a written demand for a hearing; (3) that if the person cited does not demand such a hearing, an assessment and judgment shall be entered against him or her; and (4) that such a judgment may issue without further notice.
6. If the person who is sent notice pursuant to paragraph 5 of this Ordinance wishes to admit liability for any alleged violation, he or she may, without requesting a hearing, pay the full amount of the fine, either in person or by mail, to the Authorized Agent. All fines shall be made payable to the Town of Chester. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten days of the date of the notice described in paragraph 5 of this Ordinance shall be deemed to have admitted liability, and the Authorized Agent shall certify to the Hearing Office that such person has failed to respond. The Hearing Officer Panel shall thereupon enter and assess the fines provided for by this Ordinance and shall follow procedures set forth in paragraph 8 of this Ordinance.

7. 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 no less than fifteen days nor more than thirty days from the date of the mailing of notice, provided the Hearing Officer Panel shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. The presence of the Authorized 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 Authorized Agent may present evidence on behalf of the municipality. If the person who received the citation fails to appear, the Hearing Officer Panel may enter an assessment by default against him or her upon finding of proper notice and liability under the applicable provisions of the Inland Wetlands Regulations. The Hearing Officer Panel may accept written information by mail from the person who received the citation and may determine thereby that the appearance of such person is unnecessary. The Hearing Officer Panel shall conduct the hearing in the order and form and with such methods of proof, as it deems fair and appropriate. The rules regarding admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The Hearing Officer Panel shall announce its decision at the end of the hearing. If the Hearing Officer Panel determines that the person who received the citation is not liable, the Hearing Officer Panel shall dismiss the citation and enter that determination in writing accordingly. If the Hearing Officer Panel determines that the person who received the citation is liable for the violation, the Hearing Officer Panel shall forthwith enter and assess the fines against such person as provided by this Ordinance.
8. If such assessment is not paid on the date of its entry, the Hearing Officer Panel shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty days nor more than twelve months after such mailing, a certified copy of the notice of assessment with the Clerk of the Middlesex Superior Court, together with an entry fee of eight dollars. Further proceedings may then be held pursuant to the applicable provisions of the Connecticut General Statutes.

This Ordinance was published October 18, 2006 in the Valley Courier.

Pursuant to a Special Town Meeting held on October 10, 2006, the following Amended Ordinance was adopted:

RESOLVED: That this Town Meeting amend Section 2 of the Ordinance Regarding Hearing Procedure for Citations and Other Fines adopted December 2, 1997 by increasing the number of citation hearing officers to five instead of three as previously set forth in said Ordinance.

**AMENDED ORDINANCE REGARDING HEARING PROCEDURE
FOR CITATIONS AND OTHER FINES**

RESOLVED: That the Ordinance Regarding Hearing Procedure for Citations and Other Fines for the Town of Chester, adopted at Town Meeting on December 2, 1997, is hereby amended as follows:

By deleted Sub-Paragraph 2 thereof in its entirety and inserting the following in its place:

“2. The First Selectman, pursuant to the provisions of Connecticut General Statutes Section 7-152c(b), is hereby authorized to appoint five citation hearing officers to conduct hearings authorized by said statute. The term in office of said citation hearing officers shall expire on the same date as the term of the Board of Selectmen in office as of the date of appointment.”

This amendment shall become effective on the date of publication of the notice of its passage.

This Amended Ordinance was published October 18, 2006 in the Valley Courier.

Pursuant to a Special Town Meeting held on April 27, 2009, the following Resolution was adopted:

TRAFFIC AUTHORITY RESOLUTION

RESOLVED:

- A. That the Board of Selectmen is hereby designated as the Traffic Authority for the Town of Chester pursuant to the provisions of Connecticut General Statutes Section 14-297.
- B. The Traffic Authority shall have the full powers and authority granted to a municipal traffic authority as set forth in Sections 14-297 through 14-314C of the said General Statutes, together with the full power and authority pursuant to the provisions of Connecticut General Statutes Section 7-148(c)(7)(B), subsections (i) and (ii) to regulate and prohibit, in a manner not inconsistent with the General Statutes, traffic and the operation of vehicles on municipal streets and highways, including the regulation of the speed of vehicles, subject to the provisions of the General Statutes relating to the regulation of the speed of motor vehicles.
- C. The Traffic Authority shall have the full power and authority pursuant to the provisions of Connecticut General Statutes Section 7-148(b)(1) to establish fines for violation of any traffic signal or sign on a municipal highway, or for violation of regulations adopted by the Traffic authority concerning parking, such fine to be in an amount not to exceed One Hundred Dollars (\$100.00).
- D. The town constables and the Resident State Trooper are hereby authorized to issue a Notice of Violation to any person in violation of any such traffic signal, sign, or parking regulations.
- E. Any person who receives a Notice of Violation in accordance with this ordinance may appeal said Notice to the Board of Selectmen, in writing, within ten (10) days of the date of said Notice, and request a hearing on said violations. All such appeals shall be considered, and all hearings shall be conducted, in accordance with the provisions of Section F below.
- F. The Town hereby specifically adopts the provisions of Connecticut General Statutes Section 7-152c for the establishment of an appeal and citation hearing process for considering all appeals under this ordinance.
- G. Nothing herein shall be deemed to limit the authority of the constables and the Resident State Trooper to issue tickets for a violation of a Connecticut State Traffic Commission regulation, and any conflict between this ordinance and any such state regulation or any provision of the General Statutes shall be resolved in favor of such state regulation or statute.

This Resolution shall become effective on the date of publication of the notice of its passage. This Resolution was published on May 7, 2009 in the Valley Courier.

Pursuant to a Special Town Referendum held on May 5, 2009 the following Amended Ordinance was adopted:

RESOLVED: That the Ordinance Concerning the Creation of a Board of Fire Commissioners and Fire Department and the Duties of the Board of Fire Commissioners adopted September 8, 1956, as amended December 21, 1993, July 7, 1997, and December 7, 2004, is hereby amended as follows:

AMENDED ORDINANCE REGARDING BOARD OF FIRE COMMISSIONERS

Section 2 of said ordinance is hereby deleted and the following inserted in its place:

The management and control of said Fire Department shall be vested in the Board of Fire Commissioners, which shall be composed of five electors of the Town of Chester who shall be appointed by the Board of Selectmen to serve a term of four years. As the term of office of each member ends, such office shall be filled by appointment of the Board of Selectmen.

The First Selectman, Chief of Chester Hose Company, and the Fire Marshal shall serve in an ex-officio non-voting capacity on said Board.

This amendment shall become effective on the date of publication of the notice of its passage.

This Amended Ordinance was published May 7, 2009 in the Valley Courier.

Pursuant to a Special Town Referendum held on May 5, 2009 the following Amended Ordinance was adopted:

RESOLVED: That the Ordinance entitled Harbor Management Ordinance for the Town of Chester adopted July 19, 1994 is hereby amended as follows:

AMENDED ORDINANCE REGARDING HARBOR MANAGEMENT

Section 8(a) of Article II is hereby deleted and the following inserted in its place:

The Harbor Management Commission of the Town of Chester shall consist of five members, and said Commission shall have the powers and duties conferred on such commissions by Sections 22a-13k through 22a-113t of the Connecticut General Statutes.

Section 8(c) of Article II is hereby deleted and the following inserted in its place:

The Chester Harbor Management Commission shall consist of five (5) members who are electors and residents of the Town of Chester and who are appointed by the Board of Selectmen. The Harbormaster shall be an ex-officio member without vote. Terms of all members shall run for six (6) years. In accordance with Section 9-167a of the Connecticut General Statutes, no more than four (4) of the commissioners shall be members of the same political party. In addition, there shall be two (2) alternate members appointed to serve in place of absent regular members, if necessary.

This amendment shall become effective on the date of publication of the notice of its passage.

This Amended Ordinance was published May 7, 2009 in the Valley Courier.

PUBLIC ACT NO. 89-169

AN ACT CONCERNING THE MEMBERSHIP OF BOARDS OF EDUCATION, AND THE TERMS OF MEMBERS OF THE BOARD OF EDUCATION OF THE TOWN OF CHESTER.

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

Section 1. Section 9-205 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) Any town may, at any time, by ordinance, make the number of its board of education five (or) seven OR EIGHT. If any town which holds biennial town elections, by ordinance, makes the number of its board of education five, (or) seven OR EIGHT, at the town election next following such action the terms of office of the members of such board then in office shall expire; and, if the number so chosen is five, such town shall elect three members of such board to hold office for two years and two members to hold office for four years each from the date of election, and, at each town election thereafter, shall elect members of such board in place of the members whose terms expire, each for a term of four years from the date of election. If the number of such board MEMBERS so chosen is seven, such town shall elect four members (of such board) to hold office for two years and three members to hold office for four years, each from the date of election, and, at each town election thereafter, shall elect members of such board in place of the members whose terms expire, each for a term of four years from the date of election. IF THE NUMBER OF SUCH BOARD MEMBERS SO CHOSEN IS EIGHT, SUCH TOWN SHALL ELECT FOUR MEMBERS TO HOLD OFFICE FOR TWO YEARS AND FOUR MEMBERS TO HOLD OFFICE FOR FOUR YEARS, EACH FROM THE DATE OF ELECTION, AND, AT EACH TOWN ELECTION THEREAFTER, SHALL ELECT MEMBERS OF SUCH BOARD IN PLACE OF THE MEMBERS WHOSE TERMS EXPIRE, EACH FOR A TERM OF FOUR YEARS FROM THE DATE OF ELECTION.

(b) The provisions of this section shall be in addition to the provisions of sections 9-203 and 9-204, and any applicable provision of said sections shall apply to this section.

Section 2. Section 1 of number 609 of the special acts of 1951 is amended to read as follows:

The town of Chester shall continue to have a board of education consisting of nine members. At the biennial election to be held in said town on the first Monday in October, 1951, three members shall be elected for a term of six years beginning on the day of their election and one member shall be elected for a term of four years beginning on the day of his election. At the biennial election to be held in said town on the first Monday in October, 1953, three members shall be elected for a term of six years beginning on the day of their election, and two members shall be elected for a term of two years beginning on the day of their election. At the biennial election to be held on the first Monday of October, 1955, and at each biennial election to be held subsequent thereto, three members shall be elected for a term of six years beginning on the day of their election, EXCEPT THAT AT THE BIENNIAL ELECTION TO BE HELD IN 1989, AND AT EACH BIENNIAL ELECTION TO BE HELD SUBSEQUENT THERETO, MEMBERS SHALL BE ELECTED FOR A TERM OF FOUR YEARS BEGINNING ON THE DAY OF THEIR ELECTION.

Section 3. This act shall take effect from its passage.

This Public Act was approved on June 1, 1989.

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Pursuant to authorization at a Special Town Meeting held May 15, 2012, the following Ordinance is hereby enacted:

**ORDINANCE PROVIDING FOR CHESTER'S PARTICIPATION IN THE
LOWER CONNECTICUT RIVER VALLEY COUNCIL OF GOVERNMENTS**

That this Town Meeting hereby ratifies the July 27, 2011 resolution adopted by the Connecticut River Valley Council of Elected Officials, of which Chester is a member, to establish a council of governments called the Lower Connecticut River Valley Council of Governments and to formally adopt Section 4-124i through 4-124p of the General Statutes. Adoption of this Ordinance provides for the Town of Chester's participation in the Lower Connecticut River Valley Council of Governments which includes the member Towns of the Connecticut River Estuary Regional Planning Agency (CRERPA) and the Midstate Regional Planning Agency (MRPA) consolidated to form the 17 Town Council of Governments.

This Ordinance shall become effective on the date of publication of the notice of its passage.

This Ordinance was published May 24, 2012 in the Valley Courier.

Pursuant to a Special Town Meeting held on January 23, 2013, the following Ordinance was renewed:

ORDINANCE PROVIDING PROPERTY TAX RELIEF FOR ELDERLY OR DISABLED HOMEOWNERS

WHEREAS, pursuant to Connecticut General Statutes §12-129n, a municipality may by ordinance provide property tax relief to certain qualified elderly or disabled homeowners; and

WHEREAS, the Town of Chester is desirous of providing such property tax relief; and

WHEREAS, pursuant to the requirements of Connecticut General Statutes §12-129n(b), the Board of Selectmen has undertaken and completed a study and investigation with respect to such property tax relief and, on the basis thereof, prepared a report meeting the requirements of said statute, which was presented to the Board of Finance; and

WHEREAS, the Board of Finance of the Town of Chester has recommended the adoption of this Ordinance as required by said statute.

NOW THEREFORE, be it ordained by the Town of Chester that the following ordinance be and is hereby adopted pursuant to the provisions of Connecticut General Statutes §12-129n.

1. Property tax relief is provided hereunder to residents of the Town of Chester, with respect to real property owned and occupied by such residents as their principal residence, who are:
 - (a) Sixty-five years of age and over, or whose spouses, living with them, are sixty-five years of age or over or sixty years of age or over and the surviving spouse of a taxpayer qualified in such municipality under this section at the time of his or her death or with respect to real property on which such residents or their spouses are liable for taxes under Connecticut General Statutes §12-48;
 - or
 - (b) Under age sixty-five and eligible in accordance with applicable federal regulations to receive permanent total disability benefits under Social Security or similar plans defined under Connecticut General Statutes §12-129n(a) (2);

provided such residents or their spouses under subdivisions (a) or (b) above, have been taxpayers of the Town of Chester for one year immediately preceding July 1 of the tax year for which property tax relief is to be provided, and meet the maximum income requirements of this Ordinance.

2. Pursuant to CGS §12-129n(f), the Town of Chester shall be required to establish a lien on such property in the amount of the total tax relief granted, plus interest applicable to the total of such unpaid taxes at a rate to be determined by the municipality, provided if the total amount of such property tax relief with the respect to any such taxpayer, when combined with any such tax relief for which such taxpayer may be eligible in accordance with sections 12-129b to 12-129d, inclusive, or 12-170a, exceeds in the aggregate seventy five percent of the property tax for which such taxpayer would be liable but for the benefits under this section and any of the sections mentioned above in this subsection.
3. The total abatement of property tax for eligible taxpayers shall be based upon the following formula:
 - (a) Add the age of the qualified taxpayer to the total number of full years of residence within the property for which the tax abatement is sought. The resulting number shall be a percentage for the purposes of this Ordinance, but shall not exceed 100 percent;
 - (b) Multiply the amount of tax abatement for which the taxpayer is eligible under the Connecticut Elderly and Totally Disabled Homeowners Tax Credit Program by the percentage arrived at under subsection (a). The resulting sum is the tax abatement under this Ordinance, subject to the limitations set forth in Paragraphs 4 and 5.
4. Any such property tax relief granted to any such residents in accordance with the provisions of this Ordinance shall not disqualify such resident with respect to any benefits for which such resident shall be eligible under the provisions of Connecticut General Statutes §12-129b to 12-129d, inclusive, and 12-170a, and any such property tax relief provided under this Ordinance shall be in addition to any such benefits for which such resident shall be eligible under said sections. No such abatement under this Ordinance, together with relief under said sections, shall exceed the total amount of the tax that would otherwise be laid against the taxpayer.
5. The total reduction of property tax revenue, based on an estimate in any tax year by the Board of Finance, which may be granted in such tax year shall not exceed an amount equal to ten (10%) percent of the total real property tax levied in such municipality in the preceding tax year.
6. The property tax relief provided for in this section may, in any case where titled real property is recorded in the name of the taxpayer or his or her spouse and any other person or persons, be prorated to reflect the fractional share of such taxpayer or spouse or, if such property is a multi-family dwelling, such relief may be prorated to reflect a fractional portion of such property occupied by the taxpayer.

7. The determination as to eligibility under this Ordinance shall be made by the Tax Assessor. Application for the benefit shall be made on the same schedule as the application under said Connecticut Elderly and Totally Disabled Homeowners Tax Credit Program. On a form to be provided by the Assessor on which the applicant shall set forth and affirm in the continuation of the eligibility requirements.
8. This Ordinance shall expire with the October 1, 2018 Grand List.

This Ordinance shall become effective on the date of publication of the notice of its passage.

This Ordinance was published January 31, 2013 in the Valley Courier.

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The following amended ordinance was adopted by the voters of the Town of Chester at a special town meeting held on May 21, 2013.

PERMIT ORDINANCE – AMENDED

- A. No official of the Town of Chester, CT shall issue a Zoning Permit, Building Permit, Certificate of Occupancy, Sanitary Sewer Permit or any other permit for improvements pertaining to real property on which there are property taxes past due.
- B. The Board of Selectmen may grant relief from the effect of this ordinance in cases of exceptional circumstances affecting the welfare of the residents of the property or in the interests of the public health and safety.

This Ordinance shall become effective fifteen (15) days after publication.

This Ordinance was published May 30, 2013 in the Valley Courier.

The following amended ordinance was adopted by the voters of the Town of Chester at a special Town Meeting held on November 20, 2013.

**MUNICIPAL ECONOMIC DEVELOPMENT COMMISSION ORDINANCE
AMENDED**

To amend Ordinance establishing Municipal Economic Development Commission adopted December 2, 1997 to reduce membership from seven (7) to five (5).

The amended Ordinance to read:

Section (a) The Municipal Economic Development Commission, established by ordinance dated October 5, 1964, created for the Town of Chester, for the exercise of the powers granted under the provisions of Section 7-136 of the Connecticut General Statutes, shall consist of **five (5)** members who shall be electors of the Town of Chester.

Section (b) The **five (5)** members of the Municipal Economic Development Commission shall be appointed by the Board of Selectmen. The members holding office as of the date of this Town Meeting shall continue for their term of office and this amendment shall have no effect upon their term of office. Thereafter, members shall be appointed by the Board of Selectmen for five year terms, including those having already been appointed.

This Amended Ordinance shall become effective fifteen (15) days after publication.

This Amended Ordinance was published December 5, 2013 in the Valley Courier.

The following amended ordinance was adopted by the voters of the Town of Chester at a special Town Meeting held on May 28, 2015.

**REQUIRING THE LICENSING OF FOOD SERVICE ESTABLISHMENTS
ORDINANCE – AMENDED**

The license fees for food service establishments will be based on the **Department of Health Classification for Food Service Establishments** and will be reviewed and adjusted periodically as deemed necessary by the Board of Selectmen.

Section 5 to read:

The Board of Selectmen is hereby authorized to establish the annual license fee to be charged under this Ordinance. At the time of filing said application, the applicant shall pay the license fee, which shall be returned in the event the license is not granted. All licenses will expire on **June 30th** of each year.

This Amended Ordinance shall become effective fifteen (15) days after publication.

This Amended Ordinance was published June 4, 2015 in the Valley Courier.

Pursuant to authorization at a Special Town Meeting held May 28, 2015, the following Ordinance is hereby enacted:

**ORDINANCE CONCERNING PERSONS OWING PAST DUE TAXES TO THE TOWN
OF CHESTER**

The Chester Town Treasurer or Finance Department, as the case may be, before making payment to any person for services rendered to or materials purchased for the Town, shall ascertain from the Chester Tax Collector whether such person owes past due taxes that have been delinquent for at least one year to the Town on real or personal property. Any such past due taxes and any interest and fees in respect thereto shall be deducted from the amount due and owing from the Town to any such person and shall be paid to the Town Tax Collector and applied to such past due taxes, interest and fees. The word person shall include taxpayers who are individuals, corporations, partnerships or other such entities. The provisions of this ordinance shall not apply to the payment of wages.

This Ordinance shall become effective on the date of publication of the notice of its passage.

This Ordinance was published June 4, 2015 in the Valley Courier.

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Pursuant to authorization at a Special Town Meeting held January 27, 2016, the following Resolution is hereby enacted:

RESOLUTION AUTHORIZING BIRTH CERTIFICATE COPY FEE CHARGES IN ACCORDANCE WITH STATUTORY RATE FOR STATE OF CONNECTICUT

Resolution to authorize Birth Certificate Copy Fee charges in accordance with the statutory rate for the State of Connecticut.

This Resolution shall become effective fifteen (15) days after publication.

This Resolution was published February 4, 2016 in the Valley Courier.

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Pursuant to authorization at a Special Town Meeting held June 30, 2016, the following Amended Ordinance is hereby enacted:

ORDINANCE ESTABLISHING A PENSION BENEFIT PLAN FOR THE BENEFIT OF THE MEMBERS OF THE CHESTER HOSE COMPANY, INC.

Amended the Ordinance establishing a Pension Benefit Plan for the Benefit of the Members of the Chester Hose Company, Inc. adopted 12/21/1993 and amended 3/9/2000 to include the following substantive change as recommended by the Board of Selectmen:

- a. To provide an increased maximum benefit for length of service to equal \$276.00 per month instead of the current \$250.00.

This Ordinance was published in The Valley Courier on July 21, 2016.

Pursuant to authorization at a Special Town Meeting held February 7, 2019, the following Amended Ordinance is hereby enacted:

WATER POLLUTION CONTROL AUTHORITY

- 1. **RESOLVED:** That the Ordinance entitled Water Pollution Control Authority adopted April 1, 1980 and amended on May 18, 2005, is hereby amended as follows:

Section 1 Subsection 1b is hereby deleted and the following inserted in its place:

The members of the Water Pollution Control Authority shall consist of five (5) electors of the Town of Chester. As the term of office of each member ends, such office shall be filled by appointment of the Board of Selectmen for a term of four years. In the event of death or resignation of a member, the vacancy shall be filled by the Board of Selectmen for the balance of the unexpired term. All policies for a balance of party representation on the Board shall remain in effect.

This Amended Ordinance shall become effective fifteen (15) days after publication.

This Amended Ordinance was published February 21, 2019 in the Valley Courier.

Pursuant to authorization at a Special Town Meeting held February 7, 2019, the following repealed and restated Ordinance entitled “Ordinance Amending Conservation Commission Ordinance and Renaming Commission” adopted March 13, 2001 as the “Ordinance Regarding the Inland Wetlands and Watercourses Commission” and to change the membership from elected to appointed. All policies for a balance of party representation shall remain in effect.

The Ordinance will read as follows:

ORDINANCE REGARDING THE INLAND WETLANDS AND WATERCOURSES COMMISSION

- 1. The Inland Wetlands and Watercourses Commission shall consist of seven (7) members, all of whom shall be electors of the Town of Chester. The Commission is designated and authorized, under the provisions of the Inland Wetlands and Watercourses Act set forth in Connecticut General Statutes 22a-36 to 22a-45, as amended:

- (a) To act, promulgate and to enforce such regulations as may be necessary to conform and in conformity with the regulations promulgated by the Commissioner of Environmental Protection, State of Connecticut;
- (b) To take any authorized action, to enforce any such provisions, and to license any such regulated activities, as set forth in said Act;
- (c) To act as sole agent for the licensing of regulated activities under the provisions of said Act;
- (d) To join with any other municipalities in the formation of a district for the regulation of activities affecting the wetlands and watercourses within such district, all in accordance with the provisions of said Act; and
- (e) To act as the sole agent in advising and recommending to the Town of Chester, acting by and through a duly called Town Meeting of the electors of said town, as to whether such town shall or should acquire wetlands and/or watercourses within its territorial limits by gift or purchase in fee or lesser interest including, but not limited to, lease, easements or covenants, such to such reservations and exceptions as it, the Commission, deems advisable. For the purpose of acting upon the advice and recommendation of the Inland Wetlands and Watercourses Commission as set forth in this subsection of the Ordinance, the Board of Selectmen of said Town shall call a Special Town Meeting on application of the Inland Wetlands and Watercourses Commission, which such meeting shall be held within 21 days after the receipt of such application.

As the term of each regular or alternate current board member ends, such office shall be filled by appointment of the Board of Selectmen for a term of four years. In the event of death or resignation of a member, the vacancy shall be filled by the Board of Selectmen for the balance of the unexpired term. All policies for a balance of party representation on such Board shall remain in effect.

This repealed and restated ordinance was published in the Valley Courier on February 21, 2019.

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Pursuant to a Special Town Meeting held on February 7, 2019, the following Ordinance was adopted:

Ordinance entitled “Stormwater Ordinance” to regulate discharges to the town storm drainage system. The ordinance establishes methods for controlling the introduction of pollutants into the storm drainage system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process and is required to be enacted in order to comply with state law. (The Ordinance will read as follows:)

STORMWATER ORDINANCE

Sec. 1 - Purpose.

Sec. 2 - Definitions.

Sec. 3 - Applicability.

Sec. 4 - Responsibility for administration.

Sec. 5 - Severability.

Sec. 6 - Ultimate responsibility.

Sec. 7 - Discharge prohibitions.

Sec. 8 - Suspension of storm drainage system access.

Sec. 9 - Industrial or construction activity discharges.

Sec. 10 - Right of entry, evaluation, and monitoring of damages.

Sec. 11 - Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.

Sec. 12 - Watercourse protection.

Sec. 13 - Notification of spills.

Sec. 14 - Enforcement.

Sec. 15 - Appeals.

Sec. 16 - Injunctive relief.

Sec. 17 - Compensatory action.

Sec. 18 - Violations deemed a public nuisance.

Sec. 19 - Criminal prosecution.

Sec. 20 - Remedies not exclusive.

Sec. 21 - Adoption of ordinance.

Sec. 1. - Purpose.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Chester through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the storm drainage system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the storm drainage system through stormwater discharges by any user.
- (2) To prohibit illicit connections and discharges to the storm drainage system.
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

Sec. 2. - Definitions.

For the purposes of this ordinance, the following shall mean:

Best management practices (BMPs) shall mean schedules of activities, prohibition of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act shall mean the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction activity shall mean activities subject to NPDES construction permits. Currently these include construction projects resulting in land disturbance of five (5) acres or more. Beginning in March 2003, NPDES storm water phase II permits have been required for construction projects resulting in land disturbance of one (1) acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Facility shall mean any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

First Selectman shall mean the Chester First Selectman or his/her authorized designee.

Hazardous materials shall mean any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Hearing officer shall mean the person designated from time to time by the First Selectman to hear appeals in accordance with section 15 herein.

Illegal discharge shall mean any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in section 7 of this ordinance.

Illicit connections shall mean the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the First Selectman; any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the First Selectman or other public official or body having jurisdiction thereof.

Industrial activity shall mean activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) storm water discharge permit shall mean a permit issued by EPA (or by a state under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-stormwater discharge shall mean any discharge to the storm drain system that is not composed entirely of stormwater.

Person shall mean any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant shall mean anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and

pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Storm drainage system shall mean the publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater shall mean any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater pollution prevention plan shall mean a document that describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Wastewater shall mean any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Watercourse shall mean a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water. This includes but is not limited to lakes, ponds, rivers, streams and any other surface water defined as a watercourse by the town's inland wetland regulations.

Sec. 3. - Applicability.

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the First Selectman.

Sec. 4. - Responsibility for administration.

The First Selectman shall, in consultation with the town engineer, administer, implement, and enforce the provisions of this ordinance. The First Selectman may delegate his/her powers and duties under this ordinance to an authorized designee.

Sec. 5. - Severability.

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

Sec. 6. - Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore, this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

Sec. 7. - Discharge prohibitions.

- (1) *Prohibition of illegal discharges.* No person shall discharge or cause to be discharged into the storm drainage system any materials, including but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

The commencement, conduct or continuance of any illegal discharge to the storm drainage system is prohibited except as described as follows:

- (a) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one (1) PPM chlorine), fire fighting activities, and any other water source not containing pollutants.
- (b) Discharges specified in writing by the First Selectman as being necessary to protect public health and safety.
- (c) Dye testing is an allowable discharge, but requires a written notification to the First Selectman prior to the time of the test. Said written notification may be in the form of electronic mail, facsimile transmission or hard copy letter format.

- (d) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(2) *Prohibition of illicit connections.*

- (a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (c) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the storm drainage system, or allows such a connection to continue.

Sec. 8. - Suspension of storm drainage system access.

Suspension due to illicit discharges in emergency situations. The First Selectman may, without prior notice, suspend storm drainage system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm drainage system or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the First Selectman may take such steps as deemed necessary to prevent or minimize damage to the storm drainage system or Waters of the United States, or to minimize danger to persons.

Suspension due to the detection of illicit discharge. Any person discharging to the storm drainage system in violation of this ordinance may have their storm drainage system access terminated if such termination would abate or reduce an illicit discharge. The First Selectman will notify a violator of the proposed termination of its storm drainage system access. The violator may petition the First Selectman for reconsideration and hearing.

A person commits an offense if the person reinstates storm drainage system access to premises terminated pursuant to this section, without the prior approval of the First Selectman.

Sec. 9. - Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the First Selectman prior to the allowing of discharges to the storm drainage system.

Sec. 10. - Right of entry, evaluation, and monitoring of damages.

- (a) *Applicability.* This section applies to all facilities that have stormwater discharges associated with industrial or construction activity, and any other commercial or residential facilities that discharge stormwater to the storm drainage system.
- (b) *Access to facilities.*
- (1) The First Selectman shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives or designees of the First Selectman.
 - (2) Facility operators shall allow the First Selectman ready access to all parts of the facility for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of a town, state or federal NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
 - (3) The First Selectman shall have the right to set up on any NPDES permitted facilities such devices as are necessary in the opinion of the First Selectman to conduct monitoring and/or sampling of the facility's stormwater discharge.
 - (4) The First Selectman has the right to require the installation of sampling and monitoring equipment on any NPDES permitted facility by the discharger at its own expense. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
 - (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the First Selectman and shall not be replaced. The costs of clearing such access shall be borne by the operator.

- (6) Unreasonable delays in allowing the First Selectman access to a permitted facility is a violation of a stormwater discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the First Selectman reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.
- (7) If the First Selectman has been refused access to any part of the facility from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the First Selectman may seek issuance of a search warrant from any court of competent jurisdiction.
- (8) While performing the necessary work on private properties referred to in subsections (b)(1) through (5) of this section, the First Selectman shall observe all safety rules applicable to the premises established by the facility.

Sec. 11. - Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.

The First Selectman will adopt requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drainage system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the storm drainage system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or facility, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the storm drainage system as directed by the First Selectman. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial or construction activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

Sec. 12. - Watercourse protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Sec. 13. - Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drainage system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the First Selectman in person or by phone, electronic mail or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the First Selectman within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

Sec. 14. - Enforcement.

- (a) *Notice of violation.* Whenever the First Selectman finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, he/she shall order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:
- (1) The performance of monitoring, analyses, and reporting;
 - (2) The elimination of illicit discharges or connections;
 - (3) That violating discharges, practices, or operations shall cease and desist;
 - (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and

- (5) The implementation of source control or treatment BMPs.
If abatement of a violation and/or restoration of affected property are required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the First Selectman may order the work be done by a designated governmental agency or a contractor and the violator fined an amount equal to the expense thereof. in addition to any fines imposed in subsections (b) or (c) of this section.

(b) *Procedure for issuance of citations.*

- (1) The First Selectman shall issue a written notice to any person who violates any provision of this ordinance. No written notice may be issued against the state or any state official or state employee acting within the scope of his employment. Such written notice shall explain the nature of the violation and the steps required for compliance, and shall allow a seventy-two-hour period within which to correct the violation or within which a written plan for correction shall be submitted to the First Selectman, setting forth a reasonable time period for correction of the violation as agreed upon by the First Selectman. A written notice issued pursuant to this subsection shall be served: 1) by hand delivery, at which time the seventy-two-hour period shall begin; or 2) by certified mail return receipt requested and by regular first class mail. Three (3) business days shall be allowed for mail delivery of the notice prior to the commencement of the seventy-two-hour period.
- (2) Within two (2) business days after the period for correction established in subsection (a) expires, the First Selectman shall reinspect the subject property to determine compliance.
- (3) If the violations set forth in the written notice have not been corrected at the time of reinspection, the First Selectman, in his/her capacity as chief executive officer, may issue a citation and fine of up to one hundred dollars (\$100.00) for each violation by hand, by certified return receipt requested, by leaving a true and attested copy of the citation at the usual place of abode or residence of the person in violation, or in the case of a corporate or business entity, delivery to the business address or the address of the statutory agent of said entity. No such fine shall be levied against the state or any state official or state employee acting within the scope of his employment. All citations issued pursuant to this section shall state the violation for which the citation is being issued, the fine imposed for the violation, the time period within which the fine must be paid, and an address for remittance of the fine.

(c) *Compliance periods after citation.*

- (1) Any violation for which a citation is issued and which is not corrected within the time period specified in subsection (b) of this section shall be a new violation of this ordinance, and every twenty-four-hour period thereafter in which the violation is not corrected shall constitute a new violation. The citation shall include a notice to the alleged violator that each twenty-four-hour period of noncompliance after the time period specified in section 14(b) shall constitute a new violation and a new fine of up to one hundred dollars (\$100.00).
- (2) The First Selectman shall not be responsible for a daily reinspection. Rather, the person to whom the citation has been issued shall be responsible for reporting subsequent compliance by way of written report to the First Selectman. The First Selectman shall reinspect to confirm compliance within one (1) business day of receipt of such report.

(d) *Payment of fines.*

- (1) All fines imposed under this ordinance which are uncontested shall be made payable to the Town of Chester and shall be received by the First Selectman within ten (10) calendar days from date of notice of the citation. All fines collected by the First Selectman shall be deposited into the Town of Chester General Fund.

Sec. 15. - Appeals.

- (a) If the First Selectman issues a notice of violation, the First Selectman shall send written notice of action and a statement of the right to an appeal to the facility operator or facility owner.
- (b) The facility operator or facility owner may appeal a notice of violation to the First Selectman by setting forth in writing the reasons for the appeal within fifteen (15) calendar days after date of the notice of violation.
- (c) The facility operator or facility owner may appeal the decision of the First Selectman to the hearing officer as follows:
 - (1) The facility operator or facility owner may file a written request for a review by paying an appeal fee of twenty-five dollars (\$25.00) and setting forth the reasons for the appeal within twenty (20) calendar days after the date of notification of the decision from the First Selectman. Appeal fees shall be returned to the appealing facility operator or facility owner if the appeal is upheld.

(2) The hearing officer shall conduct a hearing within thirty (30) calendar days of the receipt of the request. The hearing shall be informal in nature. The person requesting the hearing may testify concerning the facts, circumstances and nature of his/her appeal and may present supporting documentation.

The hearing officer shall render a written decision within fifteen (15) calendar days of the hearing. The decision will affirm or reverse the decision of the First Selectman.

(d) Filing of a request for appeal shall stay the action by the First Selectman requiring payment of a surcharge until the hearing officer has completed his review. If a request for appeal is not made within the twenty-calendar day period, the action of the First Selectman is final.

Sec. 16. - Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. If a person has violated or continues to violate the provisions of this ordinance, the First Selectman may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Sec. 17. - Compensatory action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the First Selectman may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, watershed cleanup, or other related activities.

Sec. 18. - Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Sec. 19. - Criminal prosecution.

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law. The First Selectman may recover all attorneys' fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

Sec. 20. - Remedies not exclusive.

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the First Selectman to seek cumulative remedies.

Sec. 21. - Adoption of ordinance.

This ordinance shall be in full force and effect fifteen (15) days after publication. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

This Ordinance was published in the Valley Courier on February 21, 2019.

TOWN ACTS

Book 5

Pages 178-181

Pursuant to authorization at a Special Town Meeting held February 7, 2019, the following Repealed and Restated Amended "Ordinance Regarding Hearing Procedure for Citations and Other Fines" adopted December 2, 1997 and amended October 10, 2006. The Ordinance will read as follows:

ORDINANCE REGARDING HEARING PROCEDURES FOR CITATIONS AND OTHER FINES

1. **RESOLVED:** That the Ordinance entitled Ordinance Regarding Hearing Procedure for Citations and Other Fines adopted December 2, 1997 and amended October 10, 2006 is hereby repealed and restated as follows:

The Town of Chester hereby establishes the following citation hearing procedures in accordance with C.G.S. §§7-148(c)(10)(A), 8-152b and 8-152c to be followed when citations are issued by Town of Chester (the "Town") municipal officials.

2. **Hearing Procedure.**

- A. Regulations and ordinances of the Town may be enforced by citations issued by designated municipal officers or employees, provided that the regulation and ordinances have been designed specifically by the Town for enforcement by citation in the same manner in which they were adopted, and the designated municipal officer or employee issues a written warning providing notice of the specific violation before issuing the citation.
- B. The Board of Selectmen shall appoint five citation hearing officers, who shall be other than police officers or employees or persons who issue citations, to conduct the hearing authorized by this section. Citation hearing officers may also be responsible for stormwater citation hearings and in that case will follow separate procedures set forth in Chester's Stormwater Ordinance.
- C. After a citation has been issued and the fine or penalty has not been paid, the Town shall send notice to the alleged violator promptly (and no later than 12 months after the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under any ordinance of the Town for an alleged violation). Such notice shall inform the violator and any other persons cited of the following:
 - (1) The allegations against the violator and other persons cited and the amount of the fines, penalties, costs or fees due.
 - (2) That the alleged violator or other person cited may contest his liability by delivering in person or by mail written notice within 10 days of the date of original notice to said violator that he desires to contest his liability before a citation hearing officer.
 - (3) That if the alleged violator does not demand such a hearing, an assessment and judgment shall be entered against him.
 - (4) That such judgment may issue without further notice.
- D. If the alleged violator or other person to whom notice has been sent pursuant to Subsection C above wishes to admit liability for any alleged violation, he may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees in person or by mail to the official designated by the Town. Any alleged violator or other person who does not deliver or mail a written demand for a hearing within 10 days of the date of the first notice provided in Subsection C above shall be deemed to have admitted liability, and the designated municipal official shall certify such

person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by law and shall follow the procedures set forth in Subsection E below.

- E. 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 such notice, provided that the hearing officer shall grant, upon good cause shown, any reasonable request by an interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by a police officer or other issuing officer shall be filed and retained by the Town, shall be deemed to be a business record within the scope of C.G.S. §52-184 and evidence of the facts contained therein. The presence of the police officer or issuing official shall be required at the hearing if such person so requests. The alleged violator or other person wishing to contest liability shall appear at the hearing and may present evidence in his behalf. A designated Town official, other than the hearing officers, may present evidence on behalf of the Town.

If the alleged violator fails to appear, the hearing officers may enter an assessment by default against him upon finding of proper notice and liability under the applicable ordinance, including a failure to appear penalty of not more than the original citation amount. The hearing officers may accept such alleged violator copies of police reports, motor vehicle department documents, other official documents by mail and may determine thereby that the appearance of such officer or official is unnecessary. The hearing officers shall conduct the hearing in the order form and with such methods of proof, as they deem fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. If the offense consists of a motor vehicle parking violation, proof of the registration number of the motor vehicle involved shall be prima facie evidence in all proceedings that the owner of such vehicle was the operator thereof, provided that in the case of a leased or rented motor vehicle, such proof shall be prima facie evidence in any proceedings that the lessee was the operator thereof. The hearing officers shall announce their decision at the end of the hearing. If they determine that the alleged violator or other person is not liable, they shall dismiss the matter and enter a determination in writing accordingly. If they determine that the person is liable for the violation, they shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by the ordinance.

- F. If such assessment is not paid on the date of its entry, the hearing officers may 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 for the geographical area in which the Town is located, together with an entry fee of \$8 against such person in favor of the Town. Notwithstanding any other provision of the General Statutes, the hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such person.

- G. The person against whom an assessment has been entered pursuant to this section is entitled to judicial review by way of appeal. An appeal shall be instituted within 30 days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to C.G.S. §52-259, in the Superior Court for the geographical area in which the Town is located, which shall entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.

3. Amount of fine, penalty, cost or fee.

The fine, penalty, cost or fee imposed under this ordinance for any single violation shall not exceed the amount of \$100, unless otherwise specifically provided by the General Statutes.

4. Disposition of money received.

All monies received pursuant to the procedure set forth above shall be remitted to the office of the Town Treasurer.

This Ordinance was published in the Valley Courier on February 21, 2019.

